

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – May 19, 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. Present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

**OTHERS PRESENT**

Monadnock Conservancy Land Protection Director Ann McBride, Troy Resident Todd Bergeron, Public Works Director Lee Dunham. Also present were Conservation Commission members Wally Smith, Jane Johnson and Steve Stepenuck, and residents Rebecca Hays, Michael Goldschmidt and Judy Gallauresi.

**CITIZEN CONCERNS**

Hays provided copies of her ideas and research for municipal facility improvements. She said she wished to submit them to the Municipal Facilities Review Committee. She also said she has information about “Butler” buildings. She said she has contacts regarding Butler buildings in Stanton, Virginia and she mentioned Cambridge, Massachusetts is constructing one for a fire station. She passed the copies to Wally Smith to share with the Committee.

**MINUTES**

- The regular meeting Minutes of May 12, 2015 were considered. There was a **motion** by Colby to accept the regular meeting Minutes of May 12, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1, #2, #3, and #4 of May 12, 2015 were considered. There was a **motion** by Colby to accept the Non-Public meeting Minutes #1, #2, #3, and #4 of May 12, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***

**FINANCIAL MATTERS**

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

**OLD BUSINESS**

**Revision to Special Events Policy**

The Board was asked to review and approve proposed changes to the Special Events Policy and the related application form. The proposed document was distributed at the previous meeting.

Hutwelker **moved** to amend the Special Events policy with the changes recommended by staff, effective immediately. There was a second to the motion by Colby and no further discussion. All were in favor.  
***Motion passed.***

**Authorize Expenditure – Fire Department**

At the previous meeting the Board considered Fire Chief Norm Skantze’s proposed purchase of a new rescue boat for the Department to replace the inflatable boat taken out of service last fall. There was some discussion about the proper source for the funding for the purchase -- either the Fire Truck Capital Reserve Fund, or the Fire/Rescue Tools and Equipment Expendable Trust – and the Board voted as follows:

“To accept the proposal from MilPro Marine to purchase a Rescue One 1673-X2 Deluxe Package Connector Boat in the amount of \$26,410 and to determine the appropriate fund source by referring to the Department of Revenue Administration (DRA) and to authorize the Fire Chief to sign any documents necessary to obtain the approved product and services.”

O’Keefe reported that the Fire Truck Capital Reserve Fund was first established by the 1966 Town Meeting “for the replacing of Swanzey Fire Trucks”. The Fund was amended in various ways at the Town Meetings of 1968, 1983, 1985, 1986, 1987 and 1991, each time specifying replacement or acquisition of fire trucks and no other types of equipment or apparatus. This fund had a balance of \$189,417 as of December 31, 2014 and is scheduled to have an additional \$80,000 raised this year. The Fire/Rescue Tools and Equipment Expendable Trust was established by the 2005 Town Meeting “for purchase of fire and rescue tools and equipment”. This fund had a balance of \$40,350 as of December 31, 2014 and is scheduled to have an additional \$10,000 raised this year.

Board Chair Deborah Davis reported that she had contacted the DRA and was informed that if the original approved capital reserve fund only allowed for replacement of trucks then it would not allow for its use for the purchase of a boat.

Colby **moved** to authorize expenditure of up to \$26,500 from the Fire/Rescue Tools and Equipment Expendable Trust Fund for the purchase from MilPro Marine of a Rescue One 1673-X2 Deluxe Package Connector Boat, being the same item authorized for purchase by the Board on May 12, 2015. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

#### **Disposition of tax deeded property – 147 Davis Avenue**

O’Keefe reminded the Board that on April 21, 2015 the Board offered this property, previously acquired by the Town by Tax Collector’s Deed, for sale by sealed bid. The lone bidder offered \$5,000, which was well below the \$20,000 minimum bid, and the Board therefore rejected the bid. At this time the Board was asked whether it wished to re-advertise the property for sale at a lower upset price.

Discussion occurred about the property. Hutwelker noted that the trailer is in bad shape, and the lot is not desirable. Hutwelker suggested \$15,000 as the minimum bid. The Board agreed. O’Keefe said that there is a septic system and well on the property and the pad is in good shape. O’Keefe was asked to re-advertise a sealed bid with three weeks’ notice.

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

At the previous meeting the Board voted to proceed with the Tax Collector’s Deed for properties from the 2012 tax lien. O’Keefe noted that it turns out that an additional 30-day notice was required due to the Board having issued deed waivers last fall, so notification letters were sent out and the tax deed will take place after June 9, 2015.

The list of 2013 tax lien properties subject to tax deeding this year (excluding those already approved for tax deeding under the 2012 tax lien, and others that either have current payment agreements or other arrangements) are as follows:

<b>OWNER</b>	<b>LOCATION</b>	<b>MAP/LOT</b>
Curtis, Jacob R. & Kyle L.	25 Anthony CIR	87/2-5025
Joslyn, Nicholas E.	556 Swanzey Lake RD	61/2-0011
Lazzaro, Keith C.	8 Eastview DR	87/2-5008
Spears, Charles & Martha A	27 Aylward AVE	72/108

A more comprehensive listing of properties subject to tax deeding properties was provided in the meeting packet. O'Keefe asked the Board members to decide whether they want to move ahead with these or to defer to a later date. Hutwelker said he wanted to move forward with these. Colby raised the issue of manufactured homes at mobile home parks. O'Keefe said that in some instances the park may be willing to waive rent while the Town owns the property or in some cases the mobile home park will purchase the property from the Town.

Hutwelker made a **motion** to pursue tax deeding of the following properties: property owned by Nicholas E. Joslyn at 556 Swanzey Lake Rd, shown on Tax Map 61, Lot 2-0011 and property owned by Charles & Martha A. Spears at 27 Aylward Avenue, shown on Tax Map 71, Lot 108. There was a second by Colby, and all were in favor. **Motion passed.**

A brief discussion was held about contacting Pine Grove Mobile Home Park managers to discuss further the delinquent properties within the Park. O'Keefe will invite them to meet with the Board.

### **Monadnock Conservancy - West Hill/California Brook conservation project**

On May 5, 2015 the Board discussed the Monadnock Conservancy's wish for a joint meeting of the Selectboard, Planning Board, Conservation Commission and Open Space Committee to update everyone on its West Hill/California Brook conservation project, and its proposed change to limit hunting on the property. The Board decided that there should be no limitations on hunting other than those imposed by the New Hampshire Department of Fish and Game, and further that a joint meeting was not necessary at this time.

The Monadnock Conservancy's Anne McBride met with the Board to discuss these matters and to clarify the issues. McBride showed the Board the parcels that are being considered for conservation easements. The land remains owned by the landowners. The conservation easements will restrict certain uses of the property such as mining and filling of wetlands. She noted that most easements don't guarantee hunting and generally that is up to the landowner to post or not to post. West Hill easements go beyond the norm – guaranteeing hunting, fishing, hiking, plus low impact non-commercial outdoor uses. The exception would allow the landowner to retain the right to post the property against trapping and hunting of bear and predator species. She said the landowner is content with hunting of deer and turkey and other species allowed by Fish and Game. Right now the land is not posted but they would retain the right to do so. McBride asked the Board if that is how they understood the request. Davis said McBride cleared up her misunderstanding. She thought that the Monadnock Conservancy was asking for a prohibition against hunting altogether. Colby noted the change in the financing from Land and Community Investment Heritage Program (LCHIP) to the New Hampshire Department of Environmental Services Aquatic Resource Mitigation (ARM) funds. LCHIP requires that hunting be allowed. New Hampshire DES ARM does not. McBride said that the Monadnock Conservancy decided to accept the ARM funding because it was significantly higher.

Judy Gallauresi asked how much money the Conservancy has received from the Town of Swanzey. McBride said no money has been received yet from the Town of Swanzey. She noted the ARM grant is \$140,000. She said these are dollars coming from projects that impact wetlands. Aquatic Resource Mitigation Fund is the monies collected from developers with projects that are impacting wetlands. Gallauresi asked about the funding from the Town. O'Keefe said the Town has committed \$18,000 from Land Acquisition Fund and \$4,500 from the Conservation Fund.

Hunting was discussed. O'Keefe said the Planning Board established the recommendation to allow hunting. Johnson spoke and said that the Conservation Commission also did ask that hunting be permitted. O'Keefe said that to clarify he believed that while hunting was part of the discussion of the Conservation Commission, the Commission did not make it into a motion, while the Planning Board did. Johnson said the land under discussion

has been open to hunting for ages. Hutwelker said that because of the motion made at the public hearing at the Planning Board, the decision should remain that hunting should be observed as regulated by New Hampshire Fish and Game. McBride said it was not a public hearing when the recommendation was made although there were public hearings subsequent to the Planning Board meeting.

Hays asked to clarify the hunting stipulation. McBride said hunting would be allowed except for bear, and predator species. Hays asked about allowing snow-mobiles. McBride said that would be at the discretion of the landowners. Hays asked if there were liability issues that might affect the Town. McBride said that New Hampshire law is such that if there is no charge for access to the land, liability is limited. Davis suggested that McBride go to the Planning Board and Conservation Commission to discuss further. The Board agreed that there be a joint meeting of the two groups. Davis asked O'Keefe to set up a meeting.

Goldschmidt asked why funds were being asked from the Town. McBride said contributions from the Town of Swanzey amount to about 6% of the entire budget for the project. McBride left the meeting at 6:39 p.m.

## **NEW BUSINESS**

### **Amenity Improvements at Thomson and Cresson covered bridges**

The Board has received a request from Troy, NH resident Todd Bergeron seeking to provide the following amenities at the Thompson and Cresson bridges as follows:

- Donation, installation and maintenance of sign kiosks
- Creation of canoe/kayak portage parks to include picnic tables and possibly port-a-potties

Public Works Director Lee Dunham was present to assist in discussing the proposal. Bergeron said he would like to donate funds for a picnic table and other improvements. Colby noted that the Thomson Bridge has a park under construction. He asked Bergeron about the plans for a kiosk that he had noted in his offer. Bergeron said he would like to see a sign kiosk, like you would see at a state park, and picnic tables. O'Keefe noted that picnic tables then require trash cans.

Discussion occurred about the ability to launch canoes and kayaks at the new park. Colby said the Board is willing to work with Bergeron. He noted that three members of the Conservation Commission were present to learn more. And he said that Ashuelot River Local Advisory Committee (ARLAC) Chair Barbara Skuly should be informed as well. Bergeron explained he wanted to see picnic tables at the river access that he would build and contribute. Colby suggested working with the Open Space Committee for developing kiosks. Bergeron said he has a will to work and just needs direction. Johnson asked about Bergeron being willing to help with making easier access to the river. Bergeron responded that he recently has gotten into canoe and kayaking, but learned that there is no convenient way to access the river. Bergeron said he has purchased new kayaks and wants to go into business selling trips down the river from Keene to Swanzey. He also mentioned that the site needs a port-a-potty. Smith asked if it would make sense to establish a sub-committee to consider these ideas and to come up with an action plan.

Hutwelker asked if the canoeing is a rental business. Bergeron said his business would start canoeist on the river at Keene at the Ashuelot River Park and then pick them up at the covered bridges in Swanzey. Bergeron said his rates would be low to attract families. Permit process was asked about and Bergeron responded that his business is based in Fitzwilliam and those permits have been done. He has permits from the City of Keene, and he has met with their Boards. Main goal is to get families involved and on the river. Bergeron said they would start operations as soon as they can. Colby said he agreed with Smith about a sub-committee. One concern is erosion on the river banks. The more private donations to fund mitigation of the river bank erosion, the less money the Town has to contribute. Colby asked about vehicles to pick up canoes and people. Bergeron said he has a plan for

that but that he doesn't want to grow to a large business. Smith, Stepenuck, and Johnson said they would like to participate in the sub-committee, and it was suggested to also include Lee Dunham, and Barbara Skuly.

Bergeron says he has an agreement for the use of the Ashuelot River Park through the Keene Recreation Department. He passed out insurance certificates for the Town of Swanzey, which O'Keefe took for filing. The Board thanked Bergeron and urged him to coordinate meeting with the Conservation Commission. Bergeron left the meeting at 7:00 p.m. Smith, Johnson, Stepenuck, and Dunham also left at 7:00 p.m.

#### **Affordable Care Act**

O'Keefe said he is working on compliance with the Affordable Care Act, which must be implemented for employees of the Town over the next year, and will report further in the coming weeks.

#### **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 7:03 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 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 7:05 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.**

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**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 7:06 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.**

#### **Municipal Management Association Conference –**

O'Keefe requested permission from the Board to attend this conference. Hutwelker said the Board would prefer that O'Keefe not attend the conference.

#### **CONSENT AGENDA**

**Motion** was made by Colby to approve the Consent Agenda. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

- Ratify decision to approve Application for Current Use. CB98, LLC, Cobble Hill Road (Map 8, Lot(s) 8-0 & 8-2).
- Ratify decision to approve Application for Current Use. Hans & Trina Koester, 645 Old Homestead Highway (Map 34, Lot(s) 17).
- Ratify decision to approve Application for Current Use. Arthur & Ann Beckman and Kenneth & Elizabeth Engelman, Cobble Hill Road (Map 82, Lot(s) 7-1).
- Ratify decision to approve Application for Current Use. Mike Johnson, 56 Cory Pond Road (Map 12, Lot(s) 5).
- Ratify decision to approve Application for Current Use. Wayne & Diane Young, Swanzey Lake Road (Map 69, Lot(s) 2).
- Ratify decision to approve Application for Current Use. Ronald & Donna Savard, Westport Road (Map 88, Lot(s) 10).
- Ratify decision to approve Application for Blind Exemption, Map 18, Lot 64.
- Property Tax Levy – \$7,163,487
- Event Permit #2015-15. Cheshire Fair Association/The Circus Barn – Circus Smirkus on 7/15/2015 & 7/16/2015 at the Cheshire Fairgrounds. Note: Permit Requirements – see permit form for details.
- Certification of Yield Taxes Assessed and Yield Tax Levy. Mitchell Sand & Gravel, Old Swanzey Road, Map 86, Lot(s) 1.
- Notice of Intent to Cut Wood or Timber. Gregory & Bethany Willett, Cobble Hill Road, Map 86, Lot(s) 7.
- Notice of Intent to Cut Wood or Timber. Lakeville Shores, Inc., Hale Hill & Troy Hill Roads, Map 10, Lot(s) 5, 6, 7, 8, & 9 and Map 11, Lot(s) 12 & 13.
- Notice of Intent to Cut Wood or Timber. Yale University, Ash Hill Road, Map 51, Lot(s) 7.
- Deed Waivers for properties with delinquent tax payment arrangements
- Personnel Action Report(s)

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

- Notice of Intention to Foreclose, dated May 15, 2015, and Mortgagee’s Notice of Sale of Real Estate regarding property at 30 Perry Lane, Unit #9.
- Letter of May 13, 2015 from Architect Daniel Scully regarding efforts of the Municipal Facilities Review Committee.
- Notice of receipt of Granite State Award by Ashuelot River Local Advisory Committee member Barbara Skuly.

**ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 7:13 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary  
 Approved on May 26, 2015