

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – June 16, 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

Resident Wally Smith, Assessing Coordinator Coleen Birmingham, State Representative Ben Tilton, Resident Catharine Foster, and Planning and Community Development Director Sara Carbonneau. Emergency Management Director Bruce Bohannon joined the meeting at 7:30 p.m.

MINUTES

- The regular meeting Minutes of June 8, 2015 were considered. There was a **motion** by Hutwelker to accept the regular meeting Minutes of June 8, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The regular meeting Minutes of June 9, 2015 were considered. There was a **motion** by Hutwelker to accept the regular meeting Minutes of June 9, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes of June 8, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes of June 8, 2015. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1, #2 and #3 of June 9, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #1, #2 and #3 of June 9, 2015. The motion was seconded by Davis with no further discussion. All were in favor except Colby who abstained. ***Motion passed.***

FINANCIAL MATTERS

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

OLD BUSINESS

Land Use Change Tax – Woodland Heights Drive, Map 14, Lot(s) 4-28

Assessing Coordinator Coleen Birmingham met with the Board to discuss the methodology used in determining the Land Use Change Tax for this property.

Hutwelker asked Birmingham about the properties that she used to compare to the property in question. He said that he didn’t think the two lots compared well to Lot 4-28 since Lot 4-28 can be developed easily. She explained she looked at asking prices for the lots she thought would have been comparable. Discussion was held regarding \$4,200 versus \$4,770 as a tax for a land use change when the lot was sold to Walter Zakahi and Catharine Foster. Discussion was held about the fact that a selling price can be different than assessed value of a property. Hutwelker recommended going forward with equalized value for this lot.

Catharine Foster was present and asked for clarification on the issue. She did not mention a letter that she had submitted to the Selectboard the prior day and which the Board was unaware of. Ad valorem value was discussed.

Motion was made by Hutwelker to assess the current use penalty based on ad valorem value of \$47,000 and that the 10% penalty would be \$4,700. There was as second to the motion by Colby, and no further discussion. All were in favor. **Motion passed.**

Foster left the meeting at 6:15 p.m.

Veterans Tax Credit – Map 87, Lot(s) 2-5065

Assessing Coordinator Coleen Birmingham met with the Board to discuss a tax credit listed under the Consent Agenda. Discussion occurred regarding Steven Grover at 65 Diana Drive who is newly eligible for both a Veteran credit of \$250 and disabled Veteran credit of \$2,000 for the 2015 tax bill. Birmingham said that Grover's total tax bill for 2014 was \$619.00. Birmingham requested the Board approve an abatement of Mr. Grover's June tax bill. She said that since Veteran credits are not applied until the final bill, which is calculated in November of a given year, abatement now will save Mr. Grover from having to pay a bill which he will not owe. The Board agreed to approve an abatement of the \$309.00 June bill.

Abatement of semi-annual tax bills – various properties

Assessing Coordinator Coleen Birmingham met with the Board to discuss several 2015 tax abatements listed under the Consent Agenda. She explained the reason for the abatement of 2015 semi-annual bills. The properties listed for 28 Owens Drive #107, 983 Old Homestead Highway, 981 Old Homestead Highway, and 422 Homestead Avenue were all new homes for which updated assessed value did not get entered into the billing system as needed. Birmingham explained that the updated values for these new homes are now in the billing system and given abatement for the first bills, corrected bills will be re-issued tomorrow. The Board agreed to approve these abatements as part of the Consent Agenda.

Going forward Birmingham said she has a task list to complete for future reference of these types of matters. The new house at 422 Homestead Avenue was briefly discussed. Discussion occurred regarding how much of the house was finished as of April 1, 2015. Carbonneau said the owner has a new garage, but not a porch.

Supplemental Warrants 2015-01A & 2015-01B

The Board was asked to approve two supplemental warrants: one related to the above abatements; and one related to properties formerly owned by the NH Housing Finance Authority, which is tax exempt. Two properties were sold and were not flagged to be removed from "tax exempt" status so the new owners didn't receive a tax bill. They will be receiving a bill. The Board approved the supplemental warrants as part of the Consent Agenda.

NEW BUSINESS

2014 Property Tax Abatements

The Board was asked to review and consider eleven applications for abatement of 2014 assessed values. A table of properties and recommendations was included in the meeting packet for their consideration. Birmingham reviewed the list of applicants for abatements with the Board. There was a general discussion regarding some of the properties. Discussion included buildings that have been removed off property. One property off Pasture Road is unbuildable at this point because of lack of access. Colby raised the issue of Vision Government Solutions, Inc. providing a value on a property in 2014 of \$21,400 and in 2015 recommending the value be \$7,500. The question arises as to why such a difference in value in one year. After this brief discussion, the Board decided to table any further consideration of the list of 2014 Tax Abatement applications until the next meeting.

Birmingham left the meeting at 6:39 p.m.

Rep. Ben Tilton left the meeting at 6:39 p.m.

Improvements to Recycling Center

Solid Waste Manager Bob Osterhout met with the Board to discuss several structural improvements being considered for the Recycling Facility.

Osterhout passed out a list of items to be discussed included building repairs, information about the Tire Amnesty Day, Market prices recycling commodities, and the July 4th holiday. He spoke about a plywood repair to a metal roof on the main building that had been done in the past. He said the facing of the building is beginning to rot out. He noted that the septic line froze last winter and has done so twice. Osterhout said that the Board needs to figure out what to do about the need for these repairs. He said he would be willing to get some costs comparing repair versus replacing. He said the building won't last another 20 years. He said he would like to provide some options for the Board to consider.

Osterhout said that Tire Amnesty Day for passenger vehicle tires will be June 27, 2015. He anticipated receiving a couple hundred tires.

Osterhout informed the Board that prices for recycling materials are going down. He said lower prices have a negative impact on revenue for the Recycling Center. He said he felt that the prices would eventually rebound, but the market is currently going through a general downturn and he wanted the Board to be aware of the situation.

Osterhout spoke about the July 4th holiday and said that staff informed him that the center has been open in the past. He said he is going to ask for volunteers to work on July 4th. He also said he wanted to close the center, but he was afraid that there would be a number of calls from residents complaining about the closure. Hutwelker suggested opening for just the morning and closing for the afternoon. It will need to be posted should he decide to do that, so that residents will be aware of the closure.

Accept and expend unanticipated funds per RSA 31:95-b

Discussion continued regarding the purchasing of a reconditioned baler costing \$9,400, that was approved by the Board on August 5, 2014. It is noted at the time that there might be 50% grant funding available for this purchase. It turns out that funding of only \$1,880 was made available to the Town, which must still be formally accepted by the Board.

Colby **moved** to accept the grant funding of **\$1,880.00** from **New Hampshire the Beautiful** to offset the cost of acquiring a reconditioned vertical baler for the Recycling Center, and to authorize the Solid Waste Manager to execute any documentation necessary to accept this gift. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

Osterhout left the meeting at 6:59 p.m.

PUBLIC HEARINGS

Acceptance of a Dedicated Street as Town Highway per RSA 674:40-a – Safford Drive

It was noted that the Board must hold a public hearing prior to formally accepting Safford Drive as a dedicated street. It was noted that proper public notice was posted and appeared in the *Keene Sentinel* newspaper.

The Chair opened the public hearing at 6:59 p.m. and asked for testimony from the public. There was none. The Chair closed the public hearing at 7:00 p.m.

Colby **moved** to accept Safford Drive as a town maintained highway and Class V road, from NH Route 12 to the east end of existing Page Court and the north end of existing Safford Drive, and further shown on a

plan titled "Five Lot Subdivision & Safford Drive Extension Layout Plan" prepared for the Town of Swanzey by SVE Associates, dated March 14, 2014, and approved by the Swanzey Planning Board on April 24, 2014, and recorded in the Cheshire County Registry of Deeds as Plans No. 14054, 14055 and 14056, and to execute a Notice of Acceptance of said Safford Drive. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

OTHER BUSINESS

Sale of tax deeded properties

After previously rejecting a bid offered below the \$20,000 minimum set by the Board, the Board agreed to re-advertise the sale of Town-owned property at 147 Pine Street with an upset price of \$15,000. Information on the property is as follows:

Parcel #	Street Address	Tax Map, Lot #	Minimum Bid
1	147 Pine Street	Tax Map 57, Lot 119	\$15,000

The Chair opened a sealed letter from Catharine Foster regarding her property on Woodland Heights Drive (Map 14, Lot 4-28) that was subject to Land Use Change Tax earlier in the meeting, thinking that it was pertinent to the bid for the Pine Street property. There was a brief discussion regarding the fact that Ms. Foster did not mention the letter while in attendance at the Board meeting.

At 7:01 p.m. the Chair opened a single sealed bid from Dopeslap, LLC in the amount of \$10,000. Included in the bid was a check for \$1,000, and a letter from Citizens Bank verifying proof of funding or financing for the balance of the bid amount and pro-rated tax payments.

Hutwelker **moved** to accept the bid for acquisition of Town-owned property located at 147 Pine Street (Tax Map 57, Lot 119) from Dopeslap, LLC in the amount of \$10,000, subject to the addition of payment of a pro-rata share of 2015 real estate taxes computed as if the property were privately owned on April 1, 2015, and to authorize the Selectboard Chair or the Town Administrator to execute any documents necessary to complete the sale of the property. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

Discussion on Ash Hill Road tree work

Public Works Director Lee Dunham briefed the Board on this project, which calls for making improvements to the right-of-way for Ash Hill Road that consist of removal of some trees and possibly rock and ledge. Bid specifications were approved by the Board on March 24, 2015.

Dunham discussed with the Board three bids for removal of some trees and possibly rock and ledge. All three bids were above what had been estimated: the first at \$17,400; another for \$18,850 + flaggers for another \$2,000; the third at \$19,000 + additional costs.

Davis asked if Department of Public Works (DPW) workers could do the flagging. Dunham said that was possible but that that closing of the road might be considered, which could lower the cost to do the job. O'Keefe noted that the Town has until July 29, 2015 to spend the money under an agreement for Market Basket development. Dunham said the job will take about a week. He said all of the land owners want the hardwood, and Yale Forest will take marketable softwood.

Hutwelker said he would like to see the road closed and Dunham revisit some of the bidders to see how much lower the cost could be for the Town.

At this point Davis removed herself from the decision due to potential conflict of interest.

Colby made a **motion** to pursue the second bidder and negotiate a lowered price given closing the road while work is going on, but to be open once they are finished each day, to authorize Director of the Department of Public Works Dunham to execute appropriate paperwork, making sure everyone on the road is properly notified as to the action that will be taking place, and funding to be secured from the Market Basket development monies accepted in 2009. There was a second by Hutwelker and both Hutwelker and Colby were in favor. **Motion passed.**

West Swanzey Park update

Colby mentioned that he spoke to Charlie Scheaff, and Scheaff has agreed to work with Jeff Goller to work up some numbers for a possible pavilion at the West Swanzey park.

Dunham and Carbonneau left the meeting at 7:20 p.m.

Tax Payment agreements

This matter was briefly discussed at the previous regular meeting and tabled to this meeting. Recently the Board met with the following property owners about either new or continued tax payment agreements:

OWNER	LOCATION	MAP/LOT	BOS Decision
Lefebvre, Gary/Vincenza	52 Mountainview RD	73-022-0576	5/12/2015
Livengood Jr., Neil & Cindy	84 Joslin RD	18-001	4/21/2015
Millwood, Marshall	710 Old Homestead HWY	33-009	4/21/2015

Since these dates, the first property owner was two-weeks late in his first payment (due June 1 and received on June 15, and the other two property owners have not made any of their scheduled payments. The Town Administrator recommended that the Board consider voiding some or all of these payment arrangements and authorize notice to property owners of impending tax collector's deed. There was a discussion about missing payments from Neil & Cindy Livengood and Marshall Millwood.

Colby made a **motion** that a letter be sent to Mr. & Mrs. Livengood and Mr. Millwood by both first class mail and certified mail return receipt indicating the Town has no other choice but to pursue tax deed because they have not made the agreed upon payments, giving them three (3) days from receiving the letter to make payments covering the total amount agreed upon, and stating further that should no payment be forthcoming within the three days stated above, that the agreements were void and they will receive a thirty (30) day notice that the town will be executing a tax collector's deed. Hutwelker seconded the motion and all were in favor. **Motion passed.**

Rabbit Hollow Road Town-owned property

O'Keefe informed the Board that two men came to Town Hall and asked about Town-owned property on Rabbit Hollow Road wondering why the Town is not selling the lot. One of the men is an abutter and is interested in purchasing the property.

Pine Grove Mobile Home Park

O'Keefe informed the Board that he contacted Pine Grove Mobile Home Park Directors to try to work something out regarding tax deed properties at the mobile home park and they agreed to meet with the Board. The Board asked O'Keefe to invite them to meet with the Board next week.

Affordable Care Act impact on the Town

O'Keefe handed out materials to be reviewed by the Board for discussion next week. He presented a list of all Town employees, and all hours worked in 2015, to date. There was also a list for 2014. O'Keefe noted that anyone who works more than 30 hours per week or 130 hours per month must be offered affordable health insurance. There are penalties that could be administered under certain circumstances. Davis said that maybe the appropriate response is to hire only full-time employees.

Vermont Yankee Budget Update

Emergency Management Director Bruce Bohannon said Vermont Yankee Town budget was approved for this coming year for \$19,593, which is money eligible to be reimbursed. Fiscal year 2017 the Town will receive \$2,000. The Town will receive \$1,000 in each of the following years: 2018, 2019 and 2020. There will be no money for the Town in fiscal year 2021.

Health Officer Recruiting

Bohannon asked about Health Officer applications for the open position. He asked what the procedure for hiring a Health Officer was. Bohannon suggested the Board interview candidates soon. Hutwelker said the Board would close off applications soon. Bohannon said that he would like to be done (as Interim Health Officer) by end of June 2015.

Rail Trail Work

Bohannon noted that Rail Trail work has begun. Stone dust will be finished once it is determined how much money is left in the budget to pay for it.

Bohannon left the meeting at 7:49 p.m.

Conservation Commission

Smith noted that folks are needed to volunteer for the Conservation Commission. There was a brief discussion about recruiting new members. There was also discussion on the need to establish a committee on the Illegal Dumping Ordinance, as voted under Article 5 of the 2015 Town Meeting. The Board asked Smith to be on the agenda for next week.

Smith left the meeting at 7:56 p.m.

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 7:57 p.m. **Motion passed.** Present were the Board members Deborah J. Davis, Kenneth P. Colby, Jr. 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 8:14 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(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 8:15 p.m. **Motion passed.** Present were the Board members Deborah J. Davis, Kenneth P. Colby, Jr. 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 8:30 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.**

Transition of Town Administrator Office

O'Keefe spoke about plans for his leaving his office in good order for his successor, and that he will not be taking on any new projects. He won't be present the first week of July and his last meeting with the Board will be June 30, 2015 due to their being no meeting on July 14, 2015.

Cost Analysis for the Carpenter Home

Hutwelker asked for a cost analysis for the Carpenter Home for five years. O'Keefe said the Home is losing money. Davis said it does provide a service to people in need, but it is a headache because of the operational loss. O'Keefe said a cost analysis could be done with a lot of assumptions.

Ice pond on Route 10, Cobble Hill Road

Colby said that there has been a plan to deal with the ice pond, but nothing has been done about it. He noted that in the worst situation the boards will get pulled, and the pond will go dry. Colby asked O'Keefe to set up a meeting with Fire Chief Norm Skantze to confer with the Board about this issue at the next meeting.

O'Keefe left the meeting at 8:36 p.m.

CONSENT AGENDA

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

- Land Use Change Tax. Walter Zakahi & Catherine Foster, Woodland Heights Drive (Map 14, Lot(s) 4-28 – \$4,700.
- 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.
- Abatement #2015-10. Ronald & Alana Woods, 37 Anthony Circle, Map 87, Lot(s) 2-5037 – \$257.
- Property Tax Levy – \$8,566 (Supplemental Warrant #2015-01A)

- Property Tax Levy – \$3.485 (Supplemental Warrant #2015-01B)
- Notice of Intent to Cut Wood or Timber. Michael Johnson, Cory Pond Road, Map 12, Lot 5.
- Notice of Intent to Excavate. Michael Johnson, Cory Pond Road, Map 12, Lot 5.
- Raffle Permit #2015-11 – Disabled Veterans, Chapter 21. Raffle of an iPad tablet computer at the Cheshire Fairgrounds on August 2, 2015.
- Raffle Permit #2015-12 – Cheshire County Forest Fire Warden’s Association. Raffle for cash drawings and 50/50 raffle at the Cheshire Fairgrounds on August 2, 2015.
- Raffle Permit #2015-13 – Monadnock Humane Society. Raffle for various items at Keene-Dillant Airport on June 20, 2015.
- Bill of Interpleader related to recent sale of property at 160 Goodell Avenue Map 25, Lot 13-5.

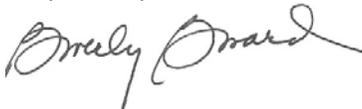
In addition to items discussed as part of the agenda, the Board received the following documents:

- Notice of postponement of Foreclose, dated June 5, 2015, and Mortgagee’s Notice of Sale of Real Estate regarding property at 30 Perry Lane, Unit #9.
- Treasurer’s monthly report for May 2015

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Davis. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:41 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on June 23, 2015