

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – June 9, 2015
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

Present were Selectmen Deborah J. Davis, W. William Hutwelker III and Kenneth P. Colby, Jr. The meeting was called to order by Chair 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

Todd Bergeron, Police Chief Tom DeAngelis, members of the Planning Board Jane Johnson, Don Skiba, Glenn Page, June Fuerderer, and Jeff Goller, members of the Open Space Committee Victoria Ames, Theresa DiLuzio, Beverly Bernard, Jeanne Thieme, and Karen Sielke, members of the Conservation Commission Wally Smith, Steven Stepenuck, Gary Coburn, Bob Goodrich, and Jane Johnson, Anne McBride from the Monadnock Conservancy, and Ashuelot River Local Advisory Committee member Barbara Skuly. Also present were State Representative Ben Tilton, and State Representative Jim McConnell.

CITIZEN CONCERNS

Goodrich spoke about a drain on the Town road at Cutler School being a problem, overflowing and not taking water. Goodrich said he spoke to someone at the Swanzey Department of Public Works (DPW) and was told the drain runs across the street to a neighbor’s property who would not allow access to her property for work to be done. Hutwelker said the Board would have a conversation with Public Works Director Lee Dunham next week about the problem.

MINUTES

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

Event Permit # 2015-16, Jennifer Matthews/Memorable Events & the Cheshire Fair Association. Monadnock Pumpkin Festival at the Cheshire Fairgrounds on 10/24/2015

The Board held a public hearing on May 26, 2015 as required by the Special Events Policy for events of over 3,000 participants. The proposed Monadnock Pumpkin Festival event, scheduled for October 24, 2015 at the Cheshire Fairgrounds, is proposed to have up to 8,000 spectators. It was noted that the event has undergone preliminary review by the special events review staff, and then again reviewed after the public hearing, and with several conditions recommended by staff, staff has approved the conditions of the event.

Colby **moved** to grant Event Permit #2015-16 to the Cheshire Fair Association and Jennifer Matthews/Memorable Events with the following conditions: 1) that the event shall be conducted in

accordance with the application material submitted and reviewed by the Town; 2) that the sponsors shall comply with all requirements of Town emergency response personnel; 3) that the event sponsor shall be responsible for all costs of emergency response personnel at special duty rates and equipment as determined by the Town, and shall furnish a bond in such amount and in a form acceptable to the Town no less than 15 days before the event; and 4) that the Town reserves the right to amend the estimated costs for emergency response personnel and equipment at any time prior to or during the event based on any changing circumstances of the event. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Personnel Policy – Wireless Communication Devices in Vehicles

Town Administrator O'Keefe reminded the Board that the New Hampshire Legislature passed RSA 265:79-c this year making it illegal to use hand-held devices in vehicles while in operation. O'Keefe presented to the Board a first draft of a policy for review and comment.

Motion was made by Colby to approve the amended personnel policy to reflect the new law regarding hand-held devices in vehicles while in operation. There was a second by Hutwelker and there were no further discussion. All were in favor. **Motion passed.**

Cal Ripken League use of Lane Field

The Board was asked to consider an agreement with the Cal Ripken League for use of the Lane Fields on South Road. Based on discussion at various meetings with appropriate personnel, a final version was considered by the Board with suggested changes from Town Attorney Sam Bradley, and, in addition to approvals by Public Works Director Lee Dunham and Recreation Director Judy Bohannon, the Cal Ripken League's Jon Hoden has approved the document.

O'Keefe said that Recreation Director Judy Bohannon has reported to him that the Junior Swamp Bats were using the Lane Field facility on numerous Sundays this spring without notice to the Town. Colby said he has no problem with use of the field, but the Town needs to be notified of such use. The Board agreed.

Colby **moved** to approve the agreement between the Town and the Swanze Cal Ripken Association for the use of the Lane Fields Complex on South Road, to designate the Public Works Director as the Town's contact person for scheduling and other issues, and to authorize the Chairperson to sign the agreement on behalf of the Town. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Inventory of Taxable Property Form PA-28

O'Keefe noted that prior to 2013 the Town participated in the New Hampshire Department of Revenue Administration program whereby property owners were required to file an inventory form per RSA 74 or else be subject to fines of up to \$50. On September 25, 2012 the Board first decided to no longer participate in this program, but must continue to declare its intention annually. O'Keefe recommended that the Board again vote not to participate in this program.

Colby **moved** to elect NOT to utilize the inventory form or procedures specified under RSA 74 for the year 2016, and hereby acknowledge that this election shall automatically exempt all property owners and others within Swanze from all requirements and provisions of law relating to the inventory form. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

CONSENT AGENDA

Motion was made by Colby to **table the consent agenda** until next week except for the Personnel Action Reports. There was a second by Hutwelker and some discussion pertinent to Land Use Change Tax for property on Woodland Heights Drive (Map 14 Lot 4028). All were in favor. ***Motion passed.***

- Land Use Change Tax. Walter Zakahi & Catherine Foster, Woodland Heights Drive (Map 14, Lot(s) 4-28 – \$4,200
- Abatement #2015-05. Steven Grover, 65 Diana Drive, Map 87, Lot(s) 2-5065 – \$309.
- Abatement #2015-06. Ann-Marie Greco Trust, 28 Owens Drive, Map 79, Lot(s) 6-3107 – \$722.
- Abatement #2015-07. Todd & Holly Lawrence, 983 Old Homestead Highway, Map 31, Lot(s) 26 – \$1,194.
- Abatement #2015-08. Herbert Smith, 422 Homestead Avenue, Map 70, Lot(s) 4 – \$494.
- Abatement #2015-09. Thompson Family Trust, 981 Old Homestead Highway, Map 31, Lot(s) 27 – \$605.
- Property Tax Levy – \$8,566 (Supplemental Warrant #2015-01A)

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

- Letter of June 3, 2015 from Interim Superintendent of Schools Keith Pfeifer forwarding Monadnock Regional School District (MRSD) School Board decision not to provide for ballot voting in Middle-High School during the 2015-16 school year.
- Accounts Receivable and Revenue reports for the Carpenter Home as of May 31, 2015

Monadnock Conservancy - West Hill/California Brook conservation project

A joint meeting with the Planning Board, Conservation Commission and Open Space Committee, and Anne McBride of the Monadnock Conservancy was held to discuss proposed change to limit hunting on the property to be conserved. On October 1, 2013 the Selectboard voted to contribute \$18,000 from the Conservation Land Acquisition Capital Reserve Fund and \$4,500 from the Conservation Fund toward the project on the condition that hunting was allowed.

McBride addressed those present at the meeting. She explained the Land and Community Heritage Investment Program (LCHIP) funding versus Aquatic Resource Mitigation (ARM) funding. LCHIP required open hunting. ARM funding has no requirements regarding hunting. The Monadnock Conservancy did not receive LCHIP funding initially so ARM funds were applied for. Eventually funding was awarded from both LCHIP and ARM with the award from ARM greater than the LCHIP award. Since the funding was higher, the Conservancy chose to accept the ARM funds. She said that the land owners want some flexibility around hunting, and want the ability to post against trapping, hunting of bear and hunting of predator species. They will guarantee public access for recreational purposes and hunting of all other forms of legal hunting like deer and turkey. The land is not currently posted, but the landowner wants the right to post.

Discussion occurred with comments and questions to McBride from the attendees to the meeting: Davis suggested that had the community known that funding had changed, the Town might have been able to address the issue earlier. Coburn asked why the Conservancy didn't take the LCHIP funds. McBride said that the funding from ARM is \$140,000 while LCHIP only funded \$100,000. Goodrich asked about how the extra \$40,000 would be used. McBride said that they would have had to raise the money some way if it had not been granted with ARM. Coburn asked who would enforce the law. McBride said the landowner would enforce the law by calling a Conservation Officer and not the Town of Swanzey. She said the Town would have no enforcement responsibility.

Thieme asked about other towns giving their approval –McBride said that the City of Keene and Town of Chesterfield have approved the change. McBride pointed out that the land is still privately owned but will be open to the public. McBride repeated that hunting will be guaranteed except that the landowner will be allowed to post against trapping, hunting of bear, and predator species, should they choose to do so. Deer and turkey hunting is guaranteed. Thieme said that the Town should support this easement. There are more benefits than prohibitions. Page said trapping requires written permission of the landowner so that everyone was really talking about only two things: bear hunting and predator hunting. Ames said that anyone can ask permission to hunt bear or predator species and the landowner might grant it; it is at the discretion of the landowner. DiLuzio noted that the property has a lot of benefits to the public.

McConnell asked what kinds of predator species were being discussed. Stepenuck noted that easements are in perpetuity which binds all future owners of that land. Smith asked what happens if the Town of Swanzey rescinded its commitment to fund the project; McBride said the Conservancy would be short \$22,500. She said the money would have to be raised somehow. McConnell asked for a copy of the easement. McBride said she didn't have one yet but the Board would have an opportunity to review it before signing off on the funds.

Davis asked for a show of hands to approve the funding in light of the changes – Eight voted in favor. Five opposed.

Hutwelker asked if those opposed would have voted for funding originally had they known about the restrictions, Johnson and McConnell said they would have been in favor but Coburn would have opposed it. Davis said that given the response from the community, the Board agreed to support the Monadnock project with the change. Johnson asked about the funding goal, and McBride said they have met their goal with the Town of Swanzey's funds.

All the committee members left the meeting at 6:45 p.m.

Amenity Improvements at Thomson and Cresson covered bridges - Acceptance of gift(s) of personal property per RSA 31:95-e

The Board was asked to consider accepting a gift of personal property from the Mr. Todd Bergeron, specifically portage access stairs for public river access at the Cresson Covered Bridge. Mr. Bergeron seeks to design, build and install this stair device, which he claims does not require any permitting from the NH DES.

The Board reviewed a drawing of the river access stairs which Bergeron passed out to them. Smith asked if Planning and Code Enforcement would be involved. O'Keefe said that it would not be necessary since it is for public use/governmental use of the land. It is currently being used by the public for access to the river without a staircase. O'Keefe asked if the design has been approved by an engineer. Bergeron said he will build it without engineering design but he tends to over-build.

O'Keefe said that his concern is insurance and liability. Smith noted it is a safety hazard right now with public use of the land for access to the river. Skuly said folks are taking their own risks when they are simply using the natural river bank. But Smith, who previously worked in the insurance industry, said the Town could be sued whether there was a river access staircase or not.

O'Keefe asked who would open or close the staircase. Bergeron said volunteers would do so and when it is up, it would be locked in place. He said he could design it to be locked in the down position as well. He said it won't be easy to lift by a group of young people.

Smith noted that Public Works Director Dunham was part of the discussion with the Ad Hoc Committee that reviewed the idea and that Dunham has a copy of the design. Public Works would have a key. Smith also mentioned that Dunham should be involved when construction is going on.

O'Keefe asked about the need for a permit. Skuly pointed out that if the project is not in the river, then New Hampshire Department of Environmental Services (DES) doesn't require a permit. O'Keefe said there should be written confirmation that a permit is not required. Bergeron said he would confirm with the individual he spoke to at DES.

Colby **moved** to accept the gift of a portage access staircase for installation and use by the public for river access at the Cresson Covered Bridge, and to authorize the Public Works Director to execute any documentation necessary to accept this gift subject to consideration of liability and Department of Environmental Services permit issues by consulting with Town Counsel and Code Enforcement Officer. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

O'Keefe was asked to request comments on this proposal from the Town Attorney Sam Bradley, Code Enforcement Officer Mike Jasmin, and the Town's insure: the NH property Liability Trust.

Bergeron, Skuly, DiLuzio left at 7:00 p.m.

Tax Payment Agreements

O'Keefe raised the issue of property owner noncompliance with three recently approved tax payment arrangements. Davis mentioned that she had heard from one of the property owners. It was decided by the Board to table the discussion to the next meeting.

NEW BUSINESS

Police Department IT vendor

Police Chief Tom DeAngelis met with the Board to discuss changing vendors for information technology services for the Police Department. The Department's present vendor is World Wide Computer Solutions of Keene. The Chief proposed to work with Alan Treadwell.

DeAngelis said that he felt that the Department isn't getting the attention that it needs and he is dissatisfied with the current service. He said that Treadwell does Record Management Systems for municipalities. He researched police departments using Treadwell and the responses were positive. The yearly cost for Treadwell would essentially be similar to the cost for World Wide Computer Solutions of Keene or about \$8,000 per year. Colby said that he has no problem with the change. Davis and Hutwelker also agreed that DeAngelis could move ahead.

DeAngelis left the meeting at 7:05 p.m.

Colby left the meeting at 7:07 p.m.

Executive Director of Pilgrim Pines resignation from the Economic Development Advisory Committee (EDAC)

O'Keefe informed the Board of a letter received from David Cairns, Executive Director of Pilgrim Pines Conference Center, resigning from EDAC. He has accepted a position in Minnesota and will be moving out of the area.

Health Officer Recruiting

O'Keefe informed the Board that two applications have been received for the position of Health Officer. He also suggested that before moving ahead to consider the current applications, the Board wait a bit since the notice of open position has not been posted for very long and more applications may be forthcoming. The Board agreed.

Perambulation of Town Line with Officials from the Town of Richmond

O'Keefe informed that Board that Frances Faulkner, Mike Lilly and Bruce Bohannon have agreed to walk the boundaries with the Richmond folks. He said they would like to wait until the fall when the leaves are gone, which would make the boundary markers easier to locate. The Board agreed to appoint these three to perambulate the Richmond Town Line, and further agreed that waiting until fall to complete the task was acceptable.

Cheshire Fairground Wild Horse Auction – August 21 and 22, 2015

O'Keefe informed the Board that the Cheshire Fairgrounds wishes to hold a wild horse auction in August. A brief discussion occurred regarding whether or not a special event permit was required for the event. O'Keefe said that it was his opinion that it does not since the event falls in line with equestrian events as approved by the Board on March 3, 2015 which do not require a permit. Davis and Hutwelker said they were fine with it for now.

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

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 7:21 p.m. **Motion passed.** Present were the Board members Deborah J. Davis and, 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 7:29 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 7:29 p.m. **Motion passed.** Present were the Board members Deborah J. Davis and 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 7:32 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 7:32 p.m. **Motion passed.** Present were the Board members Deborah J. Davis and 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 7:33 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 7:39 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on June 16, 2015.