

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – June 30, 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 6:01 p.m. at the Swanzey Town Hall. Present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

OTHERS PRESENT

Assessing Coordinator Coleen Birmingham, Public Works Director Lee Dunham, along with Cheshire County Conservation District representative Amanda Littleton, Fire Chief Norm Skantze, Consultant Dave Bergeron, Conservation Commission Wally Smith, Human Services and Resources Coordinator Edna Coates, Interim Carpenter Home Administrator Judith Bohannon, State Representative Jim McConnell, Resident Michael Goldschmidt, Resident Nicole Joslyn and Emergency Management Director Bruce Bohannon.

MINUTES

- The regular meeting Minutes of June 23, 2015 were considered. There was a **motion** by Colby to accept the regular meeting Minutes of June 23, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. **Motion passed.**
- The Non-Public meeting Minutes of June 23, 2015 were considered. There was a **motion** by Colby to accept the Non-Public meeting Minutes of June 23, 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.

CITIZEN CONCERNS

Update on Maplewood

State Representative Jim McConnell spoke briefly about the prospect for the county nursing home, and the desire of the committee working on the issue to have cost figures in hand. McConnell said that he prefers working with the existing structure and perhaps expanding it but acknowledged there were others who want to move in the direction of a so-called “green-house” option. He spoke briefly about the cost factor of moving clients while construction is going on. He noted that building an annex would provide a place to house clients while renovation is going on in the old building.

Taxation RSA

Resident Michael Goldschmidt asked which RSA discusses taxation and O’Keefe said taxation law is under RSA Chapter 80 – Collection of Taxes.

Hazard Mitigation Plan

Emergency Management Director Bruce Bohannon mentioned a communication from Lisa Murphy, Senior Planner, Southwest Region Planning Commission in regard to creating a committee of six to eight individuals to consider adopting a Hazard Mitigation Plan. Bohannon passed a printout of the communication from Murphy to the Board and asked to be on the agenda next Tuesday to further discuss the idea with the Board.

NEW BUSINESS

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

The Board was asked to accept funds as follows:

- A grant of \$6,240 from the NH Highway Safety Agency for overtime related to DUI/DWI enforcement patrols.

Colby **moved** to accept the grant of \$6,240 from the NH Highway Safety Agency for overtime related to DUI/DWI enforcement patrols and expend the funds in the current budget year. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

OLD BUSINESS

2014 property Tax Abatements

Following up on the previous two meetings, where a table of abatement applications and accompanying application forms and backup materials were handed out to the Board, and some decisions made, Assessing Coordinator Coleen Birmingham reviewed several outstanding applications with the Board.

Birmingham spoke about the Tolman property on Old Chesterfield Road. She said the property is not accessible and Vision Government Solutions, Inc., the Town's assessing contractor, recommended \$2,500 per acre or total assessed value of \$6,100. The Board agreed. Hutwelker asked if Birmingham would check with Vision as to whether they assess all non-buildable lots at \$2,500 per acre. Birmingham agreed to do the research. Next discussed was Lambert property at 48 Fox Run Road. Birmingham said Vision recommended changing finished upper story to unfinished upper story for a recommended assessed value of \$126,400. The Board agreed to this. Mr. Lambert's property at 329 Monadnock Hwy was discussed next and Birmingham said that Vision recommended changing the occupancy to a single use. Vision suggested no value change and that the property would remain valued at \$236,700. The Board then discussed the Rouleau property at Cresson Drive. Birmingham noted that the owner said there was never a fireplace in the home, and this was confirmed by a Vision appraiser. Birmingham suggested that based on there not being a fireplace in the home, abate \$1,700 in value. The Board agreed.

O'Keefe pointed out that forms need to be filled out by Birmingham and to be signed by the Board and also letters sent to the property owners informing them of decisions of the Board.

A brief discussion was held regarding the New Hampshire Department of Revenue Administration (DRA) assessment which went well according to O'Keefe. Hutwelker asked Birmingham to work on the backlog of changes to be made to improve procedures.

Birmingham left the meeting at 6:13 p.m.

Conservation Commission recruiting

It was noted that there are presently two vacancies on the Conservation Commission, with term expiration dates of Town Meeting 2017 and 2018, respectively. The Board discussed efforts to recruit new members with Commission Chair Wally Smith. Smith suggested a "welcome" letter that would be sent to every new resident in town, along with the Annual Report. The letter could include an invitation to volunteer for a committee. Another idea he suggested was to have an appreciation day for all the volunteers on committees, perhaps a cookout. Smith also suggested a backup employee to do meeting minutes when Recording Secretary Bernard is not available. Smith asked if Code Enforcement Officer Mike Jasmin could attend meetings of the Conservation Commission since much of what he does affects their work. He also suggested Recycling Center Manager Bob Osterhout be invited to participate.

Illegal Dumping Ordinance Review Committee

O’Keefe reminded the Board that at the first session of the 2015 Town Meeting (Deliberative Session), in response to a change to the underlying text of the proposed Illegal Dumping Ordinance which exempted property owners from the prohibition on dumping if it is on their own property, the Voters approved a change to Article 5 as follows:

Article 5 Shall the Town vote, pursuant to the applicable provisions of RSA 31:39, to ~~adopt~~ **study the adoption of** an ordinance as proposed by the Selectmen, **to be reported back on the 2016 Warrant**, as follows: A comprehensive ordinance making it illegal to dump, deposit, place, throw or leave litter on any public or private property in the town of Swanzey, with enforcement by means including fines?

Smith pointed out that no committee was put together tasked with the study. Smith said he is struggling a bit with what would be studied. He noted the controversial issue was a property owner who creates unsightly conditions by dumping on his/her own property, which impacts on neighbors. He spoke about various ordinances that might be possible, such as changing the fines/warnings for property owners in regard to dumping on owned land.

Davis suggested getting ideas for the ordinance from Scott Self who expressed concerns about the wording of the original proposed ordinance. Colby mentioned there are health regulations that do impact on someone dumping on their property. Colby also suggested that the wording be written to appeal to common sense. Hutwelker said that the Board will consider the issues and get back to Smith.

Aquatic Resource Mitigation Program Grant – Falls Brook Restoration

This project, which calls for the replacement of the old 72” culvert on Hale Hill Road at Falls Brook to allow fish to better navigate the brook, was first discussed on June 10, 2014 and then again on August 12, 2014, and the Board voted “to authorize the Town Administrator and Director of Public Works Lee Dunham to execute a letter to the Cheshire County Conservation District indicating the Town owns the property on Hale Hill Road where Falls Brook culvert lies and will commit to a contribution of \$10,000 toward the project from funds available”. The Public Works Department is expected to provide in-kind services and materials. On April 28, 2015 Dunham informed the Board that the Governor and Executive Council has approved funds for the Falls Brook culvert repair. Dunham and Cheshire County Conservation District representative Amanda Littleton met with the Board to further discuss finance options for the project.

Littleton said both of the grants have been received and that she is very excited about moving ahead. She said the permitting process has begun. Hutwelker asked about the timeframe for reimbursement. Littleton said it would be at least an eight week turnaround, once the invoice has been received. O’Keefe noted that a hearing held under RSA 31-95-b will be required to accept the funds. Littleton said that work is proposed to start in August or September. O’Keefe suggested late July for a hearing, which would be July 21, 2015 or July 28, 2015. Littleton asked what she needs to do to prepare for a hearing. Hutwelker said that he thought Dunham could speak to the issues at the public hearing. The public hearing was tentatively set for July 28, 2015 as requested by Dunham.

Littleton asked about the process – and whether a formalized agreement had to be made. O’Keefe noted that a written agreement should be made – Hutwelker suggested consulting with Town Counsel, which the Board will do. Littleton provided the State grant agreements for Counsel to consider in drafting an agreement between the Town and the Conservation District.

Littleton left the meeting at 6:34 p.m.

Ash Hill Update

Dunham gave the Board a brief update on the progress being made on tree removal on Ash Hill Road.

Dunham left the meeting at 6:35 p.m.

California Brook Dam / NH Route 10

At the previous meeting the Board met with Fire Chief Norm Skantze to discuss efforts to restore this fire pond, and it was noted that engineering, permitting and construction costs would come in at between \$5,000 and \$10,000 for this effort. The Board asked for more accurate figures before it would authorize the Chief to move forward with the project and the funding for the project at the upcoming meeting. Consultant Dave Bergeron and Chief Skantze met with the Board to better inform the Board as to some of the design and permitting issues.

According to Town Administrator O'Keefe as of December 31, 2014, the Fire Pond Expendable Trust Fund had a balance of \$18,288, and an additional \$5,000 is scheduled to be added this year per Town Meeting article 4.

Bergeron said approximately 250 cubic yards of material has to be removed to build a fire pond that would be separated from the brook channel. The pond would be created to provide about 30,000 gallons of water for fire protection. Bergeron said that the size of the pond would be less than originally anticipated, so the costs might be less. Bergeron said that the cost would be in the range of \$17,000 to \$18,000. He said the cost depends on what is found upon initial digging at the site, which cannot begin until after the dam boards are removed and the land is dry. The Town will be out of water on the site for a while. Colby said that if a plan is in place, the New Hampshire Department of Environmental Services (DES) should acknowledge that the Town is trying to work within the framework provided by DES. Skantze said the boards could come out right away. Bergeron said that in terms of digging at the site, a "Permit by Notification" is not acceptable. Instead a "Minimum Impact Permit" will be needed and that permit requires sign-off by abutting property owners and the Conservation Commission. There was a discussion about communication with DES so that they are aware of the permit the Town will be requesting. Colby suggested Bergeron and Skantze coordinate together and Skantze said he is in favor of removing the boards as soon as possible.

Conservation Commission Chair Smith asked Bergeron to attend the July 7, 2015 meeting of the Conservation Commission and Davis suggested the Commission authorize the Chair of the Conservation Commission to sign off approval once the permit application is received.

Motion was made by Colby to expend up to \$1,500 for survey work on the Fire Pond at California Brook, from the Fire Pond Expendable Trust, and to authorize the Fire Chief to execute any documents necessary to secure the services of consultants; there was a second by Hutwelker, and no further discussion. All were in favor. **Motion passed.**

Bergeron left the meeting at 6:51 p.m.

Letters received by the Board

A brief discussion occurred about letters received by the Board from a property owner and a recent event permit applicant. Skantze said he will take care of the issue addressed to him. The Board passed the letter addressed to them to Skantze for follow up by Skantze.

Skantze left the meeting at 6:55 p.m.

Tax Deeded properties

The following Town-owned tax deeded properties were discussed.

FORMER OWNER	LOCATION	MAP/LOT	BOS Decision	Deed Date	Book/Page
Cushing, Walter & Tammi	68 Diana DR	87/2-5068	5/5/2015	6/19/2015	2908/0595
Landry & Berthiaume	12 North Pine ST	18/234	5/5/2015	6/19/2015	2908/0593
Luce, Anna	28 Pondview RD	73/22-0508	5/5/2015	6/19/2015	2908/0585
Monroe, Keith	8 Old Lake ST	18/142	5/5/2015	6/19/2015	2908/0590
Joslyn, Nicholas E.	556 Swanzey Lake RD	61/2-0011	5/19/2015	6/19/2015	2908/0587
Spears, Charles & Martha A	27 Aylward AVE	72/108	5/19/2015	6/25/2015	2909/0422

The Board discussed whether to proceed with evictions of the occupants, and whether the Town should seek to sell the properties, giving 90-day notice to the former owner and any former mortgage holder. It was noted that the property on Aylward Avenue is not occupied, but the others are occupied according to Code Enforcement Officer Mike Jasmin.

Goldschmidt asked if a home has no value, why is there an assessed value for which taxes are owed. Hutwelker said the question is whether people are living in an inhabitable building.

Nicole Joslyn was present to discuss her property at 556 Swanzey Lake Road. She said they have lived there for five years and her husband’s brother owned the property previously. She spoke about the fact that the brother was behind with tax payments and the liens were not cleared when they bought the property. She said that they have tried to catch up, but because of personal matters and the high interest, they have not been able to keep up. She did have a payment arrangement with the Town in the past, but was not able to keep up with it. O’Keefe said there is a provision in the statutes which allows the Board to work with a former owner on repurchase of the property. O’Keefe said one way to handle it would be for the Town to take a mortgage on the property. Davis said the Board needs to determine how much money is involved. It was noted that the Board needs to capture what has not been paid, and also going forward taxes that will need to be paid in the future. Hutwelker asked for details on the property and Joslyn provided those details. Davis pointed out that Town Tax Collector Lori Belletete could provide a dollar figure. Hutwelker asked Joslyn to meet with Belletete and O’Keefe at 10 a.m. tomorrow (Wednesday) morning.

Loretta Wright met with the Board in regards to 12 North Pine Street. Wright said that former owner Betsey Landry has no way to pay the money for taxes. Wright said that she is trying to help Landry stay in her home. Wright said that Landry is disabled and has no car. There is only one source of income. Wright said that Landry is 68 years old, and she is unable to take care of her finances. Wright said she is a real estate broker and manages properties, and asked if a third party could purchase the property on behalf of the former owner. She said she has a third party that would be interested in purchasing the property. The third party would allow Landry to stay in the home. Hutwelker asked if the third party would bring the home up to appropriate standards. Hutwelker mentioned there is indication that the foundation is questionable. There was a discussion about whether or not the Town can sell property, once owned by the Town. Hutwelker suggested that the third party might walk through the property and then meet with the Board. Hutwelker pointed out that the Board would want the occupant to find safe housing. The Board does not want to facilitate a third party to purchase the home and then evict Landry. Wright said her purpose is to keep her in the home. The Board agreed to table further discussion until Jul 21, 2015.

O'Keefe passed out documentation regarding RSA 80:80 and pointed out section VI, which allows the Board "to dispose of the property 'as justice may require'" and "shall include the power of the selectmen or mayor to convey the property to a former owner, or to a third party for benefit of a former owner, upon such reasonable terms as may be agreed to in writing...". Wright asked about Code Enforcement documentation about the condition of the home and meeting with Jasmin. O'Keefe said there are also welfare liens on this property, and water and sewer liens.

The Board decided to move ahead with 90 day notices per RSA 80:89 to the former owners for 27 Aylward Avenue, 8 Old Lake Street, and 28 Pondview Road with potential for eviction. O'Keefe will request that Town Counsel send out these notices. Hutwelker asked that Code Enforcement post the building at Aylward Avenue for "No Trespassing." O'Keefe agreed to pass that request onto Jasmin.

Purchase of heating fuel for Town facilities

The Board reviewed bids for No.2 heating fuel for Town facilities. There was a discussion about the General Assistance Calls adding to the costs. Colby questioned the extra charge columns that on O'Keefe's spreadsheet were blank on both Discount's and Swanzey Oil's bid. He said that was the reason for going with Swanzey Oil last year. He also was concerned over the issues of service raised by Edna Coates during the 2013 Oil Contract year. Coates said that Discount Oil was not easy to work with in the past, and that the cost of these extra deliveries is why they lost the account last year. Coates said Swanzey Oil was much easier to work with this past year. Discount Oil did not want to deliver after hours for General Assistance Calls, she said. O'Keefe recommended going with the low bidder, but stressing the need for Discount Oil to be easier to work with and be able to respond at any time of the day or night for calls made by Coates.

Hutwelker **moved** to accept the fixed coast heating fuel price proposal of \$2.1890 per gallon from Discount Oil and to authorize the Town Administrator to execute any contractual documents necessary to secure the proposed products and services, contingent on determining that the charge to the Town for their services for emergency and restart are zero. There was a second to the motion by Colby and no further discussion. All were in favor except Colby who voted "no". **Motion passed.**

All attendees left the meeting at 7:55 p.m. when a non-public session was initiated.

Non-public session(s) per RSA 91-A:3II(b), Hiring of Public Employee(s) – Health Officer

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 7:55 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, Human Services and Resources Coordinator Edna Coates 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 8:02 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.**

Non-public session(s) per RSA 91-A:3II(b), Hiring of Public Employee(s) – Carpenter Home Administrator

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 8:02 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, Human Services and Resources Coordinator Edna Coates, Interim Carpenter Home Administrator Judith Bohannon 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 8:23 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(a), Personnel Matter(s) – Recreation Department

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 8:23 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, Human Services and Resources Coordinator Edna Coates, Recreation Director Judith Bohannon 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 8:25 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.**

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 8:26 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, Human Services and Resources Coordinator Edna Coates, Recreation Director Judith Bohannon 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 8:29 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.**

Coates and Bohannon left the meeting at 8:32 p.m.

Tax Deed for the Homestead Woolen Mill

Hutwelker asked to extend the tax deed date to August 1, 2015. Hutwelker said the ownership is in bankruptcy and there is not yet a new owner. The transfer has not been made yet.

Motion was made by Hutwelker to extend the tax deed date for the Homestead Woolen Mill to August 1, 2015. The motion died due to lack of a second.

The Town will make no effort in regard to this property at this point in time.

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.**

- Raffle Permit #2015-14 – Giving Care 24/7. Gift certificate for restaurant valued at \$25 at 19 Eaton Road on August 6, 2015.
- Raffle Permit #2015-15 – Connecticut River Sportsman’s Club. Twenty \$500 cash prizes at 125 Whitcomb Road on January 1, 2016.
- Property Tax Levy – \$101 (Supplemental Warrant #2015-01C)
- Deed conveying Town-owned property at 147 Pine Street (Map 57, Lot 119) to Dopeslap, LLC.
- Veterans Tax Credit decision letters (Per Board decisions from 6/23/2015 meeting)
- Personnel Action Report(s)

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

- Letter from NH Department of Revenue Administration, dated June 15, 2015, providing review of 2014 statistical update
- Letter from NH Department of Revenue Administration, dated June 15/2015, providing review of Town’s assessing program
- Letter from Altitude-North Productions, LLC, dated June 19, 2015, regarding Fire/EMS coverage of the “Monadnock Up in Smoke” event
- Letter from Kim Mansfield, dated June 22, 2015, regarding issues with Carlton Road (copy has been given to Lee Dunham)
- Copy of memo from Keith Thibault to Swanzey Municipal Facilities Committee, dated June 22, 2015, regarding recommendations for Town Hall
- Copy of letter from the Cheshire Fair Association to Fire Chief Norm Skantze, dated June 23, 2015, regarding EMS matters at the Cheshire Fairgrounds
- Letter from the Selectmen of the Town of Chesterfield, dated June 24, 2015, regarding NHMA training on land use matters (copy has been given to Sara Carbonneau)
- Letter of resignation from Open Space Committee from Beverly Bernard, dated June 25, 2015

Bernard and O’Keefe left the meeting at 8:35 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 8:35 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, and W. William Hutwelker, III.

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 9:10 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.**

ADJOURNMENT

Motion to adjourn was made by Colby, second by Hutwelker. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 9:10 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Beverly Bernard", written in a cursive style.

Beverly Bernard, Recording Secretary

Approved on July 7, 2015