

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – September 30, 2014  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

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 6:00 p.m. at the Swanzey Town Hall. Deborah J. Davis joined the meeting at 6:10 p.m. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

**OTHERS PRESENT**

Bruce Bohannon, Emergency Management Director, Lee Kimball of LMK Associates.

**MINUTES**

- Regular meeting minutes for September 16, 2014 were considered. **Motion** was made by Davis to accept the regular meeting minutes for September 16, 2014. There was a second by Hutwelker. No further discussion and all were in favor. **Motion passed.**
- Regular meeting minutes for September 23, 2014 were considered. **Motion** was made by Hutwelker to accept the regular meeting minutes for September 23, 2014. There was a second by Davis. No further discussion and all were in favor. **Motion passed.**

**FINANCIAL MATTERS**

Selectmen reviewed and approved accounts payable and payroll manifests.

**OLD BUSINESS**

**Adopt Local Emergency Operations Plan & Continuity of Operation Plan**

On June 10, 2014, the Board voted “to accept and expend grant funds of \$5,693 from the NH Department of Safety, Division of Homeland Security and Emergency Management for the purposes of updating the Town of Swanzey Local Emergency Operations Plan, execute the required grant agreement, and authorize the Town’s Emergency Management Director to execute the contract with LMK Associates”.

Since that time meetings have taken place with Board members, department heads and others involved in emergency management functions, and draft plans developed for review and approval by the Board.

Bohannon and Kimball discussed with the Board the Local Emergency Operations Plan and Continuity of Operation Plan. Kimball said that there was a lot of cooperation to support this effort from the Town and he is happy with the resulting document that is more workable and user friendly. Bohannon said it was good working with Kimball. He mentioned each Selectman will have an individual book to work with in an emergency event. Kimball thanked the Board for using LMK, Emergency Planning Associates. Bohannon noted that Kimball was voted Emergency Management Planner of the year by the State of New Hampshire for his role as an employee of the Town of Bow. Bohannon mentioned that he did obtain a one year extension for submitting the report to the State of New Hampshire but he fully intends to have the documents delivered to the State of New Hampshire much before September 30, 2014.

Davis **moved** to approve the Local Emergency Operations Plan and the Continuity of Operations Plan, and to authorize the Chair and the Emergency Management Director to execute the documents as necessary. There was a second by Hutwelker, and no further discussion. All were in favor. **Motion passed.**

Bohannon passed out the documents and the Chair signed as appropriate.

#### **General discussion of Emergency Management matters**

Emergency Management Director Bruce Bohannon updated the Board on Emergency Management matters, including the status of the Vermont Yankee nuclear power plant. Bohannon informed the Board there will be a table-top exercise in January 2015. On March 11, 2015 there will be a mandatory (Combined Functional Exercise) meeting. Federal Emergency Management Administration (FEMA) will be in Town on May 13, 2015.

Bohannon reported that the Mt. Caesar radio project is moving forward slowly. He said there was a discussion with Cheshire County with regard to backup power supply should regular power go out – and Bohannon reported that he suggested solar power for that purpose.

Trailer project – Bohannon reported that he is working on plans for a trailer to use for a staging area for deploying people in the event of an emergency when other buildings cannot be utilized. He is anticipating a cost of \$18,500 for a trailer, with a significant portion coming from Vermont Yankee, while the balance would be paid from the Emergency Management Facilities and Equipment Expendable Trust.

The Board thanked Kimball and Bohannon for their work on the project.

Bohannon and Kimball left at 6:33 p.m.

#### **Tax Deed Property Issues**

Bruce Tatro joined the meeting at 6:34 p.m. to discuss tax deed situation of property at 160 Goodell Avenue, and property title matters in general. Tatro informed the Board that Title Insurance companies will not write Title Insurance for any property that has a tax deed situation in its history and that prohibition won't go away until after ten years, by law. He referred to Statutes of New Hampshire Taxation Section specifically RSA 80:39 entitled "Incontestability".

Tatro said the original discussion had to do with the possibility of changing the law. Tatro noted that the easiest solution for the Town with property under tax deed is to sell to someone with cash who does not need a mortgage. There was a discussion about how other states handle similar situations and the fact that seeking Town Counsel review prior to sale didn't preclude the issue arising. Discussion occurred about it being unreasonable for the Town to be treated in any way other than the way an individual property owner is treated. It was agreed that more research is needed and Tatro said he would continue to work on the issue.

#### **State and Local Politics**

Tatro conducted a discussion with the Board on politics in the Town and in the State of New Hampshire. Tatro left the meeting at 7:30 p.m.

### **Goodell property refund to highest bidder**

There was a brief discussion about refunding the \$1,000 deposit made by the highest bidder for the Goodell Avenue property and why the refund had not yet been made.

### **Discuss municipal facilities study**

This matter was last discussed at the September 16, 2014 meeting with the Capital Improvements Program (CIP) Committee, at which time the priorities of the CIP Committee were presented to the Board and the Board expressed a desire for more information on potential costs before bringing the project to a public hearing. Since that time the project architect has presented a draft of the executive summary of the study as well as revised estimates of cost for the various alternatives.

Notes on what numbers have changed from their original estimates are as follows:

#### **Fire Department**

- Changed architectural fees to 10% of building cost
- Changed total cost to reflect change in fees cost

#### **West Swanzey Mill Complex**

- Changed demolition cost
- Change total cost to reflect change in demolition cost

#### **Police Station**

- Changed building sf cost from \$125 to \$145
- Changed architectural fees to 10% of building cost
- Changed total cost to reflect changes in costs

#### **Town Hall**

- Change building sf cost from \$125 to \$145
- Changed architectural fees to 10% of building cost
- Changed total cost to reflect changes in costs

#### **Recycling Center**

- Changed architectural fees to 10% of building and tipping wall costs
- Changed total cost to reflect changes in fees cost

#### **Public Works**

- Changed sand dispenser budget from \$100k to \$145k
- Changed architectural fees to reflect change in cost
- Changed total cost to reflect changes in cost

The changes resulted in the total overall cost estimate changing from \$13,331,165 to \$13,866,963.

The Board was asked by O'Keefe to consider what steps it wishes to take regarding public input and project implementation. Davis expressed a concern about the water supply for the former woolen mill and the potential costs associated with it. Then the Board agreed to postpone discussion on this subject until next week. Decision was made to invite Dave Bergeron, John Burke, Daniel Scully, and Steve Bittel to the meeting.

### **List of properties subject to tax deed**

The Board reviewed a previous version of this list back in June and it was explained that letters to owners of land subject to tax deed received letters back in February 10, 2014 that the Town would be preceding with acquisitions of these properties unless payment was made on April 30, 2014. On June

24, 2014 the Board decided to give the property owners one more chance and on July 1, 2014 sent letters to those subject to tax deed to pay the amount due by July 15, 2014. Three property owners did in fact pay the deeding amount, but since that time two property owners previously on payment plans have gone delinquent on them.

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

LOCATION	MAP/LOT
112 Pine Street	57/114
68 Diana Drive	87/2-5068
556 Swanzey Lake Road	61/2-11
12 North Pine Street	18/234
28 Pondview Road	73/22-0508
8 Old Lake Road	18/142
Forbush Lane	3/1-3
403 Massey Hill Road	3/35-4

Discussion was held regarding the benefit to the Town of obtaining the deeds to the above properties given the information from Tatro regarding RSA 80:39. Discussion occurred about the Pine Street property. Colby recommended that the Board proceed to complete a tax deed on the Pine Street property. The Board agreed. O'Keefe suggested that Code Enforcement Officer take a look at the other properties and bring back a report to the Board at the following meeting. The Board agreed.

**Motion** was made to proceed on tax deed on 112 Pine Street by Hutwelker, second by Davis. No further discussion and all were in favor. **Motion passed.**

Hutwelker said that he is reluctant to go to tax deed with any of the other properties until the issues around RSA 80:39 have been sorted out.

**Safford Drive Extension Update**

Colby reported that he understands that Phase 2 is going to be paved sometime this week. The contractor cannot construct the slip lanes until the utility poles are re-set and re-connected on NH Route 12. Concern was expressed regarding Park Construction being delayed waiting for Fairpoint to finish their portion of the work on the poles.

**Fairgrounds Access for Motorcycle Swap Meet**

Davis and Colby noted there were no major traffic problems with this event despite the construction work being done on the Safford Drive Extension

**Non-public session(s) per RSA 91-A:3II(a), Personnel Matter(s) #1**

**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 7:59 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Shane O'Keefe and Recording Secretary Beverly 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 8:03 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.**

## **NEW BUSINESS**

### **Request to replace bridge on California Brook Road**

The Town received a request from Cersosimo Lumber Co., Inc. forester John Caveney to replace a wooden bridge on the Class 6 portion of California Brook Road to allow for a logging operation on property owned by the company. The bridge was last re-planked in 1997 by the Department of Public Works after the Board designated this portion of the road as emergency lane on July 30, 2014. O'Keefe noted that he had referred the matter to Public Works Director Lee Dunham and he had no issues with the request.

Hutwelker **moved** to authorize Cersosimo Lumber Company, Inc. to replace a bridge on California Brook Road to specifications approved by, and completed to the satisfaction of, the Town's Director of Public Works. The motion was seconded by Davis and there was no further discussion. **Motion passed.**

### **Request for proration and abatement of taxes due to fire – 365 Sawyers Crossing RD (Map 51, Lot 14)**

The Board was asked to consider a request from Mr. Kenneth Blair for proration and abatement of taxes for the subject property due to it being destroyed by fire on April 11, 2014.

As Mr. Blair was hospitalized for more than 60 days after the fire he was unable to apply for an abatement in a timely fashion, but the Board has the ability to waive this requirement per RSA 76:21 , VI. Discussion occurred.

Due its destruction by fire on April 11, 2014, Hutwelker **moved** to prorate and abate the assessment for the property at 365 Sawyers Crossing Road (Map 51, Lot 14) by \$64,500. There was a second by Colby, and no further discussion. Colby and Hutwelker were in favor. Davis was not present to vote. **Motion passed.**

### **Monadnock Buying Collaborative Regional Photovoltaic Project**

The Board was asked by O'Keefe to authorize a letter of support for an application for renewable energy project funding to the NH Public Utilities Commission submitted by the Town of Peterborough on behalf of the Monadnock Buying Collaborative (of which Swanzey is a member) for a regional photovoltaic electricity generation facility. The Collaborative includes the Towns of Frankestown, Hancock, Dublin, Temple, Swanzey, Rindge, Jaffrey, Peterborough, the ConVal School District, SAU 47 and the Monadnock Economic Development Corp.

O'Keefe explained that the project calls for the installation of a privately owned and operated 1 megawatt solar array to be shared by the Monadnock Buying Collaborative. The financing is to be similar to the Town of Peterborough's recent project; a grant from the NHPUC and multiple power purchase agreements. The Collaborative would agree to buy the solar electricity and Borrego or another vendor

agrees to produce solar electricity. There are several sites under consideration, and they will be evaluated and ranked on cost to interconnect and associated site work costs. Virtual net metering allows the solar site to be separate from all users, this also allows for us to avoid the distribution and transmission charges. The rate per kilowatt is intended to be similar to what is paid today. There is to be no capital dollars, no overall increase to the Town's power costs, and no O&M. Broker Standard Power will be negotiating the cost per kilowatt to bring back to the collaboration for consideration as they have for the past 2 years.

There was further discussion regarding the project. O'Keefe confirmed there is no obligation to the Town to continue in the project should it be determined that it is not in the Town's best interest to do so. The following motion is simply an action of support, not a commitment.

Hutwelker **moved** to authorize the Town Administrator to execute a letter of support on behalf of the Town for the funding application for the Monadnock Buying Collaborative Regional Photovoltaic Project. There was a second by Colby, and no further discussion. All were in favor and ***motion passed.***

### **NEW BUSINESS**

#### **Non-public session(s) per RSA 91-A:3II(a), Personnel Matter(s) #2**

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matter(s) . The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:03 p.m. ***Motion passed.*** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, 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 8:05 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.***

### **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.***

- Establishment of Assessed Values for low income housing properties per RSA 75:1-a.
- Establishment of Assessed Values for utility properties.
- Notice of Intent to Cut Wood or Timber. Pierre Cabrila, Map 9, Lot(s) 13.
- Notice of Intent to Cut Wood or Timber. Todd & Stephanie Hunter, Map 87, Lot(s) 7.
- Notice of Intent to Cut Wood or Timber. Cersosimo lumber Co., Inc., Map 79, Lot(s) 3.
- Notice of Intent to Cut Wood or Timber. Cersosimo lumber Co., Inc., Map 79, Lot(s) 4.
- Notice of Intent to Cut Wood or Timber. Cersosimo lumber Co., Inc., Map 81, Lot(s) 9.
- Timber tax abatement 2014-30 for Theresa DiLuzio and Nancy Carlson for \$57.52 for logging on property at Map 87/Lot 5 and 5-2
- Personnel Action Report.

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

- Budget memo to Department Heads and other agencies receiving funds, dated 9/26/2014, with budget schedule.
- Memo dated 9/24/2014 from the Southwest Region Planning Commission with Order Form for the 2015 Planning and Land Use Regulation Manual.

**ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Davis. No further discussion. All were in favor.

**Motion passed.** Adjournment occurred at 8:13 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on October 7, 2014.