

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – June 17, 2014  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

Present were Selectmen W. William Hutwelker III, and Kenneth P. Colby, Jr. The meeting was called to order by Chair Kenneth P. Colby, Jr. at 6:06 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard. Selectman Deborah J. Davis joined the meeting at 6:18 p.m.

**OTHERS PRESENT**

Engineer Rob Hitchcock from SVE Associates, General Manager Jori Johnson of the Cheshire Fair Association, Fire Chief Norm Skantze, Cheshire Fair Directors Laurie Burt, Roger Packard, Russ Fiorey. Also present were Richard and Beth Cote, Steve Marazoff, and Steve & Ginger Hill. Public Works Director Lee Dunham joined the meeting at 6:52 p.m. to discuss a variety of issues.

**MINUTES**

- Regular meeting of June 10, 2014 – motion by Davis to accept the regular meeting minutes of June 10, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***

**NEW BUSINESS**

**Accept unanticipated funds per RSA 31:95-b**

The Board was asked to accept funds as follows, totaling \$100.00, as donations to Whitcomb Hall:

- \$100.00 from Sandra and Richard Allen

Hutwelker **moved** to accept the funds as listed and to remit them to the custody of the Trustees of Trust Funds to be held in the Whitcomb Hall Non-Restricted Fund trust account. Motion was seconded by Colby, and all were in favor. ***Motion passed.*** O’Keefe will send thank you letter to the donors.

**Accept unanticipated funds per RSA 31:95-b**

The Board was asked to accept funds as follows, totaling \$1,000.00, as donations to the Swanzey Fire/Rescue Tools & Equipment Non-Restricted Fund trust account:

- \$1,000.00 from Sandra and Richard Allen

Hutwelker **moved** to accept the funds as listed and to remit them to the custody of the Trustees of Trust Funds to be held in the Swanzey Fire/Rescue Tools & Equipment Non-Restricted Fund trust account. Motion was seconded by Colby. All were in favor. ***Motion passed.*** Chief Skantze will send a thank you letter to the donors.

**Cheshire Fair Association concerns**

Director Russ Fiorey from the Cheshire Fair Association, Inc. met with the Board to discuss concerns regarding Fire Department practices as specified in a letter of June 3, 2014. Russ Fiorey and Fire Chief Norm Skantze were present to discuss the issues of the Cheshire Fair Association.

Mr. Fiorey read from a statement of discussion points with the Selectmen. The points covered four themes: driving through the facility during a recent event, inspections at the arena and requirement to have Fire Watch personnel on duty, autonomous EMS unit versus Town Fire Department, and length of time to acquire an event permit.

Skantze addressed the driving issue and said he felt the route taken by the fire truck at the fairgrounds was suitable. He said he was informed that a petition was being circulated at the festival to file a complaint regarding the fire truck driving down the road. He said that driving down the lanes isn't really the problem as suppliers drive down the lanes. Regarding Fire Watch – crowd managers are required when over a certain number of the public is present. Skantze said the Fair's buildings are in violation of life safety codes. The large building is required to be sprinkled; it can hold up to 1,000 people. They provide a Fire Watch when potentially hazardous conditions exist. Skantze said that the Fire Department is giving the Fair a pass to find a solution to the requirement to sprinkle the building by having the Departmental Fire Watch folks there. Skantze noted that the Fire Marshall said that there aren't a lot of alternatives for a sprinkler system.

Questions from the Board: Hutwelker asked about the determination of the occupancy numbers. Skantze said the Fire Chief sets the occupancy numbers based on measuring the building, calculating the square footage and determining the exits. There is a sprinkler requirement for the building as it holds beer festivals, and for trade shows with combustible items. Skantze acknowledged that there is a communication gap between the Fire Department and the Cheshire Fair Association. He said he is working under State EMS guidelines and rules.

Fiorey said the Fair Association is continuing to get mandates and requirements from the Fire Department, and they are feeling bullied, frustrated, and stressed. Skantze suggested a representative from the Fairgrounds Board of Directors to deal with the Fire Department directly and communication would be through that person.

A discussion was held regarding the main building entrance, the need for a building permit to make changes, and the costs for a sprinkler system. Fiorey mentioned that the association is struggling with costs and they aren't sure what the future holds for the Fairgrounds.

Colby suggested that two folks be chosen from the Directors to meet with Skantze to resolve the issues. Colby said he wants to see the relationship work. Skantze said he understands the cost issues and all he wants to see is some effort made to move forward on the fire safety issues. O'Keefe addressed the event application process saying that process is being worked on to streamline it.

The Cheshire Fair Association folks left at 6:37 p.m.

### **Sale of tax deeded properties**

Richard and Beth Cote, Steve Marazoff, and Steve & Ginger Hill joined the meeting at 6:25 p.m.

On May 20, 2014 the Board was notified of the advertisement for the sale of the following properties acquired by the Town for non-payment of taxes last summer:

FORMER OWNER	LOCATION	MAP/LOT	MIN. SALE PRICE
Earle, Diane	79 S Winchester ST	72/63	\$ 33,500
Robinson, Jay	160 Goodell AV	25/13-5	\$ 53,000
Whitten, Randy	Rabbit Hollow RD	66/4	\$ 5,200

O'Keefe informed the Board that a letter was received today, June 17, 2014, from Town Counsel Sam Bradley in which he said to proceed with the sale of the Goodell Avenue property.

The Board opened sealed bids for each property in order of their listing and reviewed the bid form and announced the bidder's name and bid amount of each bid. The bids were opened at 6:38 p.m. The Board confirmed that the highest bid for a particular property which included a bank treasurer's check in the amount of \$1,000 for the property (payable to the Town of Swanzey) as a bid deposit and proof of financing for the balance of the amount due. The only bid for the 79 South Winchester Street Property was \$27,515 from Mike Faulkner and that bid did not meet the minimum bid requirement of \$33,500. The highest bid for the 160 Goodell Avenue property, in the amount of \$87,650 was from Evan Pratt but it did not include adequate proof of funding or financing for the balance of the bid amount and pro-rated tax payments. The second highest bid for this property, in the amount of \$77,000, from Richard Cote did include proof of financing as well as the required check for \$1,000.

The bids were as follows:

Bidder's Name	LOCATION	MAP/LOT	BID
Mike Faulkner	79 South Winchester St.	72/63	\$ 27,515 (less than minimum bid of \$33,500)
Evan Pratt	160 Goodell Ave.	25/13-5	\$ 87,650.00
Steve Marazoff	160 Goodell Ave.	25/13-5	\$ 65,000.01
Richard Cote	160 Goodell Ave.	25-13-5	\$ 77,000.00
Oscar & Linda Matson	160 Goodell Ave.	25/13-5	\$ 72,500.00
Richard E. Penna Jr.	160 Goodell Ave.	25/13-5	\$ 60,199.00
Ginger Hill	160 Goodell Ave.	25/13-5	\$ 66,001.00

There was a **motion** by Hutwelker to reject the bid of Mike Faulkner of \$27,515 for 79 South Winchester Street because his bid was lower than the minimum bid of \$33,500, second by Davis. No further discussion, **motion passed.**

The highest bid for 160 Goodell Avenue was from Evan Pratt for \$87,650.00 and which a check for \$1,000 was provided with the bid paperwork, but there was no proof for financing. Hutwelker said the bid was not a qualified bid without proof of financing.

**Motion** was made by Hutwelker to reject the bid of \$87,650 by Evan Pratt for 160 Goodell Avenue for lack of proof of financing, second by Davis. No further discussion and all were in favor. **Motion passed.**

Bid for \$77,000 from Richard Cote included a check for \$1,000 and financing proof was provided by a letter from TD Bank.

Hutwelker **moved** to accept the bid for acquisition of Town-owned property located at 160 Goodell Avenue, Map 25, Lot 13-5) from Richard Cote in the amount of \$ 77,000, subject to the addition of payment of a pro-rata share of 2014 real estate taxes computed as if the property were privately owned on April 1, 2014, and to authorize the Chair or the Town Administrator to execute any documents necessary to complete the sale of the property. The motion was seconded by Davis, with no further discussion. **Motion passed.**

The Board congratulated the Cotes on their acquisition of the Goodell Avenue property. The Cotes, Mr. Marazoff, and the Hills left the meeting at 6:50 p.m.

### **Cresson Bridge Fire Suppression Project**

At the previous meeting the Board voted “to accept the bid from Hansen Construction for \$129,600 for fire suppression work to be completed in the summer of 2014 on the Cresson Bridge and to expend 20% matching funds from the Covered Bridges Capital Reserve Fund”. The Board discussed this project further. O’Keefe spoke to the insurance company and he reported that the insurance company said there would be no difference in premium rating for the bridge with or without a sprinkler system.

Colby reminded everyone that Public Works Director Lee Dunham had characterized a covered bridge as a horizontal chimney. Skantze pointed out that in a fire from another source, and not the bridge itself, sprinklers would be useful. This doesn’t fall in the categories of regular sprinklers. There was discussion regarding response time – a car fire could be on bridge, and connecting to the sprinkler system would be helpful. Colby said his decision from last week has not changed. The consensus of the Board was to continue with the project. Hutwelker asked about using hose versus connecting up to the sprinklers. Davis said she didn’t understand why all the bridges were not done at the same time. Dunham said that the bridges were treated with flame retardant, and discussion continued about sprinkler and alarm systems for the bridges. Colby said that the issue is that 3 out of the 4 bridges presently have sprinklers.

A brief discussion was held regarding re-naming streets for emergency responses.

The Board agreed to continue with the proposal for fire suppression for the Cresson Bridge. Skantze said he would like to review the proposal. The Board agreed that he should.

Colby thanked Skantze for painting the hydrants at the West Swanzey Park on Main Street.

Fire Chief Skantze left the meeting at 7:24 p.m.

### **West Swanzey Park**

Dunham discussed fencing for the West Swanzey Park – fencing has to be appropriate for proximity to the road. Dunham said he wanted to get some brochures to see what is available. Colby said Monadnock fence has some black fencing that might be appropriate. Colby said the Board needs to know what can be installed there and what the costs would be. O’Keefe showed the Board some fencing online from Brattleboro, Vermont, that might be appropriate. Dunham mentioned that he had spoken to Scott Self about fencing.

### **Marcy Hill Road bid specifications**

Dunham reviewed with the Board bid specifications for the 2<sup>nd</sup> phase of reclamation and paving of Marcy Hill Road, which is scheduled for completion this August.

Once the specifications are approved as presented or modified, staff will advertise in the newspaper 14 days before bids are due in keeping with the Purchasing Policy. The Board can grant an exception to the 14-day period and allow for a lesser amount of advertising time to expedite the project, and all known likely bidders can be notified directly of the Invitation to Bid. Dunham estimated about \$80,000 for the project. Timeframe is about two weeks to complete the project. This is just the reclamation and paving. Dunham said most of the drainage is completed. The paving will start from where ended prior year and will go to Fox Run. The width of the road is 22 feet. There is only a limited universe of potential contractors. O'Keefe said it would be quicker to send the request for bids to the contractors.

Discussion continued regarding the possibility that once a contractor is hired, perhaps the Town can utilize the firm for other minor road projects, if the bid for Marcy Hill comes in reasonably low. Dunham referred to the Asphalt Escalation Clause. He said that as of June first liquid asphalt price for the State of New Hampshire has gone down. The clause enables the contractor to charge the Town more for the services should the price of asphalt rise. However, Dunham said he never has seen any contractor change the numbers once the contract is awarded. Hutwelker asked if the contract could be awarded before July 1, 2014. O'Keefe said that the Board could waive the 14 days and send the request for bid to all the potential contractors. If the contract were awarded on July 8, 2014, Dunham says the job could be completed in August.

Davis **moved** to approve the bid specifications for the Marcy Hill Road reclamation and paving project and to open bids on July 3, 2014, to be awarded on July 8, 2014. Second by Hutwelker, no further discussion and all were in favor. ***Motion passed.***

### **Cutting of Trees on Ash Hill**

Colby asked for status on the project and Dunham said it is on his schedule.

### **OLD BUSINESS**

#### **Main Street reconstruction – Engineering services proposals**

Engineer Rob Hitchcock from SVE Associates was present to attend and discuss his company's proposal for engineering services for the West Swanzey Main Street reconstruction project. The proposal did not include surveying costs and this project component must be clarified.

Colby mentioned there were a few open parts of the proposal that needed to be clarified. One of them was surveying. Hitchcock said they did surveying on Swanzey Township Housing years ago. \$1,800 is what is estimated for the survey work by Russ Huntley. \$3,500 is in the plan. Hutwelker said that he wanted to make sure that everyone was bidding on the same project. Hitchcock said the bid was a little low and he missed a couple of things, no money for shoreline permitting was put into the bid. He said his firm is not a big company and has no shareholders and a very comfortable atmosphere for an engineering firm. He has been doing this work for 27 years and he will get the job done.

The Board agreed that the Town should go ahead with SVE Associates proposal, and Hitchcock asked if the Town wanted a contract. SVE will provide the proposed contract and get it to Dunham for review. Dunham will bring the contract to the Board next week. There will be additional numbers to include the

survey work. It was agreed that the contract should refer to the Town's Request for Proposal. Hitchcock said that he will revise the proposal to include the survey fees. The Board thanked Hitchcock for meeting with them.

#### **Update on Cobble Hill Road property**

O'Keefe told the Board that Town Counsel Sam Bradley has not heard back from the State of New Hampshire as of yet. There is no further news to report.

#### **Delinquent Court-ordered payments to Town**

As last discussed back in April 2013, there are two cases where court-ordered payments to the Town are delinquent, as follows:

- Arthur & Ellen Brnger – In July 2008 the Superior Court order these folks to pay the Town \$9,252 for operating an illegal business. In December 2008 they were found to be in contempt and ordered to pay \$200 monthly. The last payment received was for July 2010 which came in in October 2010. The Town is presently owed \$11,144.80.
- Christopher & Brandon Frazier. In August 2007 the District Court ordered these folks to pay the Town \$75 per month related to storage of unregistered vehicles. The last payment received was for April 2010 which came in in December 2010. The Town is owed \$475.00.

O'Keefe informed the Board that Town Attorney Sam Bradley recently responded to an email last week indicating that his staff would aggressively pursue these cases. O'Keefe recommended that the Frazier fine be waived at this time due to the fact that the recovery cost would exceed the fine amount. The Board agreed.

Davis said that the court doesn't follow through when court-ordered payments are not made, short of arresting the parties. Colby suggested that the Town look to put an attachment on properties with outstanding obligations to the Town. Colby agreed to forego pursuit of the Fraziers for \$475.00. O'Keefe will follow up to see if there is a possibility to lien property to satisfy an obligation to the Town.

#### **Safford Drive Update**

O'Keefe reported to the Board that all paperwork is completed and titles will be recorded at the Registry of Deeds tomorrow June 18, 2014. He reported that he has been told that the access permit from Department of Transportation (DOT) is ready to go.

#### **OTHER BUSINESS**

##### **Inventory of Taxable Property Form PA-28**

Prior to 2013 the Town participated in the New Hampshire Department of Revenue Administration program whereby property owners were required to file an inventory form per RSA 74 or else be subject to fines of up to \$50. On September 25, 2012 the Board first decided to no longer participate in this program, but must continue to declare its intention annually. O'Keefe recommended that the Board again vote not to participate in this program.

Hutwelker **moved** to elect NOT to utilize the inventory form or procedure specified under RSA 74 for the year 2015, and hereby acknowledges that this election shall automatically exempt all

property owners and others within Swanzey from all requirements and provisions of law relating to the inventory form. The motion was seconded by Colby and all were in favor. **Motion passed.**

#### **Tax Deed List Letters to sign giving them notice**

O'Keefe noted that the Town had sent letters to property owners on January 17, 2014 to give notice that if taxes remain unpaid, then on April 19, 2014 the Town could begin proceedings to take the property. If the Town does take the property, and if the previous owner wants to purchase back the property, the previous owner must pay for the property plus a penalty. O'Keefe will provide a list for the Board next week. Colby suggested sending a letter to the property owners with very low amounts owed to the Town that the Town is not in the real estate business and it wants to work with the property owners.

#### **Meet with the Monadnock Regional School Board**

The Board agreed to send a letter to invite the Swanzey representatives from the Monadnock Regional School Board to meet with the Board.

#### **2013 Property Tax Abatements**

The Board considered four additional abatements of assessed values. Two properties needed an inspection. One owner was being taxed for two parcels but actually there was only one parcel.

Tabor – Vision Appraisal Service recommends granting an assessed value abatement of \$28,600. A discussion ensued regarding the ability or lack thereof to build on the property. Hutwelker said the owners have not requested a variance for the property, which might make it buildable. Under the existing code it is not buildable. But with a variance the owner could make it buildable. It was noted that Director of Planning and Community Development Sara Carbonneau says that the land meets state wetland setbacks but does not meet Town wetland setbacks and therefore is not buildable without a variance. The owner says that the way the lot is right now it is only worth \$15,000. The Board agreed to the abatement recommended by the Town's assessor.

Blais & Grainger –assessed value abatement request has been recommended to be denied by Vision Government Solutions (Vision). The Board agreed.

Cushman – abatement request recommended by Vision for \$18,500 assessed value abatement. The Board agreed.

#### **2014 Property Tax Abatements**

The Board considered two abatements of assessed values for 2014. These have come about due to voluntary lot mergers having taken place that were not processed before the first tax bill went out.

D'Amato – two properties were merged in March of 2014. To be researched and reviewed next week.

Brown Swanzey Lake Family – will have assessed value abated for \$1,142,400 and re-billed at \$806,200 due to merger. The Board agreed with Vision recommendation to grant the abatement.

NH Housing Finance Authority – Tax exempt status per RSA 204-C:49 – abatement amount is \$3,639.

### **CONSENT AGENDA**

**Motion** was made by Hutwelker to approve the Consent Agenda and authorizing the chair to sign where necessary. Second was made by Colby. No further discussion. All were in favor. **Motion passed**

- Raffle Permit #2014-16. Keene Elks Lodge #927 – Raffle of two guns or cash value on 9/28/2014 at 70 Talbot Hill Road.
- Gravel Tax Levy. Johnson Family Trust, Map 12, Lot 5 – \$113.8 (supplemental – see 5/6/2014 minutes)
- Notice of Intent to Cut Wood or Timber. Lane Construction Corp., Map 22, Lot(s) 1
- Notice of Intent to Cut Wood or Timber. Marshall Barrett, Jr., Map 81, Lot(s) 14 & 17; Map 83, Lot(s) 1; Map 86, Lot(s) 6.
- Property Tax Levy – \$10,227 (Warrant # 2014-01-A).
- Abatement decision letters.
- Other items as necessary.

### **ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Davis. All were in favor. **Motion passed.** Adjournment occurred at 8:35 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on June 24, 2014.