

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – June 24, 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.

ABSENT

Selectman Deborah J. Davis

OTHERS PRESENT

New Hampshire State Representative Gus Lerandeau and State Senator Molly Kelly, John Kallfelz, Jeff Brillhart, and Tim Mallette from the New Hampshire Department of Transportation (NHDOT), Director of Public Works Lee Dunham, Emergency Management Director Bruce Bohannon, Fire Chief Norm Skantze and reporter Megan Foley from the Keene Sentinel newspaper.

MINUTES

- Regular meeting of June 17, 2014 – motion by Hutwelker to accept the regular meeting minutes of June 17, 2014 with the following changes: page 4 where sentence related to the Cresson Bridge reads, “Colby said his decision from last week has not changed.” Should read also include, “The consensus of the Board was to continue with the project.” Also an incorrect amount was cited on page 8. It should read, “NH Housing Finance Authority – Tax exempt status per RSA 204-C:49 – abatement amount is \$3,639.” The motion was seconded by Colby and all were in favor.

Motion passed.

OLD BUSINESS

California Brook Dam

This matter was last discussed on May 6, 2014, when Fire Chief Norm Skantze and Department of Public Works (DPW) Director Lee Dunham met with the Board to discuss an April 28, 2014 letter from NHDOT regarding maintenance of this State-owned dam. NHDOT District #4 Engineer John Kallfelz met with the Board; also attending was Assistant Commissioner Jeff Brillhart, P.E. and Hydraulics Engineer Tim Mallette.

The State has not been maintaining the dam since the flash boards were removed as part of the Cobble Hill Road Bridge replacement in 2013; the State no longer wishes to maintain the dam, within which a dry hydrant serves the surrounding area as a water source for firefighting. The State recommends two options: 1) the Town resumes all responsibilities for the dam, including maintenance and NHDES fees by way of a Memorandum of Understanding, or 2) the dry hydrant be modified so it can function under current conditions.

Brillhart spoke about raising the water level for fire suppression purposes. This particular dam and bridge has been on the radar screen of NHDOT for five years now. The dams are problematic. He said the State owns the road, the bridge and the dam and has responsibility for their maintenance. However, ownership is up for further discussion. Brillhart said that the dam is categorized as a significant

hazard structure as the structure could damage NH Route 10 in that area in the event of heavy rains and flooding. He said that if the Town were to take charge of the dam, it would need a hydraulic study, maintenance study and emergency action plan, and pay \$750 to the State per year for examining the dams on a yearly basis. The Town would have to hire a consultant to plan.

Brillhart went on to say that the New Hampshire Department of Environmental Services (NHDES) acknowledges the possibility of dredging upstream and reconfiguring the dry hydrant – which would be a cheaper solution. Mallette said that “bridge standards” are easier to meet than “dam standards”. Rainfall runoff models tend to involve more calibration for dams.

A discussion ensued regarding meeting the conditions for being exempt as a dam. It was noted that when the stop logs are inserted, it is not possible to make the dam exempt. Challenge is the 100 year flood freeboard standard. It was acknowledged that it is costly to achieve hydraulics standards to meet the 100 year flood conditions. One option discussed is meeting the culvert rule.

Kallfelz provided a bit of history of the dam. He said that when Route 10 was built, the dam was removed, and the owner at the time complained, so it was reinstated. Then in the 1950’s the culvert was improved, and in the 1970’s the question of ownership of the dam arose – and it was determined the Town owned the dam. Then the ownership was handed back to the State given the right of way of the road. Kallfelz said that the question has arisen as to why the State owns a dam which has no benefit to the road.

Colby discussed occupancy of the Evergreen Knoll residential development and the condition of development that a functioning dam and pond supply a dry hydrant for fire suppression purposes.

Fire Chief Skantze thanked the NHDOT for their response. Skantze said that he thinks having Steve Doyon involved would be an excellent decision. Skantze said that it isn’t reasonable to remove the dry hydrant. He questioned how someone at the NHDOT can make unilateral decisions of this nature. The dam is a preexisting use. The public should have had an opportunity to be involved in the decision. Skantze said that the stop-logs should be put back in immediately for fire suppression purposes. The Town is dependent upon the pond created by the dam.

Mallette said that according to the statute, the structure becomes a dam when the boards are in place. As far as one individual making a decision unilaterally, he said he wasn’t sure who that might be. Mallette asked about the development of Evergreen Knoll and water suppression plans. Skantze said the dry hydrant was required at the time since the private water system in the area could only supply 600 gallons a minute. A backup water source was essential for a large development since the water supply from the private company could not provide enough water for fire protection.

Senator Molly Kelly spoke about trying to resolve the issue between the State and the Town. Hutwelker asked what mechanism could be used to get the problem resolved. Mallette suggested involving Doyon to assist with the decision on whether there will be a dam or no dam.

There was further discussion regarding dredging upstream – Colby asked if that would create a new pond. Colby also suggested that Skantze should speak to Doyon. Dunham asked about the culvert with no flash boards, right now does it pass the test as a culvert – the response by Mallette was “yes”.

Dunham suggested the dredging would make a bowl that would impound water for a dry hydrant (and keep the boards out).

Dunham also reviewed the history of the dam. He suggested looking to see what can be done with the area without a dam. There was a brief discussion about dredging a wetland and the permits that would be required. Skantze offered information that a recent statute allows a fire department to maintain a water source for fire protection without permits. Skantze asked the NHDOT folks to meet with Skantze and Steve Doyon to discuss further.

Kallfelz spoke about the permit for Safford Drive and why it appears to be delayed. He said that the NHDOT only received the information on June 19, 2014 and they have 60 days to respond back. Kallfelz said that the permits should be issued by next week. O'Keefe asked if Kallfelz anticipated any issues that might hold up the permits. Kallfelz said that the Town should have the permits it needs for Safford Drive by July 2, 2014. He said he highly doubted it would be any later than that.

Returning to the subject of the dam, Kelly said she would like to be involved in the discussions as well. She said she would make her office available to help achieve a resolution between the State and the Town. The DOT engineers and Lerandean and Kelly left the meeting at 6:57 p.m.

Dry Hydrant Malfunction

Skantze informed the Board that the dry hydrants in the river at West Swanzey Park are non-functioning at this point in time.

Resident Concerns

Resident Pam Doubleday joined the meeting at 6:59 p.m.

Non-public session(s) per RSA 91-A:3II(a), Personnel Matters

Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matters. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 6:59 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., and W. William Hutwelker, III, Town Administrator Shane O'Keefe, Resident Pam Doubleday and Recording Secretary Bernard.

Motion was made by Hutwelker to leave non-public session and return to public session. The motion was seconded by Colby, with all in favor. **Motion passed.** Non-public session ended at 7:15 p.m.

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

Letter to Attorney Silas Little from Fire Chief Skantze

Skantze passed out a copy of a letter he sent to Attorney Silas Little regarding information about the Cheshire Fair Association's on-site EMS unit. The letter cited numerous Chapters of the State Statutes as well as fire protection rules. He noted in the letter that these are State rules and statutes, not suggestions. Skantze said the essence in the dispute with the Cheshire Fair Association is that

participation of the fire department is different than what has been done in the past. Skantze said an autonomous EMS unit is required for Town control because of lack of forward motion by the Cheshire Fair Association for not complying with requirements for fire safety for large buildings.

Skantze also referred to the impromptu meeting that was done on the steps of Town Hall last week after a meeting with the Board. Skantze said that there is no plan to meet with the Cheshire Fair Association Board. Colby said that there will be a meeting. Hutwelker asked about the cause of the breakdown in communication. Skantze said the Association wants to get their attorney involved in order to be assured that Skantze is referring to legal requirements.

Hutwelker suggested that a letter to the Cheshire Fair Association should be written. Skantze agreed. Colby stressed that two people from the Association need to be involved in communication efforts with the Fire Department. O'Keefe will write the letter from the Board.

Skantze left the meeting at 7:42 p.m.

Main Street reconstruction – Engineering services contract

At the last meeting the Board met with SVE Associates engineer Rob Hitchcock to clarify engineering services proposed for the Main Street reconstruction project, in particular surveying efforts. The Board agreed that the Town should go ahead with SVE Associates proposal, and requested that the consultant prepare a contract for review by the Board. DPW Director Lee Dunham met with the Board to discuss this contract.

Dunham discussed items not included in the contract: boundary line adjustment between two lots is \$5,000, wetland permit required at the discharge of the storm drain pipe. These could be completed for an additional \$7,500. A discussion occurred regarding whether these actions would be necessary or not.

Colby asked if Dunham were satisfied with the contract from SVE Associates and Dunham said he was.

Hutwelker **moved** to 1) accept the proposal from SVE Associates for engineering services related to the Main Street reconstruction project in the amount of \$41,000, 2) allocate up to \$45,000 for this effort, the cost of which will come from the General Fund Professional Service Applications budget line (#01-4191-1-320) (up to \$10,000) and the balance from the Municipal Transportation Capital Reserve Fund, and to authorize the Town Administrator to execute any documents necessary to secure the authorized services. There was second from Colby, and no further discussion. All were in favor. **Motion passed.**

West Swanzey Park

Colby noted he saw some DPW employees at the park today. Dunham said he has a meeting with Monadnock Fence tomorrow. Colby suggested that Hutwelker and Dunham take a look at a particular style of fencing available at Monadnock Fence. Dunham recommended commercial grade fence because of the proximity to the river. Colby noted that cost is an issue.

O'Keefe said a resident stopped by Town Hall to ask if an Eagle Scout event could be held at the West Swanzey Park. Colby said he thought it would be okay so long as the park isn't under construction. Hutwelker agreed.

Ash Hill Road

Dunham was asked about the planned cutting of trees on Ash Hill Road. Dunham said the tree cutting is on his schedule for later in the season. Dunham left the meeting at 7:30 p.m.

Emergency Response Memorandum of Understanding (MOU) with the Monadnock Regional School District (MRSD)

Emergency Management Director Bruce Bohannon met with the Board to discuss an updated MOU with the MRSD regarding emergency management. He said he is looking for an agreement with the MRSD, allowing the Town to use the schools as critical facilities for such purposes as shelter or dispensing of medication or vaccinations when the Town is faced with a disaster situation. There has been a MOU in place in the past. The MOU spells out under what conditions the Town would request the use of school buildings. Bohannon asked the Board to review the proposed MOU. Once the Board approves of the MOU, Bohannon will take it to the MRSD for consideration. O'Keefe asked if the Town Attorney needs to look at it, and Bohannon said "no". Hutwelker said he was ready to approve the MOU now and Colby agreed.

Hutwelker **moved** to accept the Memorandum of Understanding with the Monadnock Regional School District as proposed by the Emergency Management Director, and second was made by Colby. Colby would like to see the signatures of the Board on the document. O'Keefe was asked to have that ready for the Board next week. No further discussion. All were in favor. ***Motion passed.***

Local Emergency Operations Plan

Bohannon discussed with the Board a plan for starting the process of updating the Town's Local Emergency Operations Plan (LEOP). He presented a list of recommended LEOP meeting attendees, a meeting schedule and a letter to all Department heads for the Board to sign. Bohannon informed the Board that he met with Lee Kimball of LMK Associates, for the purpose of rewriting the Town's Emergency Operations Plan and they are looking for input from the following: Board of Selectmen; Town Administrator; Police Department; Fire Department; Department of Public Works; Town Planner; Monadnock Regional School District; Town Clerk; Health Officer; and Code Enforcement Officer.

Bohannon would like the meeting to be held on Monday, July 7, 2014 at 9:00 a.m. This is a mandatory meeting for the department heads and staff above. The meeting will last between 2 to 2 ½ hours. O'Keefe mentioned that there was a planned preconstruction meeting at that time that several department heads would be attending. It was agreed that the meeting would be held at 1:-- p.m. Colby thanked Bohannon for his work for the Town.

Bohannon left the meeting at 7:58 p.m.

2013 & 2014 Property Tax Abatements

Continuing from the discussion at the previous meeting, additional information related to 2013 & 2014 abatements for property owned by Cynthia D'Amato, et al., on South Road (Map 24, Lot 46) was discussed. O'Keefe said that there was a mistake in the deed. The merger of two parcels was necessary to properly identify the parcel which had been mistakenly listed as being two properties. The tax map now identifies the parcel properly. Tax Map 24, Lot 46 and Lot 45 are henceforth known as Tax Map 24, Lot 45. The abatement requested is for all of 2013 tax bill when two properties were taxed and for the first half of 2014 for Lot 46.

Motion was made by Hutwelker to approve the abatement request for all of 2013 tax bill and first half of 2014 for Lot 46. Second by Colby, and no further discussion, and all were in favor.
Motion passed.

The Board was asked to abate the first-half 2014 taxes on the Town-owned properties acquired in 2013 by tax deed. The properties were not coded as tax-exempt prior to issuance of tax bills this spring.

Motion was made by Hutwelker to abate the first-half 2014 taxes on the Town-owned properties taken in 2013 by tax deed:

- 147 Pine Street, Map 57, Lot 119
- Rabbit Hollow Road, Map 66, Lot 4
- 59 Cobble Hill Road, Map 82, Lot 8
- 79 South Winchester Street, Map 72, Lot 63
- 3 Fords Road, Map 73, Lot 6
- 120 Pine Street, Map 57, Lot 115
- 160 Goodell Avenue, Map 25, Lot 13-5

There was a second by Colby, and no further discussion. All were in favor. **Motion passed.**

List of properties subject to tax deed

There are 9 properties subject to tax deed at this time. The Board was asked to decide which properties should be forwarded to the Town Attorney for deeding.

LOCATION	MAP/LOT
112 Pine Street	57/114
68 Diana Drive	87/2-5068
12 North Pine Street	18/234
28 Pondview Road	73/22-0508
8 Old Lake Road	18/142
Forbush Lane	3/1-3
89 Diana Drive	87/2-5089
27 Aylward Avenue	72/108
Old Homestead Highway	9/009

A discussion was held regarding the individual properties. All the properties are occupied by the owners of the properties. Colby suggested a letter be sent out that the Town will proceed with the tax deed process if the taxes are unpaid as of July 15, 2014. The Board agreed. The letters will be signed by the Board and sent by certified mail, receipt requested, as well as by first class mail.

2013 Tax Deed Sale

A discussion was held regarding the 2013 tax deed properties. It was decided by the Board that 79 South Winchester Street would be offered for bid once again at the same minimum bid of \$.

Rabbit Hollow property cannot be built on and Hutwelker suggested that the abutters be notified.

O’Keefe said that the abutter was notified by mail and that mail was returned. The minimum price for Rabbit Hollow property will be lowered to \$1,000 and put out to bid once again.

Business Operation Assessment

A final report on the preliminary findings of the Business Operations Assessment prepared on behalf of the Town's insurer, HealthTrust (now NHPLT) was given to the Board for review. The report was completed by Municipal Resources, Inc. consultants Mike Everngam and Kevin Clougherty. The Board decided to hold off discussion of the report until next week after they have had an ample opportunity to review the document.

Safford Drive Update

A groundbreaking ceremony was discussed. It was suggested that it be held on July 14, 2014 and there was a general discussion about who should be invited to the event.

EDAC Marketing Proposal

O'Keefe informed the Board that the Town of Swanzey Economic Development Advisory Committee (EDAC) had approved a proposed contract with Arnett Development Group, LLC and the Glen Group Inc. for marketing of the Tax Increment Financing (TIF) district in Swanzey, New Hampshire. EDAC now requested approval by the Board for the expenditure.

Motion was made by Hutwelker to approve the expenditure of \$2,500 with Arnett Development Group, LLC and \$3,500 with the Glenn Group Inc. for marketing of and logo development for the TIF district with all funds to come from the EDAC budget. Colby seconded the motion. Further discussion regarding who should sign the contract and it was agreed that the Chair would sign it. All were in favor. ***Motion passed.***

Pilgrim Pines

O'Keefe informed the Board that he received a call from David Cairns, Executive Director for Pilgrim Pines Camp and Conference Center stating that the Board of the East Coast Conference has approved the framework for a proposed agreement with the Town regarding its tax status. The next step is to have the proposed ten year agreement drafted by the respective attorneys for the parties. It was suggested that the attorneys meet to discuss further. The Board agreed, and O'Keefe was asked to convey this to the Town Attorney.

Ashuelot River Presentation

O'Keefe reminded the Board that Steven Stepenuck of the Swanzey Conservation Commission and former member of Ashuelot River Local Advisory Committee (ARLAC) will be doing a presentation on the 2013 results of monitoring the water quality of the South Branch of the Ashuelot River on Thursday, June 26, 2014 at the Planning Board meeting.

Safford Drive Update

O'Keefe informed the Board that Town Counsel Gary Kinyon said his opinion is that the Town should wait for the permits to come to the Town from the NHDOT before awarding the construction contract. The Board agreed.

NEW BUSINESS

Appointment to Cheshire TV Board of Directors

The Board received a request from Cheshire TV to appoint a Swanzey representative to the Board of Directors, who would be considered an "Appointed Director" and may serve a one-year term. On September 24, 2013 the Board appointed Ken Colby to a 2nd consecutive term on the Board of Directors.

Cheshire TV's bylaws have a 2-year limit on concurrent terms so a different individual must be appointed by the Board by October 2014. O'Keefe said he was prepared to publicly advertise the vacancy unless the Board would like to handle this differently.

Hutwelker made a motion to name Deborah Davis to the Cheshire TV Board, which died for lack of a second.

Colby said he could return to serve in a year and the Board decided to advertise for the one-year appointment at this time.

Capital Improvements Program (CIP) Committee

Hutwelker suggested that the Board invite the CIP committee in to meet with the Board to discuss the process they have been undergoing and to update the Board. It was agreed that CIP Chair Dave Osgood be invited to meet with the Board on July 1, 2014.

Non-public session(s) per RSA 91-A:3II(a), Personnel Matters

Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matters. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 8:50 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 9:11 p.m.

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

Non-public session(s) per RSA 91-A:3II(a), Personnel Matters

Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matters. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 9:13 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 9:17 p.m.

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

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***

- Notice of Intent to Cut Wood or Timber. Kathleen T. Picotte, Map 27, Lot(s) 4-1.
- Raffle Permit #2014-17. Golden Rod Grange #114 – Raffle of miscellaneous items on 7/19/2014 at Old Home Day celebration.
- Deed conveying Town-owned property at 160 Goodell Avenue to Richard Cote.
- Personnel Policy waiver – Todd Trombley.
- Abatement decision letters.
- Other items as necessary.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Colby. All were in favor. ***Motion passed.***
Adjournment occurred at 9:18 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on July 1, 2014

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting Minutes #3 – June 24, 2014

Non-public session(s) per RSA 91-A:3II(a), Personnel Matters

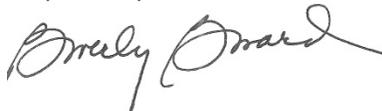
Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matters. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 9:13 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., and W. William Hutwelker, III, Town Administrator Shane O’Keefe and Recording Secretary Bernard.

Regarding the Carpenter Home, and continuing on the discussion earlier in the regular meeting, changes have to be made said Colby. But he doesn’t want to get a consulting firm in to analyze the issues at the Carpenter Home. Something needs to be done. Hutwelker asked if having a discussion with Judy Bohannon would be helpful. O’Keefe pointed out that Bohannon’s substitution for Carpenter Home Administrator Dawn Rice during her recent medical leave was her first time to his knowledge. Hutwelker suggested that the person who subbed for Rice in the past might be a good source of information about the conditions at the Carpenter Home. He suggested that the Board invite her in for a discussion. O’Keefe noted that Rice informed him that this person is unwilling to serve any longer in the capacity as a substitute for Rice.

Motion was made by Hutwelker to leave non-public session and return to public session. The motion was seconded by Colby, with all in favor. **Motion passed.** Non-public session ended at 9:17 p.m.

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

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on July 1, 2014

These Minutes unsealed by the Board of Selectmen on March 24, 2015.