

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – May 5, 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

Proposed members of the Municipal Facilities Review Committee Don Skiba, Charlie Scheaff, Glenn Page, Wally Smith, and Director of Planning and Community Development Sara Carbonneau. Also present was Jori Johnson and Laurie Burt representing the Cheshire Fair Association and Residents Judy Gallauresi and Rebecca Hays.

CITIZEN CONCERNS

Judy Gallauresi raised an issue. She pointed out that an event at the Cheshire Fairgrounds is already being promoted and offering tickets for sale. She wanted to know why this would be posted prior to a public hearing scheduled for next week. She said she felt that it was inappropriate to be selling tickets to an event that has not been given approval based on the required public hearing. The Board noted her concern.

MINUTES

- The regular meeting Minutes of April 28, 2015 were considered. There was a **motion** by Colby to accept the regular meeting Minutes of April 28, 2015. The motion was seconded by Hutwelker and there was no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1 of April 28, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #1 of April 28, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***

CONSIDERATION OF MEETING MINUTES

Unseal non-public minutes. Continuing the Board’s effort to review the sealed minutes of non-public sessions and consider whether to unseal them, O’Keefe proposed that the Board act on the following 5 non-public sessions that took place during March 2015:

- March 3, 2015, #2 – Colby requested that this document remain sealed
- March 17, 2015, #2 & #3 – Colby requested that the #2 document remain sealed
- March 24, 2015, #2
- March 30, 2015, #1

Motion to unseal the non-public minutes of March 17, 2015 #3, March 24, 2015 #2, and March 30, 2015 #1 was made by Colby. There was a second to the motion by Hutwelker, and all were in favor. ***Motion passed.***

FINANCIAL MATTERS

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

OLD BUSINESS

Municipal Facilities Review Committee

At the previous meeting Selectman Hutwelker provided a proposal for the establishment of a Municipal Facilities Review Committee for the purpose of reviewing and synthesizing the 2014 Municipal Facilities Report, and suggested several individuals for membership of the Committee. The Board met with the proposed members: Don Skiba, Charlie Scheaff, Wally Smith, Glenn Page, and Sara Carbonneau. Proposed member Keith Thibault was unable to attend but O'Keefe reported that he expressed his interest in participating. Proposed member Steve Bittel was also unable to attend the meeting.

Hutwelker spoke about the focus of the Committee and how he hoped that the work would be done similar to the work that was done for the Swanzey Water Study Committee. He said that he is looking for a timeline that would be shared with the public. He asked the proposed members of the committee to review the report and come back in a couple of months with their recommendations. Carbonneau would serve to funnel information to the public, he stated.

There was a question from Page in regard to the Board's decision not to take the Homestead Woolen Mill under tax deed for unpaid taxes until July 2015. Hutwelker said he would recuse himself from a discussion on this but noted that legal counsel has been consulted. Colby spoke about the Board having had some interest in the past about acquiring the property, but nothing ever came close to being agreed upon. O'Keefe noted that if the Town acquires the property via tax deed it is not considered a responsible party for cleanup of the site under federal law, as it would be if it were purchased.

Smith asked about whether part of the direction from the Board would include marketing the resulting ideas so that the public is well informed. Hutwelker said he agreed that would be appropriate. Davis noted that citizens of the town have multiple and various reasons as to why they believe the proposed Fire Station bond failed; the Committee could try to determine a primary focus for the failure of the bond.

There was a discussion about the committee meetings being open to the public. Skiba explained that some of the meetings have to be ad hoc based on the need at the time, for example meeting with NH Department of Environmental Services. Carbonneau noted that the Water Study Committee meetings were posted as open to the public. It was noted that although the meetings would be open to public attendance, they would not be open to comment by the public as in a public hearing.

Hutwelker said that he would like to have a report within two months. Skiba said that he would know better about timing for a report once the committee has first met. O'Keefe noted that Bittel recommended that the committee have access to architect Skully in case updates to costs are required.

Motion was made by Hutwelker to create a Municipal Facilities Review Committee consisting of Don Skiba as Chair, Keith Thibault as Vice-Chair, Steve Bittel, Charlie Scheaff, Wally Smith and Sara Carbonneau with the following direction from the Board: review the report submitted in 2014 by the Capital Improvement Program Committee and to further prioritize projects, assess each project based on Town needs, immediate and future (30 years plus), eliminate duplications in services/facilities across projects, and publish a timeline for projects: immediate, 1-5 years, 5-10 years, 10 years plus for improvements to Town facilities. There was a second by Colby and all were in favor. **Motion passed.**

Carbonneau, Skiba, Scheaff, and Page left the meeting at 6:15 p.m.

Payment arrangement – Richard Burke, 41 Winch Hill Road (Map 62, Lot(s) 14-2)

The Board was asked to consider a payment plan of \$500 per month for this property owner for delinquent taxes, interest and/or sewer fees. A previous agreement from April 2012 calling for payments of \$300/month were instead paid at \$250/month over the years and he received a notice of noncompliance on March 13, 2015. Since that time his mortgage company has paid the tax deed amount and he now wishes to restructure the agreement and pay \$500/month until such time as he is current. Total amount due at this time is \$7,940.

Colby **moved** to authorize the Town Administrator to enter into a payment arrangement with the property owner of 41 Winch Hill Road requiring no less than \$500.00 per month be paid to the Town beginning May 27, 2015, and continuing until such time as all taxes due are paid in full. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Delinquent tax payment agreements

On March 3, 2015, Town Administrator O’Keefe met with the Board and reviewed a list of those with tax payment arrangements, including those current and those not current in their agreed-upon payments. It was agreed by the Board to send a letter to each of those not current with their agreements stating that they must become current with their payments by May 1, 2015, or meet with the Board to discuss their circumstances. Letters were sent to the following, none of whom are current with their arrangements:

OWNER	LOCATION	MAP/LOT	STATUS
Cushing, Walter & Tammi	68 Diana Drive	87/2-5068	No Response
Landry, Betsy	12 North Pine Street	18/234	No Response
Luce, Anna	28 Pondview Road	73/22-0508	No Response
Simeneau, Chris & Robbin	403 Massey Hill Road	3/35-4	No Response
Colson, Richard	107 Lat Lane	87/2-5107	No Response
Rouleau, Michael	40 Cram Hill Road	61/2-5	No Response
Wallace, Cindy	121 Fox Run Road	30/131	No Response
Lefebvre, Gary & Vincenza	52 Mountainview Road	73/22-0576	Meet on 5/12
Millwood, Marshall	710 Old Homestead HWY	33/9	New arrangement
Livengood, Neil & Cindy	84 Joslin Road	18/1	Making payments

Newly delinquent is:

OWNER	LOCATION	MAP/LOT	STATUS
Joslyn, Nicholas	556 Swanzey Lake Road	6/2-11	

The Board reviewed the list and a discussion followed. O’Keefe noted that Lefebvre will be coming in next week to speak to the Board. The Board reiterated that those property owners who are current in a payment plan will not be considered for tax deed.

The Board then considered the Tax Deeding Property List for 2012 tax lien, which on October 7, 2014 the Board decided to issue deed waivers due to the oncoming winter and the fact that most of the properties were occupied.

OWNER	LOCATION	MAP/LOT
Cushing, Walter & Tammi	68 Diana Drive	87/2-5068
Landry, Betsy	12 North Pine Street	18/234

Luce, Anna	28 Pondview Road	73/22-0508
Monroe, Keith	8 Old Lake Street	18/142
Monroe, Keith	Forbush Lane	3/1-3
Simeneau, Chris & Robbin	403 Massey Hill Road	3/35-4

O’Keefe noted that an eviction process would be involved should the Town take property under tax deed where there are occupants. Colby said that some action needs to be taken. Hutwelker and Davis agreed. Hutwelker asked about the letter that would be sent out now. O’Keefe said the Town could take the properties immediately since all the requirements by law have been met including letters notifying property owners of possible action by the Town. Hutwelker asked to give them an additional 30 days (notice beyond the statute). Colby noted that all the statutes have been fulfilled already and there was no need to delay further. Hutwelker acquiesced and the Board all agreed to move ahead.

Motion was made by Hutwelker to issue the tax deeds on the following properties: 68 Diana Drive (Map 87, Lot 2-5068); 12 North Pine Street (Map 18, Lot 234); 28 Pondview Road (Map 73, Lot 22-0508), 8 Old Lake Street (Map 18, Lot 142); Forbush Lane (Map 3, Lot 1-3); and, 403 Massey Hill Road (Map 3, Lot 35-4) as appropriate to the statute for the properties in 2012 tax lien, second by Colby, and all were in favor. **Motion passed.**

Meet with representatives of the Cheshire Fair Association

In response to the Board’s April 21, 2015 decision to approve Event Permit # 2015-10, which allowed for the motorcycle swap on May 3, 2015 at the Cheshire Fairground, the Cheshire Fair Association representatives Jori Johnson and Laurie Burt met with the Board to discuss several matters.

The following points were emphasized by Johnson:

- Item 1 - Property owners right to information
- Item 2 - Town requirements on private property/Cheshire Fairgrounds
- Item 3 - Town’s right to amend emergency costs
- Item 4 - Town’s requirement of property owner being responsible to pay for town services

In reference to item #1, Johnson spoke to the problem of getting sufficient notice with regard to permit information. She said she did not see a copy of the occupancy permit which would have allowed her enough time to plan appropriately. Crowd safety management restriction came in four days before the event which is not sufficient time to provide for adequately.

Hutwelker said that when the Board looks at a permit application, the signatures for the Fire Chief and Police Chief are already there. Hutwelker said the Board assumed that Johnson was given information as to the conditions that were required. He noted that the Cheshire Fair Association clients could provide a copy of the event that is submitted to the Town, the copy going to Johnson. O’Keefe suggested that Johnson could be the applicant for all the Cheshire Fairgrounds permits. Colby said that the communication should be between the event applicant and the Cheshire Fair Association and it is not the business of the Town to be involved in that process.

Pertinent to Item #2 Town requirements on private property/Cheshire Fairgrounds, Johnson researched other Fair Managers and received input to compare to Swanzey requirements. She noted that most towns do not have an event permit process. She passed out a document showing the comparisons.

Item #3 – Burt spoke about additional costs that can be added to an event. She stressed that event applicants are concerned about having to pay for extra emergency staff. O’Keefe noted the wording in the Swanzey document is from the State statute – RSA 286:4-a.

Gallauresi said that when police officers are brought in from outside the town, they must be paid.

Item #4 – Johnson addressed this item by saying she would like to remove Cheshire Fair from financial responsibility. Colby spoke about the fact that the Town is not going to incur any expenses as a result of an event. Bonding was discussed and it was suggested that everyone be required to be bonded when there are Town expenses beyond the application fee, so as not to be arbitrary. The Board agreed that issuance of the Town’s permit would be subject to having a bond. Hutwelker asked whether the Board was amending the Town’s policy. In response it was noted that the Town’s special events policy already provides for a bond. Anything that incurs a fee may require a bond.

Johnson said she would work on improving the information flow from event applicants.

Johnson and Burt left the meeting at 6:59 p.m.

Request for joint meeting of Selectboard, Planning Board, Conservation Commission and Open Space Committee

The Board reviewed a request from the Monadnock Conservancy for a joint meeting of the above public bodies for an update on its West Hill/California Brook conservation project, including a change regarding hunting on the property. It was suggested that this meeting take place on Tuesday May 19, 2015. O’Keefe noted that the Planning Board recommendation on Town funding was that hunting be allowed, and the Board’s project funding authorization decision on October 1, 2013 included that as a condition of its approval. The owners now want to prevent hunting of certain species. Colby said he would agree to hunting as outlined by Fish & Game guidelines, and if they are followed, he would be okay with a change.

Smith, speaking as Chair of the Conservation Commission, said that if the property owner wants hunting restrictions under the guidelines of NH Fish & Game, he believed that would be sufficient.

Gallauresi spoke briefly about the Town spending money for a conservation easement and what that means in terms of public access. There was a brief discussion about how land under Current Use may be accessed by the public. Bernard looked up the RSA involved which read that property owners may post their land to disallow access for certain activities.

It was agreed by the Board that there should be no limitations on hunting other than those imposed by the New Hampshire Department of Fish and Game, and that a joint meeting was not necessary at this time. O’Keefe will convey the Board’s decision to the Monadnock Conservancy.

NEW BUSINESS

Accept unanticipated funds per RSA 31:95-b

The Board was asked to accept funds as follows, totaling \$50.00, as a donation to the Fire Department:

- \$50.00 From Shirley Hall & Susan Greenough

Colby **moved** to accept the funds as listed and to remit them to the custody of the Trustees of Trust Funds to be held in the Swanzey Fire/Rescue Tools & Equipment Non-Restricted Fund trust account. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Adjustment of Carpenter Home resident rates

The Board considered an adjustment to the rates at the Carpenter Home which were approved at a previous meeting. Interim Carpenter Home Administrator Judy Bohannon found that she had left off one of the room rates, that for a small private room, which she proposes to be \$2,800. The previously-approved price was \$2,900, but the Carpenter Home has only been billing it at the "very small room" rate of \$2,700.

As any changes require 30 day notice to residents, this change can take place in July 2015 if approved.

Colby **moved** to adjust the following rate for the Carpenter Home to the following, effective July 1, 2015:
Monthly Room & Board -- Small private - \$2,800

There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Use of Monadnock Regional School District (MRSD) High School/Middle School Gym for polling place

The Board considered whether a walk-through of the MRSD gym would be in order to determine if it would work well as a polling place for the Town. O'Keefe said that Moderator Bruce Tatro would be available on Monday May 11, 2015 at 4:00 p.m. and the Board agreed to do conduct a walk-through on that date and time. Hays asked that the Board confirm adequate parking near the gym. O'Keefe noted to invite Town Clerk Donna Munson and Public Works Director Lee Dunham to the walk through. There was a brief discussion about whether or not the person requesting that the Town cease to use a church for voting is a Swanzey resident.

Gallauresi asked about Whitcomb Hall and the Board said the building doesn't fit the need; it is too small and there is inadequate parking. However, Hutwelker noted there will be events there this summer.

Hays asked about the East Swanzey Community Center and it was pointed out that the Town does not own the building and that it is controlled by a private group. Also, there isn't a lot of parking there as well.

Perambulation of Town Boundary

O'Keefe informed the Board that, on behalf of the Selectmen of the Town of Richmond, Surveyor Richard Drew has asked the Board if they would like to perambulate the boundaries of the Town and Richmond. The Board asked O'Keefe to contact Francis Faulkner to see if he is interested in doing so. O'Keefe said that a boundary confirmation is required every seven years in the State of New Hampshire.

Gallauresi and Hays left the meeting at 7:26 p.m.

A brief discussion on exemptions for veterans occurred.

Cal Ripken League Food Shack

Davis raised an issue regarding whether or not the Cal Ripken League Food shack at Lane Fields is in compliance with the State of New Hampshire Department of Health and Human Services, Division of Public Health Services, Food Protection Section requirements. She noted the State has sent a letter of inspection prior to opening the food shack. Davis felt that the Town should have some language in the agreement with Cal Ripken League such that the Town is not liable for any potential problems. O'Keefe noted that Code Enforcement Officer Mike Jasmin has reviewed the pre-inspection letter is comfortable with the requirements it sets out.

Smith left the meeting at 7:40 p.m.

Non-public session(s) per RSA 91-A:3II(c), Reputation – Application(s) for Elderly Tax Exemption

The Board considered in non-public session approval of requests for deferral for elderly tax exemption per RSA 72:39-a.

Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation – Application(s) for Elderly Tax Exemption. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:40 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 Colby to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 7:43 p.m.

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

Tax Deed Property Sale

O’Keefe informed the Board that the closing for the 160 Goodell Avenue property is to be held May 13, 2015 at 10:00 a.m.

Vermont Yankee Drill

Davis said that she would be attending the drill on May 13, 2015.

CONSENT AGENDA

Motion was made by Colby to approve the Consent Agenda. There was a discussion about Current Use and the impact on taxing. There was a second by Hutwelker, and no further discussion. All were in favor. **Motion passed.**

- Land Use Change Tax. Arnie Filipi, 68 Warmac Road (Map 26, Lot(s) 4-2) – \$3,240.
- Notice of Intent to Cut Wood or Timber. Cersosimo Lumber Co., Inc., Forest Avenue, Map 75, Lot(s) 3.
- Notice of Intent to Cut Wood or Timber. Cersosimo Lumber Co., Inc., West Street, Map 81, Lot(s) 9.
- Notice of Intent to Cut Wood or Timber. Cersosimo Lumber Co., Inc., California Brook Road, Map 79, Lot(s) 3.
- Notice of Intent to Cut Wood or Timber. Cersosimo Lumber Co., Inc., California Brook Road, Map 79, Lot(s) 4.
- Certification of Yield Taxes Assessed and Yield Tax Levy. Joe Paolilli, Eaton Road/Ashuelot River, Map 40, Lot(s) 3-7 & 4.
- Veterans Tax Credit, Bernard Dulski (Map 33, Lot 35)
- Veterans Tax Credit, Steven Grover, (Map 87, Lot 2-5065)
- Veterans Tax Credit, Henry Miller, (Map 31, Lot 26)

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

- Tax Collector’s Affidavit of execution of Real Estate Tax Lien, dated May 1, 2015.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 7:48 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Beverly Bernard". The signature is written in a cursive style with a large initial "B".

Beverly Bernard, Recording Secretary

Approved on May 12, 2015.