

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – May 13, 2014  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

Present were Selectmen W. William Hutwelker III, Deborah J. Davis and Kenneth P. Colby, Jr. The meeting was called to order by Chair Kenneth P. Colby, Jr. at 5:00 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

**OTHERS PRESENT**

Resident Arnie Filipi, Solid Waste Manager Bob Osterhout, Terry Mark of Clearwater Pool & Spa of Keene stopped in at 5:26 p.m. to deliver a sales agreement and immediately left after dropping off the document.

**MINUTES**

- Regular meeting of May 6, 2014 – **motion** was made by Hutwelker to accept the regular meeting minutes of May 6, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-Public meeting #1 of May 6, 2014 – **motion** by Davis to accept the non-public #1 meeting minutes of May 6, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***
- Non-Public meeting #2 of May 6, 2014 – **motion** by Davis to accept the non-public #2 meeting minutes of May 6, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***

**OLD BUSINESS**

**Daniel Scully Architects Report on Town Hall Roof Trusses**

Colby made a recommendation that Hutwelker read the assessment from Daniel Scully Architects regarding the status of the roof trusses at Town Hall. Colby said he isn’t concerned about snow in May putting weight on the roof, but he understands the roof trusses need to be repaired and the situation is serious. Colby asked the Board to consider inviting Daniel Scully and Facilities Manager Francis Faulkner to a Board meeting to discuss corrective measures. O’Keefe said there is some money in Capital Reserve account for such repairs. Colby suggested that getting estimates is the next step. Davis said that there is a plan for removing materials that are currently stored in the attic.

O’Keefe informed the Board that the City of Keene has a record storage facility that is climate controlled and secure which costs less than \$50 per month for letter/legal-sized boxes. He suggested the Board consider that alternative for storage. Colby suggested that the committees who currently store material in the Town Hall attic be sent a memo regarding moving those materials. O’Keefe also suggested removing the files and storing them temporarily at the Grange building prior to moving to a permanent storage location. Colby said that he thinks Whitcomb Hall provides a safer temporary environment than does the Grange.

### **Safford Drive Project Sales & Purchase Agreements**

A discussion was held regarding the purchase agreements associated with the Safford Drive project. Colby noted that the Board still does not have all the signed agreements and Town Counsel Gary Kinyon is out of town and unable to review any last minute changes. Therefore the Board cannot award the construction contract tonight even though the bids are in hand. A discussion was held regarding when the documents might be ready for Board signatures. O'Keefe noted that if the Board decides to meet to vote on acceptance of one of the bids, there has to be a 24 hour notice to the public ahead of time. Davis asked about the period of time the bids are viable. O'Keefe said they are good for 60 days, but the point is to get moving on the construction.

In regard to the purchase and sales agreements pending for the Safford Drive project, O'Keefe said he would scan all the purchase agreements and send them to the Board electronically. O'Keefe provided copies of the agreements with Monadnock Homestead, LLC and 234 Old Homestead Highway Realty, LLC for the Board to review between meetings.

### **Cobble Hill Road Property**

A brief discussion occurred regarding a State of New Hampshire old age assistance lien on the property. It was decided to further discuss this topic at next week's Board meeting once there is feedback from the Town Attorney.

### **2013 audit**

This matter was raised at the previous meeting, at which time the Board discussed an adverse opinion to be included in the 2013 audit from Vachon Clukay & Company, specifically that the Town has not implemented GASB 45, accounting and financial reporting of employers for postemployment benefits other than pensions, which was required to be implemented in 2009.

O'Keefe reported that the Town has received service proposals as follows:

Jefferson Solutions, Inc., Clifton Park, NY	\$1,650
Nyhart Actuary & Employee Benefits, Indianapolis, IN	\$1,400

In keeping with the Town's Purchasing Policy, O'Keefe said he planned to contract with Nyhart for the required services, to be paid from the CPA Services budget line (Acct #01-4150-2-301). He reported that because of this expenditure this account may be overspent slightly.

The auditor has invited the Town to provide a management response for inclusion in the audit. At this time the only matter for which a response is necessary is the issue of the Treasurer's signature stamp, which is no longer a concern. O'Keefe said he would convey the information to the auditor in a letter that the Treasurer will keep the Treasurer's stamp with her at all times unless the Board would prefer that he prepare a letter for the Board to execute. The Board agreed to authorize O'Keefe to write the letter. O'Keefe noted that given the GASB 45 and Treasurer's stamp issues are resolved, the audit for 2013 will be cleared of adverse opinion.

**Motion** was made by Hutwelker to contract with Nyhart Actuary & Employee Benefits, Indianapolis, IN for GASB 45 accounting and financial services at a cost of **\$1,400** to be paid from



A **motion** was made by Davis to authorize the Town Administrator to attend the June 18 – 20, 2014 Annual Conference of the Municipal Management Association of New Hampshire being held at the Attitash Hotel & Conference Center, Bartlett NH and September 14 – 17 100<sup>th</sup> Annual Conference of the International City/County Management Association being held at the Charlotte Convention Center, Charlotte, NC. The motion was seconded by Hutwelker, and all were in favor. ***Motion passed.***

### **NEW BUSINESS**

#### **Request for abatement of Land Use Change Tax assessment – Arnie Filipi, Map 31, Lot(s) 26 & 27**

Mr. Filipi joined the meeting at 5:30 p.m. He said he is appealing the Town's April 22, 2014 assessment of a Land Use Change Tax of \$10,790, based on 10% of an assessed value for the two lots of \$107,900. Filipi claimed that only one of the two lots was developable at the time of purchase (and removal from current use status) and that the AV used by the Town is high.

The Town based its AV on a per lot value of \$59,800 divided by the 1.108 equalization ratio, which comes to \$53,971 per lot (rounded to \$53,950).

Filipi said he bought two parcels for \$40,000 comprising one buildable lot after being turned down by the Zoning Board of Adjustment on July 22, 2013 for a septic system setback variance for Lot 27, rendering that parcel undevelopable in its existing condition. At closing the property came out of current use status. However, now there are two building lots because a boundary adjustment has since been approved.

Discussion occurred about land that comes out of current use when it is less than ten acres. O'Keefe informed the Board it has five months to make a decision on the appeal by Filipi. With the recent boundary line adjustment there are now two buildable lots. Hutwelker said he would like Town Counsel Gary Kinyon's opinion on the taxation basis whether it is based on the time of purchase or eventual use of the site. At the time of transaction only one lot was buildable, but the situation was easily resolved by doing a boundary line adjustment.

Colby told Filipi that the Board will take his appeal under advisement allowing Town Counsel to review the situation within a week or two. Colby said he can't give Filipi a timeframe for the Town to respond to his appeal, but the Board will expedite as much as possible as soon as they have Counsel's opinion. Filipi left the meeting at 5:39 p.m.

Solid Waste Manager Bob Osterhout joined the meeting at 5:42 p.m.

#### **Update on Recycling Center**

Osterhout handed out an Operating Plan for the Recycling Center. The Plan contains information about how waste is handled, how it is controlled and shipped, covering all the basic requirements of the State of New Hampshire for recycling operations. Davis said that the plan looked thorough and it was good to have such a plan given that the Town had not had one in the past. Osterhout said the Town is covered if the State Department of Labor visited and reviewed the facility. Osterhout said the Board could review and approve the plan if they so choose. He also noted the plan should be updated every year or when

there is a change of activity at the site. Osterhout said the document is an internal document but it may be posted on the Town website.

Osterhout informed the Board that a portable eye-washing station is now in place. The Safety Data Sheets (SDS which used to be Material Safety Data Sheets – MSDS) are complete. And training for use has been done. In regard to an old baler that he would like to see replaced, Osterhout said he has contacted three different suppliers. New balers cost about \$13,000 and a refurbished one is about \$8,000, but he is still in the process of investigating both. He mentioned the Recycling Center has three balers, and one is 35 or 40 years old which is the one that he would like to replace. He is looking at the possibility of obtaining a grant and hopes to have a recommendation for the Board within 30 – 60 days.

There was a brief discussion regarding vendors that handle cardboard; Osterhout said he wants to make sure the Town is not losing revenue. He referred to the Northeast Resource Recovery Association (NRRRA), the state-wide organization that handles cooperative purchasing and marketing.

Osterhout then informed the Board that some tires were dumped illegally a couple of weeks ago and the new security cameras caught the action. He was able to determine who dumped the tires because of the cameras. The Police Department investigated and the culprit did end up paying for the tires he left there. The Town has to pay to have the tires removed from the Recycling Center therefore it asks residents to pay to dump tires.

Osterhout said that the facility doesn't accept hazardous waste, because he doesn't want the facility to become a hazardous material generator and be subject to the many regulations and costs associated with that status. The City of Keene Recycling Center takes hazardous materials.

Osterhout also said that residents are becoming more aware of the need to have a Recycling Center permit. Everybody understands that the Town is trying to reserve the use of the facility to Town residents. Most people using the facility are from Swanzey, although sometimes someone brings in trash from elderly parents who are residents but the person delivering the trash is from another town. In this situation, Osterhout said such folks need to have a conversation with him about why non-residents of Swanzey are attempting to use the Swanzey facility.

Osterhout said he would like to hold a Tire Amnesty Day sometime in the summer. Osterhout can set it up. Davis suggested using the Town Hall signboard to inform residents. He said the facility has recycled 600 tires. On Tire Amnesty Day, the maximum drop-off is four passenger tires. On Tire Amnesty Day, the tires are taken at no cost to the resident bringing in the tires. Colby asked for 30 days' notice before holding the event and Osterhout suggested sometime in July.

CPRC Group, which handles recycling of sheetrock and shingles, has provided a new service agreement at \$48 a ton. Osterhout said that there are not many companies in New Hampshire that handle that.

Osterhout said he has moved to Swanzey. Assistant Solid Waste manager Josh Whipple is managing his job at the Recycling Center well. Osterhout picks up nails from the ground with a new tool and it makes a difference to the residents, who no doubt are seeing fewer tire repair issues as a result. O'Keefe noted that Whipple has been assigned an entry code to Town Hall that he will discuss further with Osterhout.

Osterhout mentioned that he has met with Katie Sutherland from Daniel Scully Architects and he is okay with the architectural programming for the Recycling Center thus far. The Board said Osterhout is doing a good job and they appreciate his efforts. Osterhout left at 6:05 p.m.

### **Non-public session(s) per RSA 91-A:3II(b), Hiring of Public Employee(s)**

**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(b) , Hiring of Public Employees. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 6:06 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis and W. William Hutwelker, III, Town Administrator Shane O’Keefe and Recording Secretary Bernard.

**Motion** was made by Davis to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 6:08 p.m.

**Motion** was made by Davis to seal the minutes of the non-public session. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Hutwelker asked about publicizing the Recreational Programs for the Town. He said he is getting emails from the City of Keene about recreational activity. O’Keefe said it could be set up for the Town of Swanzey website, such that any time an agenda is posted, it goes out to people who have asked to be notified.

### **Non-public session #2 per RSA 91-A:3II(c), Reputation - Application(s) for Elderly Exemption**

**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(c) , Reputation – Application(s) for Elderly Exemption . The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 6:10 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis and W. William Hutwelker, III, Town Administrator Shane O’Keefe and Recording Secretary Bernard.

**Motion** was made by Hutwelker to leave non-public session and return to public session. The motion was seconded by Davis, with all in favor. **Motion passed.** Non-public session ended at 8:06 p.m.

**Motion** was made by Davis to seal the minutes of the non-public session. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

### **Town of Troy, NH Lawsuit Appeal**

Colby reported that Keene Sentinel reporter Megan Foley called him to ask about the Monadnock Regional School District lawsuit appeal by the Town of Troy, NH. Foley wanted to know if Swanzey would join the Town of Troy. Colby asked O’Keefe to put the topic on the agenda for next week.

### **State Route 12 Roundabout Update**

O'Keefe noted that representatives from the New Hampshire Department of Transportation (NH DOT) will be attending the Board meeting on May 20, 2014 to discuss the proposed roundabout for State Route 12 at the intersection of Swanzev Factory Road and Lake Street. He noted that several others from the Town have been invited to participate in the discussion including the North Swanzev Water and Fire Precinct and the Homestead Garden Club.

### **CONSENT AGENDA**

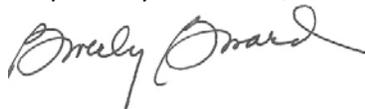
**Motion** was made by Hutwelker to approve the Consent Agenda and authorizing the chair to sign where necessary. Second was made by Davis. All were in favor. ***Motion passed.***

- Raffle Permit #2014-10. Disabled American Veterans, Chapter 21 – 300 scratch tickets on 8/4/2014 at the Cheshire Fairgrounds.
- Raffle Permit #2014-11. View Point Coop – 50-50 Raffle on 5/17/2014, 8/21/2014 & 11/18/2014 at the West Swanzev Community Church, 7 Homestead Avenue.
- Raffle Permit #2014-12. Monadnock Humane Society – 50-50 Raffle on 6/21/2014 at Dillant-Hopkins Airport.
- Event Permit #2014-17. Cheshire Fair Association – Horse Dressage Show on 7/18-20/2014 at Cheshire Fairgrounds. No Police/Fire Department requirements.
- Event Permit #2014-18. Monadnock Humane Society – Annual meeting and award ceremony on 5/18/2014 at the Monadnock Humane Society Training Center, 101 West Swanzev Road. No Police/Fire Department requirements.
- Application for Current Use. Scott Lambert, Massey Hill Road (Map 15, Lot 1).
- Application for Current Use. William & Sheryl Prescott, 184 Talbot Hill Road (Map 32, Lot 31).
- Application for Current Use. Vickie Giguere, 437 Monadnock Highway (Map 15, Lot 7).
- Application for Current Use. Maryann & Robert Lindberg, Winch Hill Road (Map 62, Lot 10-2).
- Personnel Action Report(s).

### **ADJOURNMENT**

**Motion** to adjourn was made by Davis, second by Hutwelker. All were in favor. ***Motion passed.***  
Adjournment occurred at 6:27 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on May 20, 2014.

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #1 – May 13, 2014

**Non-public session(s) per RSA 91-A:3II(b), Hiring of Public Employee(s)**

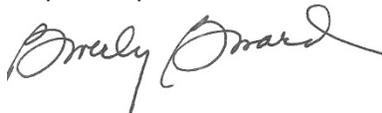
**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(b) , Hiring of Public Employees. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 6:06 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis and W. William Hutwelker, III, Town Administrator Shane O’Keefe and Recording Secretary Bernard.

A discussion occurred regarding the Personnel Action Report (PARs) to be signed for new hires. Everyone in the Recreation Department will have a \$0.25 per hour increase. For the Carpenter Home, following the Board’s decision on May 6, 2014, Judy Augusta is proposed for hiring as a part-time Licensed Practical Nurse earning \$20.00 per hour on probationary status. O’Keefe said the background checks have been completed on the candidates.

**Motion** was made by Davis to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 6:08 p.m.

**Motion** was made by Davis to seal the minutes of the non-public session. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on May 20, 2014.

**These Minutes unsealed by the Board of Selectmen on March 10, 2015.**