

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – August 12, 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 6:03 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

OTHERS PRESENT

Public Works Director Lee Dunham, Emergency Management Manager Bruce Bohannon, Carpenter Home Administrator Dawn Rice, Human Services and Resources Coordinator Edna Coates, Code Enforcement Officer Mike Jasmin, Stratton Free Library Trustee John Bridges, and residents Gail Parsons and Charlie Parsons, Skip and Nancy DiBernardo, Megan and Richard Dicey, Rebecca Hays, Judy Gallaresi, and Michael Goldschmidt.

MINUTES

- Regular meeting of August 5, 2014 – **motion** by Hutwelker to accept the regular meeting minutes of August 5, 2014 with typographical errors corrected. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-Public meeting #1 of August 5, 2014 – **motion** by Hutwelker to accept the non-public meeting #1 of August 5, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-public meeting #2 of August 5, 2014 – **motion** by Hutwelker to accept the non-public meeting #2 of August 5, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-public meeting #3 of August 5, 2015 – **motion** by Hutwelker to accept the non-public meeting #3 of August 5, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-public meeting #4 of August 5, 2014 – **motion** by Hutwelker to accept the non-public meeting #4 of August 5, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-public meeting #5 of August 5, 2014 - **motion** by Hutwelker to accept the non-public meeting #5 of August 5, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***

CITIZEN CONCERNS

Rebecca Hays asked about the Town’s right to purchase property without a town vote. O’Keefe noted that the New Hampshire Statute Section RSA 41:14(a) allows properties to be sold or acquired by the Selectmen without a Town vote. Colby gave an example of purchasing the land for the West Swanzey Park. O’Keefe added that public hearings have to be held and there needs to be comments from the Planning Board and the Conservation Commission.

Hays asked about property on Pine Street being currently considered by the Capital Improvements Program (CIP) Committee in their planning. O’Keefe said that the Town has acquired property on Pine Street by tax sale, which occurs when the owner does not pay their property taxes.

NEW BUSINESS

Request for Town acceptance of Lady Slipper Lane

The Town received a request from Gail Parsons of 31 Lady Slipper Lane for the Town to take over ownership and maintenance of Lady Slipper Lane, a private road off of Flat Roof Mill Road. Public Works Director Lee Dunham spoke about the condition of the road. Six residents on the road were in attendance.

Dunham led a discussion on the requirements for the Town to accept a private road. He said that on Town-owned roads, the Town generally has 50 feet for right-of-way. Dunham said Lady Slipper Lane has a 30-foot right-of-way but is paved to 16 foot wide at best. Dunham also said the travel portion of the road needs to be at least 20 feet wide plus ditches outside that footage to control rain runoff. Dunham also explained that once a road becomes a Town road, property that does not currently have access to a public road and now has access is eligible to be developed. This could lead to more houses and more traffic. Dunham explained that how a new subdivision impacts on the next piece of property is a key to consideration. And with the old stage road intersecting Lady Slipper Lane, a 50-foot right of way for a portion of Lady Slipper Lane could be justified due to the potential for added vehicular traffic. Dunham said that the road is on a slope and any time there is a slope, because water runs downhill, there needs to be ditches on abutting lands where the water can run off and the Town needs the right to clean ditches out. Also a road needs a crown to move water away from the center of the road. He explained this to show the residents what is needed in order for the Town to acquire a road.

Hutwelker asked the residents how they would bring the road up to standards. Gail Parsons asked if keeping the road dirt would be easier to maintain. Hutwelker mentioned that developers have to bring a road up to standards before the Town would take over the road.

Parsons asked about getting a petition into a Warrant Article for the Town to take over the road. The Board confirmed that a petition could be initiated but the costs would need to be clearly stated in the petition so that voters would understand what they were voting for or against. O'Keefe noted the costs to improve a road could include an assessment to the residents along the road if the Town had to improve the road. O'Keefe said it is called a "Betterment Assessment".

Nancy DiBernardo asked a number of questions about engineering costs. Parsons asked if they did some grading, cut some trees, etc. could they still pursue Town takeover of the road. Richard Dicey noted that even if the residents spend money to bring the road up to code, it could still be denied at Town Meeting. Hutwelker suggested that the residents might get a free estimate from professionals. Parsons asked for recommended names. There was a brief discussion about road specifications and Hutwelker informed the residents that local contractors know what is required. The Parsons, DiBernardos and Diceys left at 6:41 p.m.

Falls Brook Culvert Replacement Project

Dunham informed the Board that a notarized document is needed from the Town to authorize the work to replace the old culvert on Hale Hill Road to allow fish to swim through. A grant would cover most of the cost for the work. Dunham said the Town's contribution would be \$10,000 which would come out of the Municipal Transportation Capital Reserve fund. The Cheshire County Conservation District is putting in for the grant for next year. Colby said the document can be provided by O'Keefe and Dunham and the Board agreed.

Motion by Hutwelker to authorize the Town Administrator and the Director of Public Works to execute a letter to the Cheshire County Conservation District indicating the Town owns the property on Hale Hill Road where Falls Brook culvert lies and will commit to a contribution of \$10,000 toward the project from funds available. There was a second by Davis. All were in favor. **Motion passed.**

Capital Improvement purchase discussion – Backhoe

Bids have come in for purchase of a new backhoe and were listed as follows:

Dealer	Make/Model	Price	Trade-in	Final Cost
Beauregard Equipment	Case 590SN	106,100	20,500	85,600
Chappell Tractor Sales	New Holland B110C	111,800	20,000	91,800
Nortrax	John Deere 410K	125,000	25,000	100,000
Milton Cat	Caterpillar 430FIT	122,000	12,500	109,500

The new equipment would replace the 2003 New Holland LB110, which is scheduled for trade-in as part of the new acquisition, and the expense would be paid from the Highway and Cemetery Equipment Capital Reserve Fund which has a balance of \$225,138. There was a discussion about horsepower and the length of the chassis and fuel capacity. Dunham asked the Board to accept the bid for the New Holland. Dunham said his staff is accustomed to New Holland equipment. Discussion occurred regarding the hydraulic thumb – the New Holland does not have one. Hutwelker asked about longevity of the machine. Discussion was held about clean diesel engines. Goldschmidt asked what is wearing out on the current equipment. He also asked if there is an option to rebuild the engine. Dunham said that the machine is ancient and has old controls.

The Board asked Dunham to try to negotiate a better price from Chappell Tractor Sales for the New Holland backhoe.

West Swanzey Park Wall and Fencing Update

Dunham spoke about work that needs to be done for the retaining wall along the sidewalk at this property. He also discussed the sidewalk and the fencing alternatives. Davis asked about availability of the fence; Dunham reported availability at the end of August, beginning of September. Dunham showed a sample of the black steel fence to the Board.

Hays asked about the steel fence and whether there would be rust or corrosion. Dunham said it is commercial grade and there is a 20 year warranty on the fence. Hays asked whether aluminum might be cheaper and Dunham said it would be more expensive and weaker. There was a discussion about the number of feet needed for the fence. There will be 20 feet of concrete wall up to the bridge. Colby said the Board has enough information to make a decision about the fence including lag bolt installation.

Motion was made by Davis to authorize the Director of Public Works to purchase black steel fencing from either Cheshire Fence or Monadnock Fence including lag bolt installation for a total of \$9,300 to be paid for from the Recreation Facilities Improvements Capital Reserve Fund. Second by Hutwelker, and all were in favor. **Motion passed.**

Dunham left at 7:24 p.m.

Stratton Library Trustee Request

John Bridges joined the meeting at 7:24 p.m. Bridges is a Trustee of the Stratton Free Library. He stated that former Town Administrator Beth Fox had begun an application to place the Library building on the State of New Hampshire Register of Historic Places and the Library wished to pursue this effort for this Town-owned building. The Board agreed that this should move forward. O’Keefe noted that the State would have to approve of any changes made to the building using State funds once historical status is achieved.

Hutwelker made a **motion** to approve the application of the Trustees of the Stratton Free Library for historical status for the Library. Davis seconded and all were in favor. **Motion passed.**

Bridges left the meeting at 7:25 p.m.

Electricity supply contract ratification

In follow-up to the discussion at the previous meeting, O’Keefe noted that the consortium of towns and school districts lead by the Town of Peterborough received the electric power contract at the anticipated rate of \$0.0726/kWh, which provides a blended rate of about \$0.08565/kwh over the next year due to the estimated PSNH rate of \$0.0987/kwh.

The history of Town contracts, and consortium membership, is as follows:

TERM	SUPPLIER	RATE
8/11/2011 – 6/19/2012	Constellation NewEnergy, Inc.	.0765/kWh
6/19/2012 – 6/20/2013	Constellation NewEnergy, Inc.	.0634/kWh
6/20/2013 – 11/19/2013	Constellation NewEnergy, Inc.	.0711/kWh
11/19/2013 – 11/29/2014	Intergrys Energy Services, Inc.	.0699/kWh
11/30/2014 – 3/11/2015	Public Service of New Hampshire	.0987/kwh*
3/12/2015 – 11/29/2015	Intergrys Energy Services, Inc.	.0726/kWh
11/30/2015 – 3/10/2016	Unknown – likely PSNH	
3/11/2016 – 11/29/2016	Intergrys Energy Services, Inc.	.0726/kWh
Other consortium members: Towns of Peterborough, Rindge, Jaffrey, Dublin, Temple, Frankestown, Hancock, as well as the Conval School District, SAU 47, and the Monadnock Economic Development Corporation.		

* estimated

Hutwelker **moved** to ratify the energy purchasing contracts with Intergrys Energy Services, Inc. for the periods March 12, 2015 to November 29, 2015 and March 11, 2016 to November 29, 2016. There was second by Davis. All were in favor. **Motion passed.**

Unsafe Structure

Code Enforcement Officer Mike Jasmin met with the Board to discuss a residential structure at 48 Fox Run Road owned by Scott Lambert in need of immediate condemnation due to numerous life safety concerns (Map 15, Lot 19-2.) Jasmin informed the Board that he contacted Town Attorney Gary Kinyon for advice. Jasmin said that the building fails electrical codes, the roof leaks, there is the presence of mold, and physical odor, and an oil tank with used motor oil inside, and the building is structurally failing, among other problems. Attorney Kinyon said that under RSA 147:16-a the building could be condemned. Jasmin asked the Board to authorize him to follow up on the condemnation proceedings.

The owner can go to court as recourse. Residents are already in the process of moving out of the building.

Motion by Hutwelker acting under RSA 147:16-a and RSA 674:52-a to authorize the Code Enforcement Officer to notify the owner of the property at 48 Fox Run Road that the property is no longer fit to be inhabited and to authorize the Code Enforcement Officer to follow up on condemnation proceedings. There was a second by Davis. All were in favor. **Motion passed.**

Jasmin left the meeting at 7:36 p.m.

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

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matter(s) . The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:37 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, and W. William Hutwelker, III, Human Services and Resources Coordinator Edna Coates, Town Administrator Shane O'Keefe, Carpenter Home Administrator Dawn Rice 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 8:12 p.m.

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

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

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matter(s) . The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 8:13 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, and W. William Hutwelker, III, Human Services and Resources Coordinator Edna Coates, 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 8:17 p.m.

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

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

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matter(s) . The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into

non-public session at 8:17 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, and W. William Hutwelker, III, Human Services and Resources Coordinator Edna Coates, 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 8:33 p.m.

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

Declaration Local Emergency Document

Bohannon presented to the Board a document entitled "Declaration Local Emergency" that he wants the Board to consider adopting. O'Keefe said he was going to check with the State of New Hampshire Department of Revenue Administration (DRA) to inquire if they would need to be involved regarding emergency expenditures. Bohannon said that if the Town had a situation such as a road washout that needed immediate repairs operating outside the regular budget, this document would help ensure financial assistance if neither the County nor the State had issued a "State of Emergency". Bohannon also said that he isn't sure that the document would be legal in a court of law, but wanted the Board to at least consider the possibility of having such a document in place.

Continuity of Operations

Bohannon asked the Board and O'Keefe to consider being part of the discussion of the Continuity of Operations meeting that will be held on September 2, 2014 at 9:30 p.m.

Emergency Budget Approved

Bohannon informed the Board that the NH Department of Safety approved the Vermont Yankee radiological emergency response plan budget that Bohannon submitted.

Bohannon left the meeting at 8:40 p.m.

Settlement Agreement for Grace Ford

A brief discussion was held regarding an email from Town Attorney Maria Gavin with Bradley & Faulkner, P.C. that stated a settlement agreement had been made with Grace Ford. Various documents were received including a Stipulation for Settlement, Promissory Note, and Power of Sale Mortgage among other documents. There was a brief discussion on how to convey/sell the property back to Ford. The Town will be getting \$150.00 per month from Ford.

Motion was made by Davis to authorize the settlement agreement as provided to the Town by Bradley & Faulkner, P.C. and convey the property back to the previous owner (Grace Ford), second by Hutwelker. All were in favor. **Motion passed.**

Settlement Agreement for Brnger and Settlement Agreement for Frazier

A brief discussion occurred regarding an agreement from Arthur and Ellen F. Brnger to pay \$200.00 per month beginning on September 15, 2014 against money owed to the Town by the Brngers. Also

Christopher Frazier paid \$100.00 by check and is willing to agree to a monthly payment of \$100.00 against money owed to the Town by Frazier.

Motion was made by Davis to authorize the Town Administrator to sign the agreements and execute any necessary documents for a payment schedule of \$200.00 per month for Arthur and Ellen F. Brnger and \$100.00 per month for Christopher Frazier until such time as debt is paid in full. There was a second from Hutwelker and all were in favor. **Motion passed.**

Reassessment of Vision

The Board was informed that assessing contractor Vision Government Solutions, Inc. wishes to discuss with the Town staff or the Board trends that they are seeing in the assessment they have been doing for the Town. They are finished with the residential properties and finalizing numbers for commercial and industrial properties. Letters to property owners are to go out soon. Colby suggested that Hutwelker meet with Vision on Friday and include Assessing Coordinator Coleen Birmingham. The Board agreed.

Political Signs near Town facilities

O'Keefe informed the Board that he spoke with Recycling Center Manager Bob Osterhout about a political sign in the driveway for the Recycling Center. Colby said he would take a look at where it is. Hutwelker said that political signs can be placed on road right of way and have always been outside the gates of the Recycling Center and that would be acceptable.

CONSENT AGENDA

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

- Current Use rates for 2014 tax year.
- Release of Lien – 6 Aylward Avenue (Map 72, Lot 103).
- Deed of sale of Town property at 79 South Winchester Street (Map 72, Lot 63) to Denise M. Dragon and Jason E. Dragon (sold at July 29, 2014 tax deeded property auction).
- Deed of sale of Town property on Rabbit Hollow Road (Map 66, Lot 4) to James D. McWhirk (sold at July 29, 2014 tax deeded property auction).
- Event Permit #2014-26. Cheshire Fair – Apocalypse Run obstacle course on 9/6/2014 at the Cheshire Fairgrounds, 247 Monadnock Highway. Note: Police and Fire Department requirements – see permit form for details. Special duty pay authorized for Fire Department.
- Event Permit #2014-27. Monadnock Humane Society – Motorcycle Ride on 9/6/2014 at the Monadnock Humane Society, 101 West Swanzey Road. Note: Police and Fire Department requirements – see permit form for details.
- Open Container Permit #2014-05. Monadnock Humane Society – On 9/6/2014 at the Monadnock Humane Society, 101 West Swanzey Road.
- Raffle Permit #2014-23. Monadnock Humane Society – Brown bag raffle of various donated items on 9/6/2014 at the Monadnock Humane Society, 101 West Swanzey Road.
- Raffle Permit #2014-24. Mini's Too 4H Club – Pony plop 50-50 raffle on 9/6/2014 at 184 Old Richmond Road.

In addition to items discussed as part of the agenda, the Board received the following documents:

- Copy of 7/29/2014 letter from the NH Department of Safety, Office of Homeland Security and Emergency Management regarding FY 2015 allocation for Swanzey's Radiologic Emergency Response Plan.

- Cresson Covered Bridge fire suppression system construction schedule from contractor Hansen Bridge, dated 8/4/2014.
- Email from Pat Bauries of 8/11/2014 regarding closing of Cresson Covered Bridge.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Davis. Discussion was held about items to be scheduled next week. Hutwelker asked for the minutes to be sent to the Board prior to the weekend and at the same time as the minutes are sent to O'Keefe. No further discussion. All were in favor.

Motion passed. Adjournment occurred at 9:07 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on August 19, 2014