

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – March 3, 2015  
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. (6:12 p.m.) The meeting was called to order by Vice Chair Deborah J. Davis at 6:07 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe.

**OTHERS PRESENT**

Cheshire County Conservation District Manager Amanda Littleton, resident Wally Smith, Public Works Director Lee Dunham (6:12 p.m.), Cheshire Figure Skating Club representative Chrissi McMahon (6:12 p.m.), and Cheshire Fairgrounds General Manager Jori Johnson (6:14 p.m.).

**MINUTES**

- The regular meeting Minutes of February 24, 2015 were considered. There was a **motion** by Hutwelker to accept the regular meeting minutes of February 24, 2015. The motion was seconded by Davis with no further discussion. All were in favor. **Motion passed.**
- The Non-Public meeting Minutes #1, #2 & #3 of February 24, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #1, #2 & #3 of February 24, 2015. The motion was seconded by Davis with no further discussion. All were in favor. **Motion passed.**

**Unseal Non-Public Minutes**

There was a **motion** by Davis to unseal the minutes of a number of non-public sessions that took place in the first quarter of 2014 as follows:

- January 14, 2014, #1
- January 21, 2014, #1, #2
- January 28, 2014, #1
- March 4, 2014 #1
- March 11, 2014, #1, #2
- March 18, 2014, #2

The motion was seconded by Hutwelker, and all were in favor. **Motion passed.**

**FINANCIAL MATTERS**

The Board of Selectmen reviewed and approved accounts payable and payroll manifests.

**NEW BUSINESS**

**Payment arrangement – Thomas Amarosa, 64 Diana Drive (Map 87, Lot(s) 2-5064)**

The reviewed a request for a payment plan of \$100 per month for this property owner for delinquent taxes, interest and/or sewer fees. It was noted that the tax deed amount is approximately \$604, while annual taxes are about \$326.

A **motion** was made by Hutwelker to authorize the Town Administrator to enter into a payment arrangement with the property owner of 64 Diana Drive requiring no less than \$100 per month be paid to the Town beginning March 27, 2015, and continuing until such time as all taxes due are paid in full, second by Davis. No further discussion. All were in favor. **Motion passed.**

Board member Colby, Dunham and McMahon joined the meeting at 6:12 p.m.

### **Special Event Permit/Raffle Permit**

Chrissi McMahon requested that the Board authorize a Special Event Permit and a Raffle Permit for the Cheshire Figure Skating Club's Figure Skating Show scheduled for March 14, 2015 at the Cheshire Fairgrounds. She noted that she had not submitted the application timely but was able to meet with the Police Chief and Fire Chief earlier in the day for review of her proposed event. It is the same event that has taken place for years. The proposed raffle was for gift baskets and gift certificates on the day of the event.

Johnson joined the meeting at 6:14 p.m.

McMahon stated that there would be no vendors, and no parking or traffic issues anticipated based on previous years' experience.

**Motion** by Davis to approve and execute Event Permit #2015-04 and Raffle Permit #2015-03 related to the March 4, 2015 Figure Skating show at the Cheshire Fairgrounds, second by Hutwelker. No further discussion. All were in favor. **Motion passed.**

The Board signed the permit documents. McMahon left the meeting at 6:19 p.m.

### **OLD BUSINESS**

#### **Aquatic Resource Mitigation Program Grant – Falls Brook Restoration**

Amanda Littleton the District Manager of the Cheshire County Conservation District met with the Board, along with Public Works Director Lee Dunham, the grant application for replacement of the old 72-inch culvert at the Hale Hill Road crossing of Falls Brook. She distributed a copy of the grant application.

It was noted that this project was first discussed on June 10, 2014 and then again on August 12, 2014, and the Board voted "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".

Littleton noted that this project is the second highest priority in the Ashuelot River watershed, as it opens up access to 10 miles of habitat. She stated that there are in fact two separate grants, one for \$115,000 and the other for \$16,000, and that an additional \$10,000 to \$20,000 still must be raised. Both grants would require Governor and Council approval, she added. The total project cost, including in-kind work, is estimated at this time to be \$175,280, but this figure will change upon further engineering in April or May.

Dunham stated that replacement of the culvert with a like culvert would not be allowed, and that either a bridge or open-bottom arch culvert would be required. He added that the bridge would be closed and a detour developed in order to save construction costs.

Littleton stated that the Conservation District, as a not-for-profit, would have a cash flow problem paying for the project and waiting for reimbursement, and asked the Board if the Town would be willing to pay the bills and await payment from the District once it is reimbursed by the State of New

Hampshire, Department of Environmental Services. She said that it is estimated that at the most \$100,000 would have to be advanced for the project, but this would more likely be in the area of \$700,000, and reimbursement would take approximately in 4 to 6 weeks.

Colby stated that the Town would need a letter of commitment from the State prior to the Town agreeing to a commitment. It was agreed that Littleton would come back to meet with the Board once the Governor and Counsel have approved the grants, and that an agreement between the Town and the Cheshire County Conservation District would be discussed at that time.

Dunham and Littleton left the meeting at 6:46 p.m.

**Events permitting for the Cheshire Fair.** Cheshire Fair General Manager Jori Johnson met with the Board to discuss whether specific events scheduled for the facility will require permits under the Towns' Special Events Policy. A list of such events was distributed to the Board by Johnson.

It was noted that the Special Events Policy, which was last revised on November 25, 2014, defines a "Special Event" as "a meeting, show, competition, event or other function as defined under RSA 286:1, 286:2 or 105:9, whether held indoors or outdoors, that is held on public or private property or streets that can reasonably be expected to cause a public gathering that is not part of the normal course of business at the location. No licensed special event shall be permitted to take place on a property more than two times in any one calendar year, though such special event may be licensed for multiple days. Special Events shall not include: 1) private family events such as weddings, funerals, graduation parties, etc., on property owned by the family; 2) periodic fundraising events for religious or other charitable organizations that are located in Swanzey when the entirety of the event takes place at the facility of that organization; or 3) the annual week-long Cheshire Fair held at the Cheshire Fairgrounds. To qualify as a Special Event, the event must not be permissible or permitable by any other committee, commission, board or officer of the Town of Swanzey under applicable Town ordinances, policies or by-laws".

Colby stated that he felt that there was some circumvention of the process due to meeting with the Planning Board, and that Johnson should have come to the Selectboard first. Hutwelker and Davis said that they were amenable to Johnson's requests for authorization of agricultural events as this is what they generally do.

**Motion** by Davis that the following agricultural events, listed below, do not require events permits or licenses at this time, second by Hutwelker. No further discussion. All were in favor.  
**Motion passed.**

4H Beef Field Day	Karen Brooks Benefit Horse Show
4H Sheep Field Day	Quarter Horse Show
Hunter Jumper Horse Show	4H Horse Field Days
CFA Horse Show Series	Draft Horse Round Up
NH Equestrians High School Horse Shows	New England Paint Horse Show

Johnson noted that the Cheshire arena would be closing the use of its ice on March 16. There was discussion about alternate uses of the building

### **Safford Drive Extension Project**

O'Keefe gave an update on the Safford Drive extension project, noting that Time-Warner Cable was finishing its utility transfer work that day, and that the project was on schedule for spring completion.

Johnson left the meeting at 7:08 p.m.

### **Airport Master Plan Update Project Advisory Committee**

Following up on the discussion at the previous meeting, Colby reported that Town Sam Bradley has opined that appointing two members of the Board of Selectmen to this Committee as Swanzey citizens and not as Board members would not run afoul of the meeting provisions of RSA 91:A. he said that such individuals would have to recuse themselves from any matters involving the Town of Swanzey.

**Motion** by Hutwelker to appoint Ken Colby, as a Swanzey citizen, to the City of Keene Airport Master Plan Update Project Advisory Committee as a Swanzey representative, second by Davis. No further discussion. All were in favor. **Motion passed.**

**Motion** by Davis to appoint Bill Hutwelker, as a Swanzey citizen, to the City of Keene Airport Master Plan Update Project Advisory Committee as a Swanzey representative, second by Colby. No further discussion. All were in favor. **Motion passed.**

O'Keefe was asked to convey these nominations to the City of Keene.

### **NEW BUSINESS**

#### **Delinquent tax payment agreements**

O'Keefe shared with the Board a list of those with tax payment arrangements, including those current and those not current in their agreed-upon payments. He recommend that letters be sent to each of those who are delinquent indicating that they would have to catch up on their payments or be subject to tax deeding. Hutwelker suggested inviting them to meet with the Board. It was agreed by the Board that O'Keefe should send a letter to each of them stating that they must become current with their payments by May 1, 2015, or meet with the Board to discuss their circumstances.

### **OTHER BUSINESS**

#### **Town Meeting preparations**

The Board briefly discussed preparations for the upcoming Town Meeting. O'Keefe was asked to study and inform the Board and Town Clerk Donna Munson whether Colby and Munson, both up for election, can work at the polls.

It was also agreed that O'Keefe would draft for the Board a letter to the editor regarding support for the bond vote to be submitted to the Keene Sentinel.

O'Keefe noted that there had been some issues with the printing of the Voter Guide, but that it would be in people's mailboxes the following day.

Regarding the Request for Nominations for annually appointed positions provided to the Board for review, O'Keefe raised the idea of staggering termination dates for appointments of different boards and commissions so that they don't all come due at the same time, which is at Town Meeting. He noted that the Economic Development Advisory Committee has terms that expire in September each

year. It was decided to discuss at another time, likely next year. O'Keefe stated that he would contact all of those whose term is up and send them applications for appointment.

O'Keefe noted that he would not be in attendance at the March 17, 2015 Board meeting but would make all meeting arrangements as usual.

#### **CONSENT AGENDA**

**Motion** was made by Davis, second by Hutwelker, and there was no further discussion. All were in favor. **Motion passed.**

- Notice of Intent to Cut Wood or Timber. Yale University, Map 51, Lot(s) 7.

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

- Operating Fund Expenditure report for January 2015.
- Copy of Monthly Treasurer's Report for January 2015.
- Application for Abatement of 2014 taxes submitted by Eversource Energy, dated 2/23/2015.
- Copy of 2/25/2015 letter to Town Moderator Bruce Tatro from Janice Sevene regarding submittal of petition.
- Construction bid plans for the NH Route 12/Lake Street/ Swanzey Factory Road roundabout project, dated 2/27/2015.
- Copy of posted Request for Nominations for annually appointed positions

Smith left the meeting at 7:26 p.m.

#### **Non-public session(s) per RSA 91-A:3II(c) Reputation**

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation. The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:27 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, and Town Administrator Shane O'Keefe.

**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 7:46 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(b) Hiring of Public Employee(s)**

**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:47 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, and Town Administrator Shane O'Keefe.

**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 7:59 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.***

**ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Davis. No further discussion. All were in favor. ***Motion passed.*** Adjournment occurred at 8:00 p.m.

Respectfully Submitted,

Shane O'Keefe, Town Administrator

Approved on March 17, 2015.