

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – March 24, 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. The meeting was called to order by Chair Deborah J. Davis at 6:00 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

**OTHERS PRESENT**

Human Services and Resources Coordinator Edna Coates, Planning and Community Development Director Sara Carbonneau, Southwest Region Planning Commission (SWRPC) Senior Planner Tara Germond, Resident Arnie Filipi, Public Works Director Lee Dunham, Resident Gus Lerandeanu, Assessing Coordinator Coleen Birmingham, State Representative Jim McConnell. Resident Rebecca Hays was also present.

**CITIZEN CONCERNS**

Resident Hays asked the Board about the land on Safford Drive that was to be donated if a new fire station had been approved by the voters, and whether or not the land might still be available. She also asked the Board to consider hiring an expert to test the soil for its ability to support the weight of a building, if the land is available. Hays left at 6:05 p.m.

**MINUTES**

- The regular meeting Minutes of March 9, 2015 were considered. There was a **motion** by Colby to accept the regular meeting minutes of March 9, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The regular meeting Minutes of March 17, 2015 were considered. There was a **motion** by Colby to accept the regular meeting minutes of March 17, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes of March 2, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes of March 2, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes of March 9, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes of March 9, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1 of March 17, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes#1 of March 17, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #2 of March 17, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes#2 of March 17, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #3 of March 17, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes#3 of March 17, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #4 of March 17, 2015 were considered. There was a **motion** by

Hutwelker to accept the Non-Public meeting Minutes #4 of March 17, 2015. The motion was seconded by Colby with no further discussion. All were in favor. **Motion passed.**

### **Unseal Non-Public Minutes**

The Board acted to unseal the following 5 non-public sessions that took place during the period June 2014 through August 2014:

June, 3, 2014 #1; June 24, 2014 #1, July 15, 2014, #2, August 19, 2014, #2 and #3

**Motion** was made by Hutwelker to unseal the nonpublic minutes of June 3, 2014 #1, June 24, 2014 #1, July 15, 2014 #2, and August 19, 2014, #2 and #3. There was a second by Colby and no further discussion. All were in favor. **Motion passed.**

### **FINANCIAL MATTERS**

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

### **NEW BUSINESS**

#### **Partnership to Improve Community Health Initiative – Southwest Region Planning Commission (SWRPC) – Complete Streets**

The Board met with SWRPC Senior Planner Tara Germond and Director of Planning and Community Development Sara Carbonneau to ask the Board to consider working with the Southwest Regional Planning Commission on an initiative called “Partnership to Improve Community Health”. Involvement in the program would bring with it technical services at no cost to the Town to explore a “Complete Streets” policy for the Town. She spoke about roadway development and the commitment of the Town to safety issues on roadways. Another part of the project is a Safe Routes to School action plans to promote walking and biking. Also SWRPC is sponsoring a program to provide free bicycle racks. Germond asked for a few members of the community to be involved in planning. She said Complete Streets has funding for a demonstration event to enhance the safety aspects of the street. She also mentioned they will be sponsoring a workshop to start thinking about policy development. They are looking forward to including Swanzey in planning. She said there is no contract; she asked for the Board’s willingness to participate in planning.

O’Keefe asked for more specifics as to the use of the policy that will be developed. Germond said that it depends on the needs of the towns that are involved in the development of the policy. Hutwelker asked what might be the next steps for Swanzey. Germond said that SWRPC could participate in outreach events planned for Swanzey. The goal is to get a letter of support. Davis and Colby mentioned the Sidewalk Committee perhaps being part of this project. Carbonneau said she is supportive of the project and is ready and willing to help. She also mentioned that the Planning Board gave their endorsement.

The Board agreed to endorse the Partnership to Improve Community Health/Complete Streets Initiative by SWRPC.

Germond left the meeting at 6:21 p.m.

### **Review of NHDOT 10-Year Plan – SWRPC**

The Board was asked by the SWRPC to review and comment on the NH Department of Transportation 2017-2026 ten year plan. Carbonneau spoke briefly about the plan and mentioned the bridge project on NH Route 32. She said this is the only project in Swanzey right now on the ten year plan. Carbonneau suggested that O’Keefe send an email informing SWRPC that there are no additions or changes to the plan. Carbonneau left the meeting at 6:24 p.m.

### **Request for abatement of Land Use Change Tax assessment – Arnie Filipi, Map 31, Lot(s) 26 & 27**

Resident Arnie Filipi met with the Board to discuss his appeal to the New Hampshire Board of Tax and Land Appeals (BTLA) of the Board’s August 5, 2014 decision to deny his requested Land Use Change Tax abatement. The BTLA hearing is scheduled for March 25, 2015. Assessing Coordinator Coleen Birmingham was also present to provide a list of comparable properties to the properties in question and answer questions the Board might have. A discussion occurred regarding the valuation of the land. Filipi said that one of his lots was not buildable at the time of his purchase and he believes that the valuation was too high for the lots. Hutwelker said the Town relied for its decision on the advice of legal counsel, based on subdivision of the land and having the land being removed from Current Use status. Two lots were valued at \$53,950 each. The Land Use Change Tax bill for the land was \$10,700. Colby asked what Filipi might propose as an alternative tax. Filipi said that the market value can be different from the assessed value. Filipi said that he bought lots for \$40,000 each on Whitcomb Road. Colby asked Filipi again what his proposal might be. Filipi said he was willing to pay \$6,000. Colby said he realized that it is recommended to try to work things out before heading to the BTLA. Hutwelker referred to the letter from Town Attorney Kenyon who addressed the issues in his letter and recommended standing firm on the valuation and tax. Hutwelker also noted that with a boundary line adjustment, Filipi had two buildable lots. Colby said that compromise should be considered, but given counsel’s opinion, he did not see any way to compromise. Filipi’s offer of \$6,000 was determined by the Board as not sufficient against a \$10,700 tax bill. Birmingham and Filipi left the meeting at 6:47 p.m.

### **Legislative Matters**

A brief discussion occurred with Representative McConnell regarding legislative matters. McConnell spoke about the Cheshire County nursing home project currently being considered. McConnell said he would like to see better cost numbers for repairing the existing Maplewood Nursing Home. He also said he would like to better understand the number of beds needed. He also spoke to his skepticism about the “pod” concept that is being considered. McConnell spoke about the budget, and noted there will be a 1.3% raise in taxes, despite cuts to a number of agencies. He noted a reduction in nursing home funding. Finances are not good at the State level, he said. Colby spoke about the Legislature’s proposal to cut the NHDOT budget and how it would impact on the Town of Swanzey having to take up the slack for maintenance of NH Routes 12 and 32. Colby said NH Route 32, Flat Roof Mill Road, and Swanzey Factory Road are maintained by the State of New Hampshire – some 12 miles are maintained by the State said Lerandeau. Discussion occurred about gas tax money funding NHDOT. McConnell expressed some confusion about Interstate 93 funds versus NHDOT funds coming from last year’s gas tax increase. Lerandeau said the I-93 money is separate from the NHDOT funding. On the table at the State Legislature is an eight cent increase in the gas tax which would go to NHDOT.

Hutwelker asked about the Zoning Board changes being considered and where the bill stands. McConnell was unaware of the status. Hutwelker said that the Zoning Board would appreciate a “no”

vote such that the law remains requiring three votes for decisions, rather than change it to two votes in cases where there are only three Board members present.

### **OLD BUSINESS**

#### **Authorize solicitation process for tree cutting on Ash Hill Road**

This matter was last discussed on February 17, 2015 when Public Works Director Lee Dunham briefed the Board on the proposed schedule and legal requirements for making improvements to the right-of-way for Ash Hill Road that consist of removal of some trees and possibly rock and ledge. It is proposed that work will begin in early May and be completed by June. Dunham joined the meeting at 7:01 p.m. and met with the Board to review the Request for Proposals (RFP) he prepared for the required work and asked for approval of the bid specifications by the Board. There was a discussion about the format of the RFP. O'Keefe noted that the Town's purchasing policy requires the Board to approve the specifications in the RFP. Colby said he thought the RFP was fairly comprehensive.

Colby **moved** to accept the bid specifications for the Ash Hill Road Tree Removal project. There was a second to motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

#### **Review of New Hampshire Department of Transportation (NHDOT) 2015 Resurfacing Program & Acceptance of crosswalk maintenance on State Highway – Sawyers Crossing Road**

The Board was asked to review the NHDOT 2015 road resurfacing program, which includes several projects scheduled to take place in Swanzey. Public Works Director Lee Dunham met with the Board to discuss Sawyer's Crossing Road. He noted there is a crosswalk in a school zone. Related to the NHDOT resurfacing program is a request from NHDOT for the Town to accept maintenance responsibilities for the midblock crosswalk at Sawyers Crossing Road just off of NH Route 32.

There was a document that needed to be signed for acceptance of the crosswalk maintenance.

**Motion** was made by Hutwelker to authorize Public Works Director Dunham to sign the agreement with the NHDOT to accept crosswalk maintenance on State Highway/Sawyers Crossing Road, second by Colby, and no further discussion. All were in favor. **Motion passed.**

#### **Road Conditions**

There was a brief discussion about the conditions of the roads considering the harsh winter. Discussion also included bidding on the NH Route 12/Lake Street roundabout project, and O'Keefe was asked to contact the NHDOT project representative about the project status.

Lerandeau, Dunham and McConnell left the meeting at 7:18 p.m.

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

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) Personnel Matter(s). The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 7:19 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Human Services and Resources

Coordinator Edna Coates, 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 7:23 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(b) Hiring of Public Employee(s)**

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 7:24 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Human Services and Resources Coordinator Edna Coates, 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 7:26 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(b) Hiring of Public Employee(s)**

**Motion** by Colby 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 7:27 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Human Services and Resources Coordinator Edna Coates, 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 7:31 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.**

### **Carpenter Home Administrator Open Position**

Discussion occurred regarding the possibility of eliminating the Registered Nurse (RN) requirement as part of the description of the Carpenter Home Administrator position. There was a discussion about the Administrator needing to be computer literate and the fact that employees need to maintain their licenses.

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

### **Non-public session(s) per RSA 91-A:3II(c), Reputation – Application(s) for Elderly and Disabled Tax Deferral**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation – Application(s) for Elderly and Disabled Tax Deferral. 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, 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 7:42 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.**

### **Disposition of tax deed properties**

The Town Administrator requested that the Board authorize the sealed bid sale of the following two properties acquired by the Town via tax deed in 2013:

- 147 Pine Street (Map 57, Lot 119) – minimum bid of \$20,000
- 160 Goodell Avenue (Map 25, Lot 13-5) – minimum bid of \$60,000

He provided a draft of the Notice of Sale, which proposes a sale date of April 21, 2015, and includes a specific notice of likely unavailability of title insurance. The Board agreed to authorize advertising the Notice of Sale for the two properties.

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

The Board was asked to accept funds as follows, totaling \$50.00, as donations to the Carpenter Home:

- \$50.00 From Boy Scout Troop 311

Colby **moved** to accept the \$50.00 in funds as donations to the Carpenter Home from Boy Scout Troop 311. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

### **Town Administrator Recruitment**

Colby spoke about a letter received from Barry Brenner, a consultant who can assist the Town with hiring of a new Town Administrator. Discussion was held regarding interviewing a number of candidates for the consulting position, including Primex. It was agreed to try to have Brenner attend the April 7

meeting and a representative of Primex attend the April 14 meeting. O'Keefe provided Colby with contact information for Primex and Colby agreed to make contact with the consultants.

### **Department Head Evaluations**

Davis asked O'Keefe to arrange for public notice of a Board meeting to take place at the Police Station on March 30th at 9:30 a.m. for the purpose of completing annual evaluations of department heads.

### **CONSENT AGENDA**

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

- Event Permit #2015-05. Monadnock Humane Society/Monadnock Boy Scout Association – Camporee/Trail Clearing Project on May 8, 2015 - May 10, 2015 at 101 West Swanzey Road. Note: Fire Department requirements & and fee waiver request– see permit form for details.
- Abatement #2015-03. Map 41, Lot 29. (Subject to approval of tax deferral)
- Notice of Intent to Excavate. Cold River Materials, Map 24, Lot 2-2
- Notice of Intent to Excavate. Cold River Materials, Map 32, Lot 7
- Notice of Intent to Excavate. South Branch Group, Map 4, Lot 6
- Notice of Intent to Excavate. Cold River Materials, Map 4, Lot 7
- Notice of Intent to Excavate. Cold River Materials, Map 4, Lot 8
- Notice of Intent to Excavate. Cold River Materials, Map 3, Lot 15
- Gravel Tax Levy – \$868.82
- Personnel Action Reports
- Other documents as necessary

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

- Copy of Budget Expenditure Report for February 2015
- Copy of Town Treasurer's Report for February 2015

### **ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 7:53 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on March 31, 2015

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #2 – March 24, 2015

**Non-public session(s) per RSA 91-A:3II(b) Hiring of Public Employee(s)**

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 7:24 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Human Services and Resources Coordinator Edna Coates, Town Administrator Shane O'Keefe and Recording Secretary Beverly Bernard.

The Board discussed with Coates two Licensed Nursing Assistant (LNA) candidates being considered for hiring on a part-time basis and as recommended by Interim Carpenter Home Administrator Judy Bohannon.

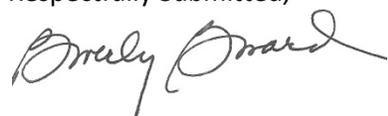
**Motion** was made by Hutwelker to make a conditional offer of probationary employment to Torrie Crowder with the Town of Swanzey as an LNA at a pay rate of \$12.35 per hour for 10-29 hours per week subject to satisfactory criminal and motor vehicle record checks, passing the required TB Test and Physical, and maintaining the LNA certification, and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents for the Board, including the Personnel Action Report (PAR) for hiring. Second by Colby, and all were in favor. **Motion passed.**

**Motion** was made by Hutwelker to make a conditional offer of probationary employment to Cassie Brown with the Town of Swanzey as an LNA at a pay rate of \$12.35 per hour for 10-29 hours per week subject to satisfactory criminal and motor vehicle record checks, passing the required TB Test and Physical, and maintaining the LNA certification, and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents for the Board, including the Personnel Action Report (PAR) for hiring. Second by Colby, and all were in favor. **Motion passed.**

**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 7:26 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 March 31, 2015

**These Minutes unsealed by the Board of Selectmen on May 5, 2015.**