

TOWN OF SWANZEY

1

620 OLD HOMESTEAD HIGHWAY

P.O. BOX 10009

SWANZEY, NH 03446-0009

TOWN HALL (603) 352-7411 FAX (603) 352-6250

WWW.SWANZEYNH.GOV

Board of Selectmen Meeting Agenda

Whitcomb Hall, 17 Main Street

December 8, 2021

The Public is welcome to participate remotely over Zoom by going to www.zoom.us, using the Zoom App on a cell phone, or on a landline calling 1 929 205 6099 and entering **Meeting ID 235 370 4380 #**. Please try to log in 5 minutes before the meeting's scheduled start time in case you run into any technical difficulties. If you are unable to access the meeting, please call 352-7411 ext. 107.

1. Call to Order – 5:30 PM
2. Consideration of Meeting Minutes
 - A. Regular meeting of December 1, 2021 (page 7)
 - B. Nonpublic meeting of December 1, 2021
3. Consent Agenda
 - A. Payroll Manifest
 - B. Payables Manifest
 - C. Personnel Action Reports
4. Public Input
5. Appointments
 - A. 5:35 Allyce Romanek – 2022 Old Home Day
 - B. 5:40 Police Chief Joe Gonsalves – 2022 Budget
 - C. 5:55 Conservation Commission member Cheri Domina – Mt. Caesar Trail Names (page 14)
6. 6:00 Public Hearing Pursuant to RSA 53-E regarding draft Community Power Plan developed by the Swanzey Community Power Committee (page 15)
7. Appointments (continued)
 - A. 6:30 Director of Planning & Economic Development Matthew Bachler – Consideration of RSA 79-E (page 3,16)
8. Nominations
 - A. Cynthia Kordys – Rail Trail Advisory Committee Alternate (page 4,30)
9. Consideration of New Business
 - A. Consideration of Commercial Solar Development Payment in Lieu of Taxes (page 4,31)

Agenda items and times are tentative and subject to change – they are provided for informational purposes only

B. Audit Firm Selection (page 4,34)

10. Consideration of Old Business

A. 2022 Town Meeting Warrant and Budget Preparations (page 35)

11. Administrative Update

12. Correspondence (page 42)

13. Non-public session(s) per RSA 91-A:3II(b) hiring of a public employee

14. Possible non-public sessions as needed

15. Adjournment



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MEMORANDUM - OFFICE OF THE TOWN ADMINISTRATOR

TO: Board of Selectmen

FROM: Michael Branley, Town Administrator

RE: December 8, 2021 Agenda

DATE: December 6, 2021

CC:

2. Consideration of Meeting Minutes

- A. Regular meeting of December 1, 2021
- B. Nonpublic meeting of December 1, 2021

3. Consent Agenda

- A. Payroll Manifest
- B. Payables Manifest
- C. Personnel Action Reports

4. Public Input

5. Appointments

- A. 5:35 Allyce Romanek – 2022 Old Home Day. Allyce would like to touch base with you briefly regarding the 2022 Old Home Day.
- B. 5:40 Police Chief Joe Gonsalves – 2022 Budget.
- C. 5:55 Conservation Commission member Cheri Domina – Mt. Caesar Trail Names. See enclosed memo from Cheri regarding some proposed trail names on Mt. Caesar.

6. 6:00 Public Hearing Pursuant to RSA 53-E regarding draft Community Power Plan developed by the Swanze Community Power Committee

7. Appointments (continued)

- A. 6:30 Director of Planning & Economic Development Matthew Bachler – Consideration of RSA 79-E. We have been approached by Chinburg Properties, the company purchasing the Homestead Woolen Mill, with a request that Swanze adopt RSA 79-E, the Community Revitalization Tax Relief Incentive. As you may recall, the Town considered adopting this

statute a few years ago but at that time opted to adopt RSA 72:81, a tax exemption for commercial and industrial uses. Chinburg is requesting consideration of 79-E because it applies to residential development. Matthew has put together a memo that outlines the request more fully, at this point we are looking for support from the Board for a warrant article authorizing RSA 79-E.

8. Nominations

A. Cynthia Kordys – Rail Trail Advisory Committee Alternate

SUGGESTED MOTION: I move to appoint Cynthia Kordys as an alternate to the Rail Trail Advisory Committee for a term ending Town Meeting 2024.

9. Consideration of New Business

A. Consideration of Commercial Solar Development Payment in Lieu of Taxes. We have come to agreement on the terms of the payment in lieu of taxes for map 71 lot 13-2 as discussed with you a few weeks ago. The only item to be finalized is whether your preference is for a flat \$3,500 per year per megawatt or whether you would like \$2,800, increasing 2% per year. The break even point would be at 23 years (even though this is a 20 year agreement), so I suggest we stick with the \$3,500 per megawatt per year.

SUGGESTED MOTION: I move to approve a payment in lieu of taxes for the commercial solar development at map 71 lot 13-2 for a term of 20 years with a value of \$3,500 per year per megawatt and authorize the Town Administrator to sign the agreement.

B. Audit Firm Selection – see enclosed memo from Theresa.

SUGGESTED MOTION: I move to select Vachon, Clukay, and Co as the Town's auditing firm for FY 2021 and authorize the Town Administrator to sign contract documents with contract extensions through FY 2025.

10. Consideration of Old Business

A. 2022 Town Meeting Warrant and Budget Preparations

11. Administrative Update

12. Correspondence

13. Non-public session(s) per RSA 91-A:3II(b) hiring of a public employee

14. Possible non-public sessions as needed

15. Adjournment

UPCOMING AGENDA ITEMS

12/8 – 2nd Community Power public hearing

2022 TOWN MEETING COUNTDOWN

- Current schedule for budget appointments (subject to change):
 - 12/8 – Administration & Police Department

- 12/15 – Follow up sessions with departments/entities as needed
- 1/7 – Submissions for the annual report due to the Board of Selectmen’s Office
- 1/12 – Expected date for Public Budget Hearing & Bond Hearing (if necessary)
- 2/8 – Deliberative Session at Whitcomb Hall
- 3/8 – Town Election at MRSD

PENDING BOARD MATTERS

- South Winchester, West, and Swanzey Streets Reconstruction Project – Sidewalks will be delayed until next year. We had our last status meeting of 2021 on 11/16 and the project is in winter shut down.
- Rail Trail Improvements – the RTAC provided staff with their priorities for trail sections in need of improvement. Fortunately, the rented excavator is working excellent to improve ditches and drainage, hopefully reducing the number of culverts we need to replace and thus increasing the amount of trail surface we can improve with the TAP grant. We have our second public informational session scheduled for 12/13 at 6 p.m. at Whitcomb Hall and over Zoom.
- Upper Wilson Pond Dam Rehab – We have executed the agreement with Dubois & King for preliminary design, permitting, and final design. The projected schedule is:
 - Preliminary Design – February 2022
 - Permitting – May 2022
 - Final Design – July 2022
- Carpenter Home Property Uses – The *cy pres* petition was formally filed on 8/13. We have received some feedback from the court and need to hold a public hearing on 12/1. We received the appraisals for both properties on 11/15.
- Tax Map Update Project – the flyover took place the week of 3/31 and was a success. We had a meeting scheduled with CAI for 5/20 to discuss the next phase of the project. Staff has completed going through all of the Town’s 3,000+ property files to pull all surveys in the Town’s possession and they were picked up by CAI.
- Old Richmond Road Fire Pond – This project will be completed next year. Our permit is good until 2024.
- Christian Hill Road Bridge Replacement – The engineering study was sent to DOT for review. DOT is working on a project agreement. This project is scheduled for State FY 2024 (which means awarding the project to a contractor from July 1, 2023 to June 30, 2024). DOT has approved advanced construction so we can advertise the project in December 2022, award to a contractor in January 2023, and start construction in June 2023 so we can get 40% upfront reimbursement in July 2023.
- Engine 2 repair – we have paid the 1/3 deposit. Work started in October we received the following update on 1/17: “Just wanted to give an update on the truck. Everything is going smooth and its going back together but there is a slight hiccup. The build time on the rear bracket has been updated from 3-4 weeks to 4-6 weeks. By the looks of it the job will be going into early January. While we hope it is done before then if it does go into the new year we will have to close the job and open a new one at the beginning of the year due to accounting purposes then combine them when the truck is done.”
- Fire Station Project – the asbestos removal project and demolition of the building has been completed. The excavator moved in today (12/6) to begin stumping and filling in the building remains.

MAJOR OPEN STAFF POSITIONS

- Police Department – we have an open full time officer position and an open school resource officer position.

Town of Swanzey, New Hampshire
Board of Selectmen
 Meeting – December 1, 2021
 Whitcomb Hall, Main Street, Swanzey NH
 and remotely using Zoom Meeting

Note: Draft Minutes are subject to review, correction and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.

CALL TO ORDER

The meeting was called to order by Chair Selectman Sylvester Karasinski at 5:31 pm at Whitcomb Hall, Main Street, Swanzey, NH and remotely using Zoom Meeting. Present at Whitcomb Hall were Selectmen Sylvester Karasinski and Kenneth P. Colby, Jr. W. William Hutwelker was present via Zoom. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard. Zoom ID 235 370 4380 or join by phone 1-929-205-6099.

OTHERS PRESENT

Health Officer Pam Fortner, Director of Department of Public Works Joe DiRusso, Fire Chief Bill Gould, Sharon and Ken Greatbatch, Code Enforcement Officer Mike Jasmin, Conservation Commission member Cheri Domina, residents Sharon and Ken Greatbatch, and resident Allyson Lee via Zoom.

MINUTES

- The regular meeting Minutes of November 17, 2021 were considered. There was a motion by Colby to approve the meeting Minutes of November 17, 2021. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**
- The non-public meeting Minutes of November 17, 2021 were considered. There was a **motion** by Colby to approve the non-public meeting Minutes of November 17, 2021. There was a second by Hutwelker and no further discussion; all were in favor. **Motion passed.**

CONSENT AGENDA

Motion was made by Colby to approve the Consent Agenda. There was a second by Hutwelker. All were in favor. **Motion passed.**

- Payroll Manifest
- Payables Manifest
- Yield Tax Levy – Map 1 Lot 2, 3, & 4
- MRSD payments for FY 2021/2022
- Raffle Permit #2021-16 – Fast Friends Grey Hound Adoption
- Very Swanzey Christmas – Dec 10th - 2021-15
- Personnel Action Reports

PUBLIC INPUT

There was none at this point of time.

APPOINTMENTS

Health Officer Pam Fortner – Town Board of Health Meeting

Per recent statutory changes for the Town Board of Health (comprised of the Health Officer and Board of Selectmen) Fortner was present to update the Board on the statutory changes. She said she will be

required to have an annual meeting with the Board. She also will have to take a few hours of training each year. She referred to the public health network and to the narrative. She referred to need for housing and the condition of rental housing that is not always acceptable. She referred to property maintenance that can be an issue and communication with citizens is important, especially for under-served populations. She referred to health inspections as well as Fire and Code inspections.

Hutwelker said he thought we were already inspecting properties where the Town is paying rent through public assistance. Fortner said we haven't been and she referred to Mike Jasmin. He said we would like to but there is a need for an ordinance. Hutwelker asked if a Warrant Article was needed or if the Board could adopt a policy for standards that rental properties need to meet. Jasmin said it could be done by ordinance. Hutwelker asked how much time is needed to prepare for the Warrant, and Branley said it may have to go through Zoning.

The Chair thanked Fortner and she left the meeting.

Public Input:

Allyson Lee spoke about the drainage issue she had on her property at 103 West Shore Road. She said there is flooding occurring from a storm drain, which was moved in such a way that it now conveys water onto her land. She said they had four flooding events which directed water from 250 feet to the road, past her land, flooding the western, southern, and eastern portions of her property. She noted contacting Branley and DiRusso hoping for relief. She said the State has come out and confirmed violations occurred during construction of a neighboring property. She said water passes across her front yard and directly into the lake taking away anything small left on the front yard. She said this has taken the right to peaceful use of her land. She is hoping to receive support from the Town. She requested that the storm drain be moved back or add another storm drain further down the road, and also asking the homeowner next door provide an As-Built for their construction. She said December 14 is deadline for providing the As-Built to the State Department of Environmental Services (NH DES). She said that the neighbor's driveway was increased in size from the approved plan, and the work done was not done as permitted by NH DES. The permit plan does not match the approved permit. She said they are being injured by persistent flooding. She said she wants to know how the Town can partner with the property owners to resolve the problem as amicably as possible. She said they have an issue every time it rains. She noted the Town of Swanzey driveway regulations and rules about conveyance of storm water may not be complied upon.

Director of Public Works Joe DiRusso

- West Shore Road Drainage Complaint –

DiRusso said after receiving the complaint in July he began monitoring the situation. He said he did not issue the driveway permit and will need to see the As-Built. He said that it appears that the driveway was built to Swanzey regulations. He noted there were heavy rains in July of this year and that may have caused excessive flooding. DiRusso said it is his understanding by talking to the contractor that a possible option for solving the problem is an additional storm drain.

Lee said the flooding began in March. She said the culvert is placed at such an angle that is pointed directly at her land. She said you cannot do that with new construction. The culvert in the past was facing the abutter property that was wooded. She said she and her husband disagree about the flooding. She said the flooding would not have taken place had the culvert not been moved. She noted four occasions with flooding and it floods even with lower inches of rain. That never happened in the past and they have owned the house for 7-8 years. She said a huge boulder retaining wall has been placed which makes it

impossible for the water to be drained on their property. She said it isn't fair that because of the way it is constructed that all storm water from up the road is now going onto their property. She said even talking about rainy weather, this shouldn't be happening.

Karasinski said we will wait to hear from NH DES report in regard to the As-Built and follow up from there.

- Requested Expenditures for Pick Up Truck & Used Bucket Truck. DiRusso spoke about the cemetery project completed recently and adding a small gate. He spoke about the South Winchester Street project. Oliver Hill Road had culvert work done.

He spoke about buying a used bucket truck for maintenance. He spoke about used trucks available at auctions and he asked to spend up to \$25,000 for one. Branley noted the bucket can be used for repairs to the covered bridges. Hutwelker said he is okay with the expenditure. Colby asked about getting it here. DiRusso said that would be included in the price.

Colby **moved** to authorize the expenditure of up to \$25,000 from the Highway & Cemetery Equipment Expendable Trust Fund to purchase a bucket truck. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

PUBLIC HEARING – opened at 6:00 pm

Pursuant to RSA 547:3-d II, regarding the proposed sale by the Town of the real estate donated to the Town for charitable purposes under the Will of Lucy J. W. Carpenter

Jasmin provided a handout to those in attendance. Karasinski read the Notice of Public Hearing aloud. Branley said the plan is to sell the property that is a 3-acre lot east of Simeneau Lane. He noted that the Assisted Living Home was operated for many years until it became non-viable financially. The Town tried to find someone to lease the property for the needy and unfortunate residents of the Town per the bequest, and then Covid happened, which stalled the search. He noted that the Monadnock Regional School District (MRSD) has approached the Town about using the property, but what they wished to do did not match the bequest. Branley said the purpose of this meeting is to get input whether the Town should continue to try to use the property for the purposes outlined in Lucy Carpenter's will. He noted the Westmoreland lot would be sold to the highest bidder and some of the neighbors are interested in it. There is an article planned for the 2022 Town Meeting to purchase the Swanzey property from the trust. He referred listeners to information provided in the document.

The Chair asked for comments. Ken Greatbatch asked about the appraisal. Branley said the Swanzey lot is appraised at \$455,000 and the Westmoreland at \$25,000. Bohannon said he understand that the land in Westmoreland is landlocked. Branley said the abutters are interested in possibly buying the land. Bohannon said he thought that no land can be sold if it is landlocked. Jasmin said the State has a process to allow access.

Bohannon asked when the property was subdivided, was sufficient land provided for potential parking. He said all the land is leach fields, etc. Branley said if someone purchased the land and wanted to use it for a commercial use it would have to go to the Planning Board for a site plan review, which considers parking.

Branley said the first idea was to get money to support the Home. He said the Potash Bowl land and Mt Caesar land was preserved. Sharon Greatbatch asked about the trust fund created by the bequest. Branley said the bequest has a principal to not be spent and \$175,000 was paid into the trust by the Town at the

purchase of the Mt. Caesar property. Branley noted the interest, which could be spent, was not enough to support the Carpenter Home and we tried to get excess funds by Warrant Article, and then even that wasn't going to be enough. There were also issues with staffing and bringing the building to Assisted Living standards required by the State.

Cheri Domina asked what happens if the voters turn down the Warrant Article. Branley said there is nothing to compel the sale so it would stay as it currently is, largely unused. Bohannon asked about operational cost. Branley said it costs \$20,000 to \$30,000 a year to maintain the property with heating and lighting. Domina asked if there is a plan as to what to do with it. Branley said the Town has been approached to use the property as a child care facility but the Town has not committed to anything.

Branley reported \$810,000 is in the trust principal currently, which generates an annual contribution of approximately \$35,000 or so.

Next step is submitting the minutes from this meeting to Counsel to update the *Cy Pres* Petition, which would allow us to move forward with the Warrant Article. Sharon Greatbatch asked if sufficient information will be provided to the voters so they understand the request and how the property might be used. Branley said we don't want to include a specific activity in the warrant article since it might not materialize. Karasinski noted our hands would be tied again with a different specific use. Greatbatch said voters would want to know what the Town was planning to do with the property. Jasmin was asked about if the building is in good order and Jasmin noted that the building meets code for sleeping accommodations, which is a very high bar. He added the structure is an odd structure. He said most solutions are coming to the Town via happenstance.

Public Hearing closed at 6:20 pm – members of the public left the building at this point.

APPOINTMENTS (continued)

Director of Public Works Joe DiRusso

- DiRusso spoke about a truck that is falling apart and needs to be replaced. He said the total cost with radio and other equipment is up to \$60,000. This is replacing the Ford for the cemetery work. The current truck doesn't have heated mirrors or power windows, which is problematic during snow plowing. \$60,000 includes the plow said DiRusso. This was the cheapest truck with equipment. Hutwelker asked if this truck was on Capital Improvements Program Committee (CIPC) list and DiRusso said it is on the list. Hutwelker approved.

Colby **moved** to authorize the expenditure of up to \$60,000 from the Highway & Cemetery Equipment Expendable Trust Fund to purchase a pick-up truck. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

- DiRusso spoke about the removal of stumps from the Gold property. He said it will be substantially more work and time (60 hours or so) to remove the remains of the building and debris off the site.

Motion was made by Colby to approve expenditure of \$5,000 from the Fire Department Capital Reserve Fund for work to be performed at the Gold property by the Department of Public Works to clean up the property. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

- Branley spoke about funds of about \$5,000 or so that will be needed to clean up 280 South Road property associated with removing the building. Hutwelker asked about safety plans for removing the building. DiRusso said he can take care of that. Consensus of the Board was to approve to proceed with demolishing 280 South Road.

Fire Chief Bill Gould – 2022 Budget and Requested Expenditures for Radios, Generators, and Exhaust Treatment System.

- **Budget Request**

Branley passed out the budget sheets for discussion. Gould addressed the IT software expense. Gould said the Fire House software they have now is going away, which means will need to migrate during 2022 to another software product. He noted he pays a fee for Mutual Aid but everything that is dispatched will be recorded in the new software. We report to state now manually, but it will be done automatically. He noted the pricing is expensive and the components are expensive. He noted components for training and payroll. Branley said the timekeeping aspect could be useful as part of Finance software upgrade. Gould spoke about ESO for dispatching. He noted timekeeping software would get rid of timecards.

Karasinski asked about importing time records. Branley spoke about shift timekeeping software, which could be an improvement for the Police Department as well.

Gould spoke about other aspects of his proposed budget, including Training. Hutwelker said he cannot support such an increase for the Fire Department since the total budget is at 11% increase and it should be in the 4-5% range. He said is very supportive of training but he cannot support a double digit expense when the other departments are able to live with less. Branley pointed out that \$8,000 could be removed from the Wages (Call, Training) line item to reduce it. Colby said \$8,000 is not sufficient to reduce the budget and we need to find more. Branley asked if he should key on a percentage to redo the budget. Gould said to come up to standards is expensive. He said if the Town is trying to get grants, if we are not operating with standards, we can't be successful. Colby suggested reducing the request by another \$21,000. To get down to 5% increase, the Chief needs to slash about \$30,000 in total from the budget. He asked Gould to revisit his proposed budget to see what he can live it. Gould said he understands the Board's goals, but his department shouldn't be compared to the other departments.

- **Expenditure Request for Generators**

Branley informed the Board that bids for replacement generators and new electrical panels for Stations 1 & 3 were opened on 11/29. He added the Town has a grant for up to a total cost of \$60,000, which cover the total costs. The new electrical panels will improve the facilities overall and will complement the Airvac exhaust treatment systems.

Jasmin spoke about the bids:

- CDS Unlimited - \$14,975 for Station 1 and \$18,175 for Station 3
- Tenney Electric- \$10,800 for Station 1 and \$13,100 for Station 3

He recommended Tenney Electric; Branley noted this is fully funded by the grant. Bohannon asked who is taking care of existing generators and who will be taking care of Tenney generators. Jasmin said we are probably at a point where we should do a Request for Proposal (RFP) for maintenance of the generators, including the new ones. Bohannon said it may be expensive. Jasmin said

maintenance is not in the bid and he noted Powers currently maintains them. Jasmin said Powers supports motors and would be best for maintenance.

Hutwelker said Steve Bittel asked via Zoom, were any of this brought to the CIPC. Karasinski said generators are grant funded. Bohannon said it was discussed in years past. Branley said CIPC had \$60,000 for generators with grant funding.

Colby **moved** to authorize the expenditure of up to \$23,900 on generators for fire stations # 1 and #3 from grant funds previously accepted and award the contract to Tenney Electric. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

- **Radios**

Branley said this was started last year and he noted that the seller provides an initial price, marked down with trade-ins, but the price goes back up with accessories. This expenditure would be just for portables. We are buying fewer radios this year with the goal of using a grant to get us back on schedule with the CIP in 2022. We need to make purchase before end of December to get the promotion.

Colby **moved** to authorize the expenditure of up to \$25,500 from the Emergency Communications Expendable Trust Fund to purchase radios for the fire department. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

- **Exhaust Treatment System**

"Smoke eater" type exhaust treatment systems were discussed that can be retrofitted into the Town's existing fire stations. Discussion was held regarding a visit to Lyndeborough, NH to review their Airvac systems. Branley said they are about as good as we can do. He said that unfortunately grants are not available because we do not have sleeping quarters in our stations. He suggested start with a system in station 3 and it is the most expensive. Jasmin said one station has 4 units.

Colby **moved** to authorize the expenditure of up to \$27,100 from the Fire Stations Capital Reserve Fund to purchase an exhaust treatment system for Station #3. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

- **Full-time EMS Coordinator**

Discussion was held in regard to the possibility of funding a full-time EMS Coordinator. Colby said \$21,000 the Board is looking for in the budget needs to be accounted for. If Gould can save money from other areas of the budget, Colby said he would consider a full-time EMS Coordinator.

NEW BUSINESS

September Expenditure & Revenue Report

The Board reviewed it without comment.

Accept unanticipated funds per RSA 31:95-b

Branley informed the Board that the Town has received the following donations totaling \$10,435.00 in donations:

- \$10,165.00 to Whitcomb Hall Non-Restricted Account
- \$270.00 to West Swanzey Athletic Association Park Non-Restricted Account

Colby **moved** to accept the funds as listed and to remit them to the custody of the Treasurer to be held in the General Fund or to the Trustees of Trust Funds to be held in the appropriate account. There was a second to the motion by Hutwelker and no further discussion. All were in favor.

Motion passed.

2022 Town Meeting Warrant and Budget Preparations

Branley provided the Board a current draft of the Town Meeting Warrant and the current status of the budget. Branley asked the Board to note anything missing and pass that information onto him. He asked the Board to review the proposed articles for the ballot.

NON-PUBLIC SESSION(S)

Non-public session(s) per RSA 91-A:3II(a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee

Motion was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:13 p.m. ***Motion passed.*** Present was Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley 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-pubic session ended at 7:22 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 the meeting was made by Colby. The motion was seconded by Karasinski without further discussion. All were in favor. ***Motion passed.*** Adjournment occurred at 7:25 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on

Michael T. Branley

From: Cheri Domina <cheri.domina@gmail.com>
Sent: Tuesday, November 30, 2021 5:21 PM
To: Michael T. Branley
Subject: Trail names for Mount Caesar trails
Attachments: Mt. Caesar Trails Draft 11.30.21.docx

Hi Michael;

Would you please ask the Selectmen to consider Mount Caesar trail names at an upcoming meeting (Dec. 8 or beyond)? I'm attaching the full draft of the Mt Caesar Trails descriptions, and below is a short form of our proposal.

The Conservation Commission proposes to name four trails on Mount Caesar as follows below. We are seeking any input from Selectmen before moving ahead to publish the information on the town's website and create a map for the property.

1. Elijah's Epic Summit Trail

Elijah Barrett was a student and later a coach at Monadnock Regional High School before he succumbed to cancer in 2007. He excelled as a runner and was a star on the high school track team that won six straight titles in a row from 1990-1995. In 2001 he had the fastest ascent of Mt Monadnock, scaling the 3165 foot peak in 24 minutes 44 seconds, a record that still stands today.

It's appropriate that we name the yellow blazed trail on Mt Caesar after Elijah. As a running coach at Monadnock Regional HS, Elijah led his student runners up the mountain on trails that he made for them for their conditioning. The name "Elijah's Epic Summit Trail" is very fitting to this local hero!

2. Theresa's Trail

An avid hiker and steward of Swanzey's open spaces, Theresa DiLuzio was an energetic presence in Swanzey on both the Swanzey Open Space Committee and Conservation Commission. Theresa carried a special place in her heart for Mt. Caesar and would often be found hiking on the trails ~ As she was such an advocate for Mt. Caesar, we feel it's appropriate to name the newly formed blue trail on Mt. Caesar after Theresa.

3. Tower Trail - the old road that travels from the Carpenter home to the FAA tower

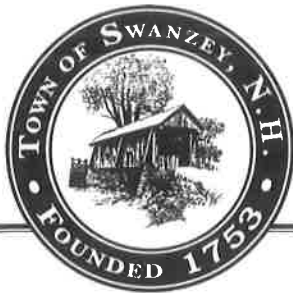
4. Quarry Trail - a short connector trail that passes a good example of a small, 1800s granite quarry.

Thank you so much! Please let me know when this will be taken up.

Cheri Domina, Conservation Commission

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Cheri Domina
 227 Swanzey Lake Road
 Swanzey, NH 03446
 (207) 930-9730
cheri.domina@gmail.com



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NOTICE OF PUBLIC HEARING

Town of Swanze, NH Board of Selectmen

The Town of Swanze Board of Selectmen and the Swanze Community Power Committee will hold a public hearing on Wednesday, December 8, 2021, beginning at 6:00 p.m. at Whitcomb Hall (17 Main Street, Swanze, NH) and over Zoom using Meeting ID 235 370 4380 to hear testimony from the public pursuant to RSA 53-E regarding a draft Community Power Plan developed by the Swanze Community Power Committee. The proposed Community Power Plan would be subject to final approval by voters at Town Meeting in March 2022. If you are unable to attend the meeting, you may submit written questions or comments prior to the hearing to Director of Planning & Economic Development Matthew Bachler at P.O. Box 10009, Swanze, NH, 03446, or to mbachler@swanzeynh.gov.

Posted November 22, 2021



TOWN OF SWANZEY

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Memorandum – Office of Planning & Economic Development

TO: Board of Selectmen
 FROM: Matthew Bachler, Director of Planning & Economic Development
 DATE: December 3, 2021
 RE: Property Tax Exemption Program RSA 79-E – Homestead Woolen Mill

Background

Chinburg Properties, based in Newmarket, NH, is in the process of purchasing the former Homestead Mill at 2 South Winchester Street. The company intends to rehabilitate the mill for a mixed use development that would include the existing commercial tenants and residential apartments. Chinburg Properties is a development, construction, and property management firm with a focus on historic mill renovation projects. The company has completed mill rehabilitations in Portsmouth, Rochester, Dover, Somersworth, Exeter, and Newmarket, and is beginning a project in Claremont. Additional information on Chinburg Properties and projects the company has completed is included in the attachments.

Chinburg Properties has approached staff about implementing RSA 79-E (Community Revitalization Tax Incentive Program) for the Homestead Mill property. This law encourages rehabilitation and reuse of under-utilized buildings in downtowns and village centers through temporary property tax relief. Under State law, the Board of Selectmen can recommend the adoption of 79-E subject to approval by voters at Town Meeting. If approved, the Board of Selectmen approves exemptions on a case by case basis. In 2020, voters approved a warrant article to establish a similar new construction property tax exemption under RSA 72:81. Unlike the 79-E program, this exemption is available in all of the Town, not only specific areas, but can only be used for commercial and industrial uses and residential projects are excluded.

The tax exemption under RSA 79-E only applies to the increase assessed value that results from the rehabilitation work. Tax relief may be granted for a maximum of 5 years, but provisions in the law allow for additional relief for residential projects (2 additional years) and for the rehabilitation of historically significant structures (4 additional years). If the Homestead Mill was renovated for residential uses, the property would likely be eligible for an exemption of up to 11 years. To qualify, the cost of the rehabilitation work must cost at least 15 percent of the re-rehabilitation assessed value, or at least \$75,000, whichever is less.

For a structure to qualify, it needs to be located in a district designated by the Zoning Ordinance or Master Plan as a downtown, town center, or village center. The Homestead Woolen Mill is located in Village Business District II, which would satisfy this requirement. An additional requirement is that a project must provide at least one of the following benefits:

- 1) It enhances the economic vitality of the downtown;
- 2) It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level;
- 3) It promotes the preservation and reuse of existing building stock throughout a municipality;
- 4) It promotes a development of municipal centers, providing for efficiency, safety, and a greater sense of community; or
- 5) It increases residential housing in urban or town centers.

The tax relief is only effective after a property owner grants a covenant ensuring that the structure will be maintained and used in a manner that furthers the public benefit for which the tax relief was granted. The covenant must remain for at least the duration of the exemption. Additional information on the 79-E program is provided in the attachments.

Staff Recommendation

Staff is supportive of pursuing the RSA 79-E program for the Homestead Woolen Mill property. Rehabilitating historic mill structures like the Homestead Mill require significant costs as compared to new construction. The tax relief provided by 79-E can allow these types of projects to be financially feasible.

Over the past several years, the current owner has made significant investments to stabilize the building and has brought in several commercial tenants, including The Fieldhouse indoor recreational facility. Chinburg Properties has successfully completed rehabilitation projects of similar mill sites in several other New Hampshire communities. The company's experience and expertise in these types of projects would allow for the continued revitalization of this property and would add residential uses as well.

Additionally, the Town has made significant investments in the past several years in public infrastructure improvements in West Swanzey, including the reconstruction of Main Street, South Winchester Street, West Street, and Swanzey Street, completion of pedestrian improvements, rehabilitation of Whitcomb Hall, and the on-going development of the West Swanzey AA Memorial Park. One of the goals of these public investments has been to help support and incentivize more active use of the Homestead Mill property considering its central location in the village of West Swanzey.

If the Board of Selectmen is supportive of pursuing the 79-E program, the next step would be to draft proposed language for the 2022 warrant article. No public hearings or notices to property owners are required to include the question on the warrant. The staff recommendation is to include properties in Village Business District I and II in the program. Village Business District II only includes the Homestead Mill property. Village Business District I is located on portions of North Winchester, South Winchester, and Main Streets in the village of West Swanzey.

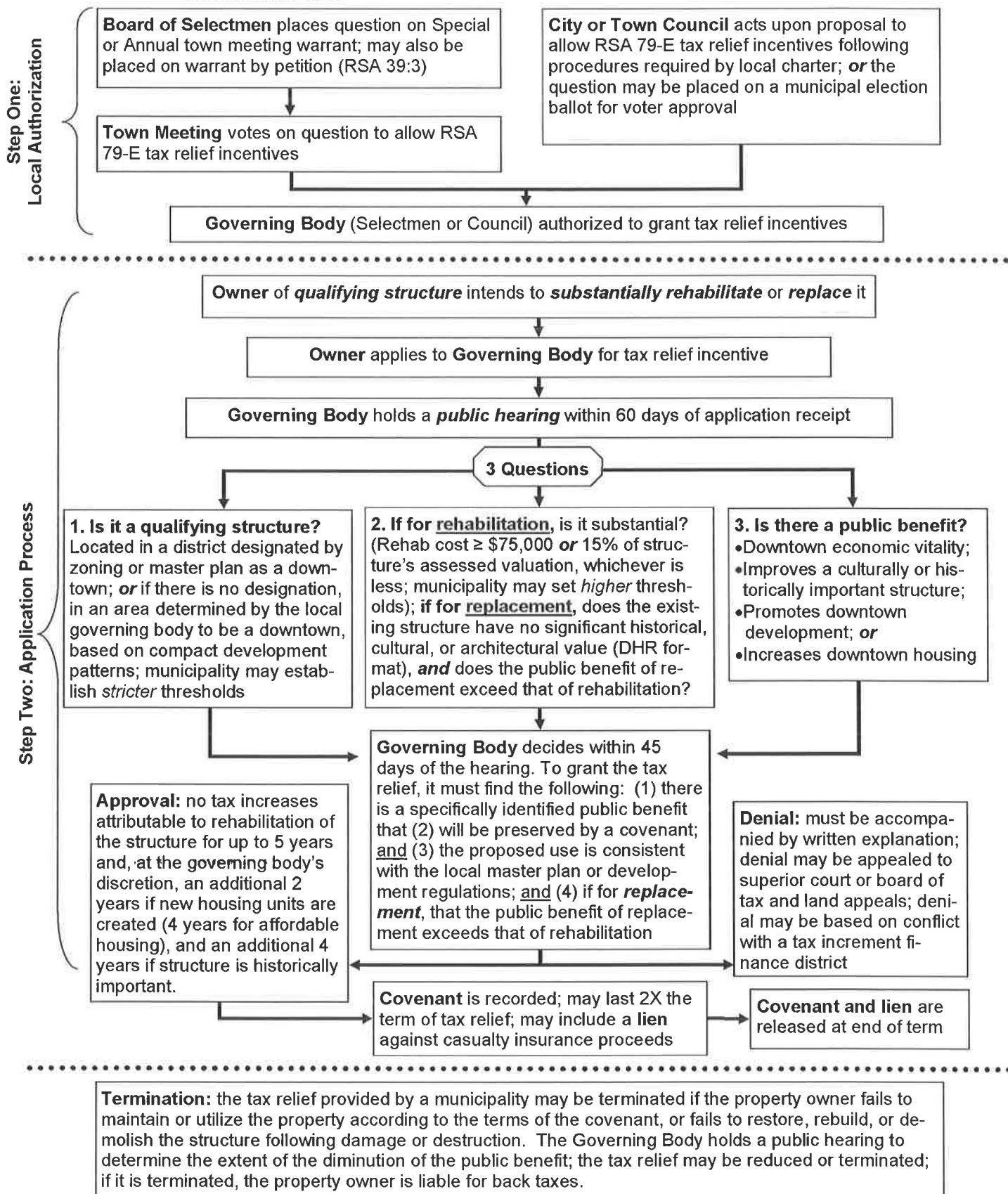
Attachments

- A. Marketing Materials from Chinburg Properties
- B. NH Preservation Alliance RSA 79-E Flow Chart
- C. NH RSA 79-E



RSA 79-E: Community Revitalization Tax Relief Incentive

2009 Statute Revision: Allows for *replacement* of structures, in addition to rehabilitation; local legislative body must re-adopt the law if it wants to use this new power.
2010 Statute Revision: Allows for stricter local standards to identify “qualifying structures” and for higher local thresholds for costs of rehabilitation.
2011 Statute Revision: Allows for replacement of buildings destroyed by fire within 15 years prior to local adoption.
2013 Statute Revision: Allows statute to apply to structures listed on or eligible for the National or State Registers.





Fact Sheet
NH RSA 79-E
Community Revitalization Tax Relief Incentive

This law encourages investment in downtowns and village centers with a new tax incentive modeled on existing New Hampshire statute (the so-called “Barn Bill”). Its goals are to *encourage the rehabilitation and active use of under-utilized buildings* and, in so doing, to

- **promote strong local economies** and,
- **promote smart, sustainable growth, as an alternative to sprawl, in accordance with the purpose and objectives of RSA Ch. 9-B** (State Economic Growth, Resource Protection, and Planning Policy).

How it works:

- In a town that has adopted the tool created by this law, a property owner who wants to substantially rehabilitate a building located downtown, or in a village center, may apply to the local governing body for a period of temporary tax relief; owners of structures listed on the National or State Registers of Historic Places may also apply.
- In certain limited circumstances, the tax relief may also be applied to the replacement of buildings, instead of rehabilitation.
- The temporary tax relief, if granted, would consist of a finite period of time during which the property tax on the structure would not increase as a result of its substantial rehabilitation. In exchange for the relief, the property owner grants a covenant ensuring there is a public benefit to the rehabilitation.
- Following expiration of the finite tax relief period, the structure would be taxed at its full market value taking into account the rehabilitation.

The legislation offers strong community process and discretion:

- Any city or town may adopt this program with the majority vote of its legislative body.
- Applications by property owners are made to the governing body and are accompanied by a public notice and public hearing.
- The governing body may grant tax relief if the application meets the guidelines and public benefit test.
- The governing body may deny the application in its discretion: “..such denial shall be deemed discretionary and shall not be set aside by the board or tax and land appeals or the superior court except for bad faith or discrimination.” (79-E:4 V)

Qualifying properties:

A property owner can apply for the tax relief only if:

- The building is located in the community’s downtown district or its equivalent (municipality may establish additional and stricter criteria for identifying qualifying structures); and
- The rehabilitation costs at least 15% of the building’s pre-rehab assessed value, or \$75,000, whichever is less (municipality may establish higher thresholds); and
- The rehabilitation is consistent with the municipality’s master plan or development regulations.

For more information, contact:

Jennifer Goodman, N.H Preservation Alliance – 603.224.2281, jg@nhpreservation.org

TITLE V

TAXATION

CHAPTER 79-E

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

Section 79-E:1

79-E:1 Declaration of Public Benefit. –

- I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.
- II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.
- II-a. In instances where a qualifying structure is determined to possess no significant historical, cultural, or architectural value and for which the governing body makes a specific finding that rehabilitation would not achieve one or more of the public benefits established in RSA 79-E:7 to the same degree as the replacement of the underutilized structure with a new structure, the tax relief incentives provided under this chapter may be extended to the replacement of an underutilized structure in accordance with the provisions of this chapter.
- II-b. It is further declared to be a public benefit to encourage the rehabilitation of historic structures in a municipality by increasing energy efficiency in the preservation and reuse of existing building stock.
- III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of a qualifying structure, as defined in this chapter.

Source. 2006, 167:1. 2009, 200:3, 4, eff. July 15, 2009. 2013, 78:1, eff. April 1, 2013.

Section 79-E:2

79-E:2 Definitions. –

In this chapter:

- I. "Historic structure" means a building that is listed on or determined eligible for listing on the National Register of Historic Places or the state register of historic places.
- II. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Qualifying structure shall also mean historic structures in a municipality whose preservation and reuse would conserve the embodied energy in existing building stock. Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. Cities or towns may further modify "qualifying structure" to include buildings that have been destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town. In a city or town that has adopted the provisions of RSA 79-E:4-a, "qualifying structure" also means potentially impacted structures identified by the municipality within the coastal resilience incentive zone established under RSA 79-E:4-a.
- III. "Replacement" means the demolition or removal of a qualifying structure and the construction of a new

structure on the same lot.

IV. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less. In addition, in the case of historic structures, substantial rehabilitation means devoting a portion of the total cost, in the amount of at least 10 percent of the pre-rehabilitation assessed valuation or at least \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation. Cities or towns may further limit "substantial rehabilitation" according to the procedure in RSA 79-E:3 as meaning rehabilitation which costs a percentage greater than 15 percent of pre-rehabilitation assessed valuation or an amount greater than \$75,000 based on local economic conditions, community character, and local planning and development goals.

V. "Tax increment finance district" means any district established in accordance with the provisions of RSA 162-K.

VI. "Tax relief" means:

(a) For a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

(b) For the replacement of a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a replacement structure shall not exceed the property tax on the replaced qualifying structure as a result of the replacement thereof.

(c) For a qualifying structure which is a building destroyed by fire or act of nature, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on such qualifying structure shall not exceed the tax on the assessed value of the structure that would have existed had the structure not been destroyed.

VII. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

Source. 2006, 167:1. 2009, 200:5-7. 2010, 329:1, 2. 2011, 237:1, 2, eff. July 5, 2011. 2013, 78:2, eff. April 1, 2013. 2017, 203:2, eff. Sept. 3, 2017.

Section 79-E:3

79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program –

I. Any city or town may adopt or modify the provisions of this chapter by voting whether to accept for consideration or modify requirements for requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote "yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

Source. 2006, 167:1. 2010, 329:3, eff. July 20, 2010.

Section 79-E:4

79-E:4 Community Revitalization Tax Relief Incentive. –

I. An owner of a qualifying structure who intends to substantially rehabilitate or replace such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and an application fee.

I-a. In order to assist the governing body with the review and evaluation of an application for replacement of a qualifying structure, an owner shall submit to the governing body as part of the application, a New Hampshire division of historical resources individual resource inventory form, prepared by a qualified architectural historian and a letter issued by the local heritage commission and if the qualifying structure is located within a designated historic district established in accordance with RSA 674:46, a letter from the historic district commission or, if such local commissions are not established, a letter issued by the New Hampshire division of historical resources that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which those structures are located. The application for tax relief shall not be deemed to be complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4, II until the inventory form and the letter, as well as all other required information, have been submitted.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether any proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV. (a) The governing body may grant the tax relief, provided:

(1) The governing body finds a public benefit under RSA 79-E:7; and

(2) The specific public benefit is preserved through a covenant under RSA 79-E:8; and

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations; and

(4) In the case of a replacement, the governing body specifically finds that the local heritage commission or historic district commission or, if such local commissions are not established, the New Hampshire division of historical resources has determined that the replaced qualifying structure does not possess significant historical, cultural, or architectural value, the replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement. In connection with these findings, the governing body may request that the division of historical resources conduct a technical evaluation in order to satisfy the governing body that historical resources will not be adversely affected.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

VI. Municipalities shall have no obligation to grant an application for tax relief for properties located within tax increment finance districts when the governing body determines, in its sole discretion, that the granting of tax relief will impede, reduce, or negatively affect:

(a) The development program or financing plans for such tax increment finance districts; or

(b) The ability to satisfy or expedite repayment of debt service obligations incurred for a tax increment financing district; or

(c) The ability to satisfy program administration, operating, or maintenance expenses within a tax increment financing district.

Source. 2006, 167:1. 2009, 200:8-11, eff. July 15, 2009.

Section 79-E:4-a

79-E:4-a Coastal Resilience Incentive Zone. –

- I. A city or town may adopt the provisions of this section by vote of its legislative body, according to the procedures described in RSA 79-E:3, to establish a coastal resilience incentive zone (CRIZ). Municipalities may use storm surge, sea-level rise, and extreme precipitation projections in the 2016 report of the New Hampshire Coastal Risk and Hazards Commission, "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation," and its successor projections, to identify potentially impacted structures.
- II. The municipality implementing a CRIZ shall determine the resilience measures it deems qualifying, such as, but not limited to, elevation and free-board renovations, elevation of mechanicals, construction of resilient natural features, enhancement or creation of tidal marshes, elevation of private driveways and sidewalks, construction or enlargement of private culverts and other structures to enable increased water flow and storm-surge, and movement of property to higher elevation on the property or to a newly acquired property at a higher elevation within the municipality. Municipalities may grant tax relief to the qualifying structure and property as described in RSA 79-E:4.
- III. Municipalities may provide other relief to properties in a coastal resilience incentive zone that are subject to repeated inundation, by acquiring preservation or water control easements or establishing tax increment financing districts.
- IV. Municipalities may create a nonlapsing CRIZ fund as a capital reserve fund under RSA 34 or RSA 35, or a town-created trust fund under RSA 31:19-a, to provide funding for projected municipal costs associated with projected storm surge, sea-level rise, and extreme precipitation, and such funds may be used to support the coastal resilience incentive zone purpose established in this section.

Source. 2017, 203:3, eff. Sept. 3, 2017.

Section 79-E:5

79-E:5 Duration of Tax Relief Period. –

- I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.
 - I-a. For the approval of a replacement of a qualifying structure, the governing body may grant such tax assessment relief for a period of up to 5 years, beginning only upon the completion of construction of the replacement structure. The governing body may, in its discretion, extend such additional years of tax relief as provided for under this section, provided that no such additional years of tax relief may be provided prior to the completion of construction of the replacement structure. The municipal tax assessment of the replacement structure and the property on which it is located shall not increase or decrease in the period between the approval by the governing body of tax relief for the replacement structure and the time the owner completes construction of the replacement structure and grants to the municipality the covenant to protect the public benefit as required by this chapter. The governing body may not grant any tax assessment relief under this chapter with respect to property and structures for which an election has been made for property appraisal under RSA 75:1-a.
- II. The governing body may, in its discretion, add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.
- III. The governing body may, in its discretion, add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.
- IV. The governing body may adopt local guidelines to assist it in determining the appropriate duration of the tax assessment relief period.

Source. 2006, 167:1. 2009, 200:12. 2010, 329:4, eff. July 20, 2010.

Section 79-E:6

79-E:6 Resumption of Full Tax Liability. – Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:7

79-E:7 Public Benefit. –

In order to qualify for tax relief under this chapter, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
 - II-a. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.
- III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or
- IV. It increases residential housing in urban or town centers.

Source. 2006, 167:1. 2009, 200:13, eff. July 15, 2009. 2013, 78:3, eff. April 1, 2013.

Section 79-E:7-a

79-E:7-a Public Benefit Determinations. – Cities or towns may adopt according to the procedure in RSA 79-E:3 provisions that further define the public benefits enumerated in RSA 79-E:7 to assist the governing body in evaluating applications made under this chapter based on local economic conditions, community character, and local planning and development goals.

Source. 2010, 329:5, eff. July 20, 2010.

Section 79-E:8

79-E:8 Covenant to Protect Public Benefit. –

- I. Tax relief for the substantial rehabilitation or replacement of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and as otherwise provided in this chapter.
- II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.
- III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition or damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.
- IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.
- V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review, and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

Source. 2006, 167:1. 2009, 200:14, eff. July 15, 2009.

Section 79-E:9

79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty. –

- I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation or replacement has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.
- II. Any tax payment required under paragraph I shall be payable according to the following procedure:
- (a) The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.
- (b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.
- (c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.
- (d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

Source. 2006, 167:1. 2009, 200:15, eff. July 15, 2009.

Section 79-E:10

79-E:10 Lien for Unpaid Taxes. – The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:11

79-E:11 Enforcement. – All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80.

Source. 2006, 167:1. 2007, 42:3, eff. July 20, 2007.

Section 79-E:12

79-E:12 Rulemaking. – The commissioner of the department of revenue administration may adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

Source. 2006, 167:1, eff. April 1, 2006. 2016, 85:2, eff. July 18, 2016.

Section 79-E:13

79-E:13 Extent of Tax Relief. –

- I. (a) Tax relief granted under this chapter shall pertain only to assessment increases attributable to the

substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

(b) Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter, provided that for a qualifying structure which is a building destroyed by fire or act of nature, original assessed value shall mean the value as of the date of approval of the application for tax relief of the qualifying structure that would have existed had the structure not been destroyed.

II. The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter, provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.

Source. 2006, 167:1. 2010, 329:6. 2011, 237:3, eff. July 5, 2011.

Section 79-E:14

79-E:14 Other Programs. – The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

Source. 2006, 167:1, eff. April 1, 2006.



December 6, 2021

Matthew Bachler, AICP
Director of Planning and Economic Development
Town of Swanzey
PO Box 10009
Swanzey, NH 03446

RE: RSA 79-E Support & Chinburg Properties Proposed Redevelopment of Homestead Mill

Dear Mr. Bachler and Selectmen:

I am writing to you to provide support for the Town's adoption of RSA 79- E, the Community Revitalization Tax Relief Incentive. RSA 79-E is a powerful tool which we have used in current and past projects to help make them economically feasible. Chinburg has successfully completed or is in construction on 79-E projects across New Hampshire including projects in: Rochester, Dover, Somersworth, Newmarket, Franklin, and Claremont. Chinburg's 79-E projects in those communities have created more than 500 new homes and provide modern commercial space for dozens of local small businesses.

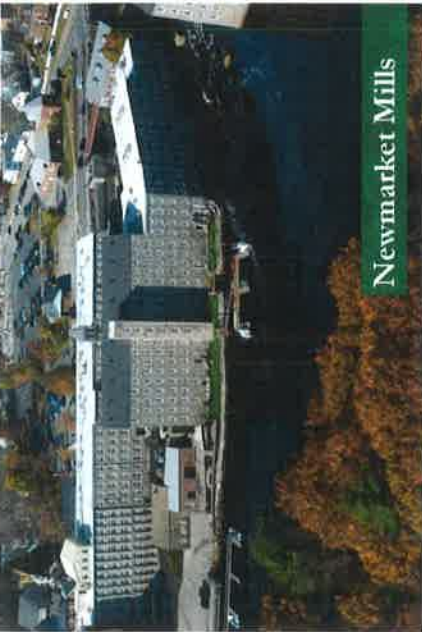
As you may know, Chinburg Properties is acquiring the Homestead Mill in West Swanzey and we expect to close on the acquisition by the end of 2021. The mill is home to several thriving small businesses and we will do our part to ensure they have a great facility for many, many years ahead. In addition, we are studying the conversion of the vacant mill space into market-rate rental apartments. Historic mill rehabilitation is at the heart of what we do. These large, transformative projects are incredibly challenging and we rely on mission-driven lenders and alternative financing sources such as the federal and state Historic Tax Credit programs and local programs such as 79-E to make them possible.

Since 1996, Chinburg Properties has successfully completed 16 major mill renovations in New Hampshire, Maine, and Massachusetts. Presently, Chinburg Properties has a portfolio of approximately 1,800 apartments across 25 properties under management or in construction. In addition, the portfolio includes over one million square feet of commercial space that is home to 350+ businesses of all sizes.

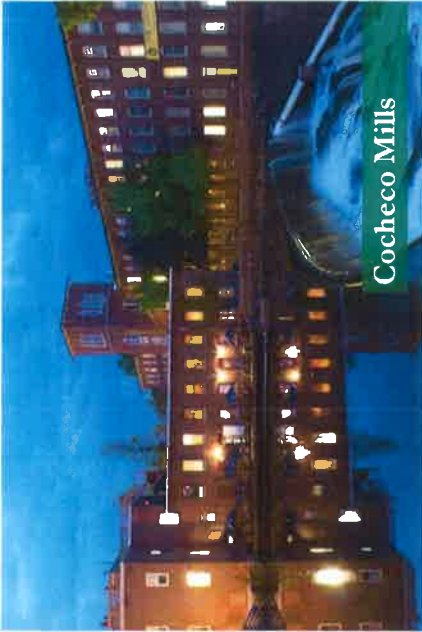
We have attached images showing a sample of the above-mentioned projects and similar projects in Maine and Massachusetts. We look forward to working with you to establish a path forward for similar transformation at Homestead Mill.

My best,

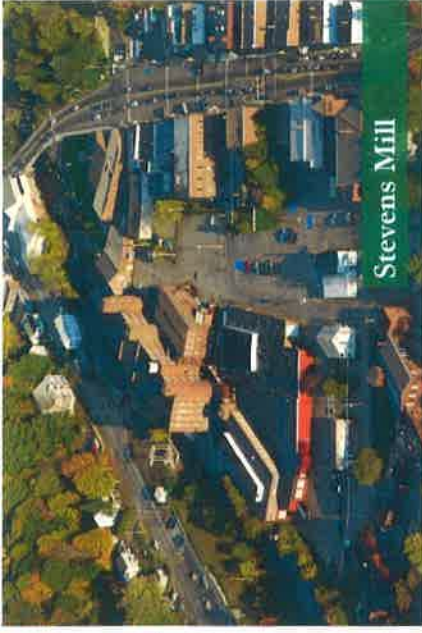
Paul Goodwin
Senior Development Manager
CHINBURG PROPERTIES



Newmarket Mills



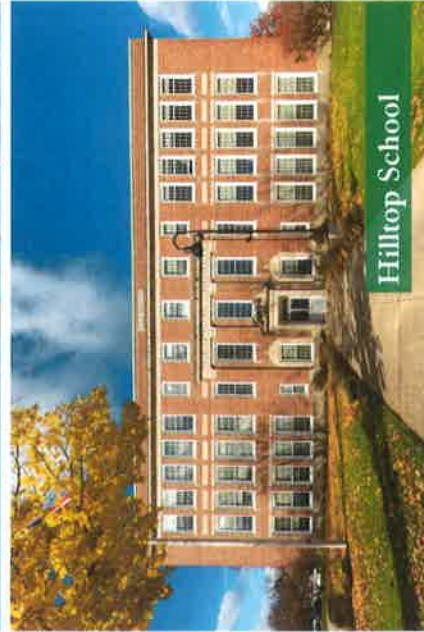
Cochecho Mills



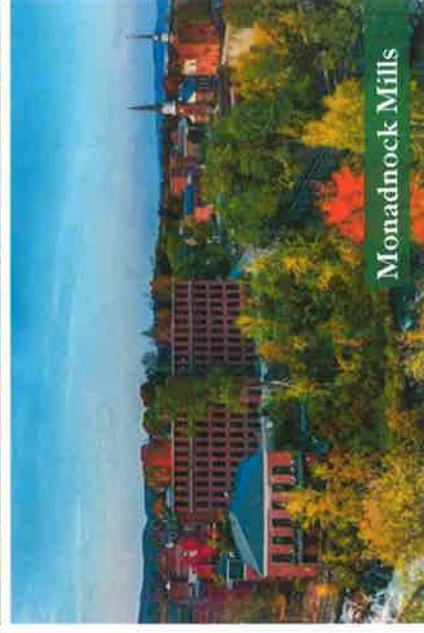
Stevens Mill



Dover Court



Hilltop School



Monadnock Mills



Lincoln Mill



Ellis Factory

Since 1996, Chinburg Properties has successfully completed 16 major mill renovations in New Hampshire, Maine and Massachusetts.

Chinburg Properties manages a portfolio of 1,700 apartments and over one million square feet of commercial space that is home to 350+ businesses of all sizes.



Town of Swanzey - Application for Town Committees, Commissions & Boards

Complete this form if you are interested in joining a town committee, commission or board.

Nominee Contact Information

Name: Cynthia L. Kordys Date: 11/16/2021
 Street Address: 217 Eaton Road, Swanzey NH 03446
 Mailing Address (if different): _____
 Daytime Phone: 603-477-9839 Evening Phone: 603-499-8240 Home
 Email address: bozego49@gmail.com

Indicate committee, commission or board you are interested in joining:

Rail Trail Advisory Committee

1. Please list any prior experience serving on any public boards, commissions or committees (and approximate dates):

Co-Chair of 5 Colleges Book Sale 2011 to 2018
Volunteer for 5 Colleges Book Sale 1995 to Present
President of NH Smith College Alumnae Club 2006 to Present
President of CT Valley Estate Planning Council 2002

2. Please list any other experience that may be pertinent to the board, commission or committee in which you are requesting to serve on.

Also served as Secretary & Treasurer for the
CT Valley Estate Planning Council 2000-2001

3. Please provide a brief statement describing your interest in serving the Town of Swanzey.

I moved to Swanzey in 2020 and live next to
the Ashuelot Rail Trail. Would like to help my
new home town.

4. Please list any professional qualifications (if applicable).

Have worked as Office Manager, Trust Officer and
Financial Planner for the last 30 yrs

Attach any additional information to this application and return to the Selectmen's Office, Town Hall, P.O. Box 10009, Swanzey, NH 03446, fax to 352-6250 or email to jfraunfelder@swanzeynh.gov

PAYMENT IN LIEU OF TAXES AGREEMENT BETWEEN
The Town of Swanzey AND NhSolarGarden.com, LLC

This Payment in Lieu of Taxes (PILOT) Agreement (hereafter "Agreement") is made this _____ day of November 2021, under New Hampshire Revised Statutes Annotated (NHRSA) § 72:74, between the Town of Swanzey, New Hampshire ("Town") and [NhSolarGarden.com, LLC] ("Taxpayer"), a New Hampshire Limited Liability Company with a business address at 43 Holmes Court Portsmouth, NH 03801.

Background

Taxpayer seeks to develop a renewable solar power electric generating facility (the "Facility") to be located at or near 909 W. Swanzey Road (map 71, lot 13-2) Taxpayer expects the final installed Nameplate Capacity to be approximately 3 megawatts (MW/Ac). For the purposes of this Agreement, the term "Nameplate Capacity" shall mean the sum of all of the nameplate capacities for the total solar inverters installed and operating at the Facility. Once the project has reached commercial operation, defined below, the parties will sign a letter amendment to this Agreement specifying the actual Nameplate Capacity of the Facility (if applicable).

The Facility will be built on land leased by Taxpayer, identified on Town tax maps as tax parcels 71, 13-2 (the "Property").

Under its lease agreements with landowners, Taxpayer will be responsible for the payment of local ad valorem real estate taxes on Facility structures and other improvements under NHRSA Chapter 72 (including the taxes on the value of the underlying land as defined by the approved (current or future) planning board site plan).

The Facility will be a "renewable generation facility", as defined in NHRSA §72:73 and NHRSA 374-F:3, V(f)(3). Under NHRSA §72:74, the owner of a renewable generation facility and the governing body of the municipality in which the facility is located may, enter into a voluntary agreement to make payments in lieu of taxes.

Taxpayer and the Town desire to enter into such a PILOT agreement under NHRSA §72:74.

NOW THEREFORE, the parties hereto agree as follows:

Terms and Conditions

1. **Payments in Lieu of Taxes.** Taxpayer will make payments in lieu of taxes to the Town for each tax year (April 1 to March 31) during the term of this Agreement, in accordance with Sections 3 and 4 below. These PILOT payments will be in lieu of any and all ad valorem real estate taxes otherwise payable under NHRSA Chapter 72, including all town, county, and local school district taxes, assessed on the Facility.

2. **Term.** Mindful of RSA 72:74, VI and VII, the parties have determined that a long-term agreement providing predictability of tax revenues and expenses would be advantageous to both the Town and Taxpayer. Accordingly, the term of this Agreement shall be 20 (twenty) years as described in Section 4 below. If the Facility fails to achieve commercial operation by February 13, 2023, this Agreement shall be deemed void and of no effect. For the purposes of this Agreement, the term "commercial operation" shall be deemed to have occurred once (a) the solar power electric generating facility has been commissioned and accepted by Taxpayer in accordance with applicable commissioning and inspection procedures (b) the Facility has been interconnected to the utility electric grid, and (c) Taxpayer has commenced the sale of energy from the Facility on a commercial (rather than test) basis to one or more purchasers. The date on which Taxpayer commences energy sales on a commercial basis shall be deemed the "Commercial Operation Date." Taxpayer shall give the Town written notice of said Commercial Operation Date within seven (7) days after it occurs, together with a proposed letter amendment confirming the Facility's actual Nameplate Capacity.

3. PILOT Payments for 20-Year Operating Term. Subject to possible adjustments up or down under Section 4 below, annual PILOT payments to the Town for the 20-year Operating Term shall begin at the rate of \$3500 per megawatt of Nameplate Capacity (the "Initial Rate"), in the tax year that begins on April 1 following the commercial operation date (the "PILOT Commencement Date"). Until the PILOT Commencement Date, ad valorem taxes shall be payable on the Facility.

If the Facility's actual Commercial Operation Date occurs after March 31, then the schedule of annual PILOT payments during the Operating Term covered by this Section 3 will be amended to reflect that the first year of the Operating Term will be the tax year following the tax year in which commercial operation begins.

4. Potential Adjustment of PILOT Payments.

(a) Increase in Capacity. In the event that some or all of the Facility's increased in the nameplate capacity during the term of the Agreement in such a way as to increase the Facility's total capacity, then PILOT payments beginning in the next tax year will be adjusted upwards.

(b) Reduction in Capacity: If the Facility's installed and operating capacity as of April 1 in any tax year is materially reduced (due to causes beyond Taxpayer's control) from the previous tax year due to: (i) damage caused by natural forces, (ii) operational restrictions caused by a change in law, regulation, ordinance, or industry management standards, (iii) decommissioning and removal of inverters, or (iv) the permanent cessation of the Facility's operations, then the PILOT payment will be adjusted downward based on the total actual installed and operating Nameplate Capacity after the reduction in capacity, or in the case of clause (iv) above, this Agreement will terminate, in each event as of the beginning in the next tax year

5. Payment of Amounts Due. Taxpayer shall make the PILOT payments due hereunder for any given tax year in the Operating Term to the Town in two equal installments, at the Town Tax Collector's office, on July 1st and December 1st. Interest shall accrue on any PILOT payment not paid when due at the annual rate described in RSA 76:13.

6. Non-Payment. Non-payment of any payment due the Town shall constitute a default. Notice of non-payment or any other default shall be provided to Taxpayer (and to Taxpayer's Lender, as further specified in Section 7 below), in the manner and at the address provided for Notices in Section 9 of this Agreement. Taxpayer shall have 30 days to cure the default after receiving such notice. In the event the condition causing the default is not cured within 30 days, Town's remedies include, without limitation, any and all of: (a) the Town may commence an action to collect any non-payment under RSA 80:50, (b) seek specific performance of a non-monetary default or (c) proceed against the real estate, including the Property and the Facility, under RSA 80:58-80. It shall not be a defense to such a proceeding that Taxpayer is obligated under this Agreement to make payments in lieu of taxes rather than taxes.

7. Lender's Right to Cure. The Town shall send a copy of any notice of default sent to Taxpayer to Taxpayer's Lender by certified mail at the same time such notice is sent to Taxpayer, and no such notice of default to Taxpayer shall be effective unless and until a copy of such notice has been delivered to Taxpayer's Lender. Taxpayer's Lender shall have the same time and rights to cure any default as Taxpayer, and the Town shall accept a cure by Taxpayer's Lender as if such cure had been made by Taxpayer. Taxpayer shall provide written notice to the Town as to the name and address of Taxpayer's Lender for such notices to be sent.

8. Other Taxes Not Covered. This Agreement covers only ad valorem real estate taxes payable under NHRSA Chapter 72 on the Facility. It does not include or cover other local, state, or federal taxes which may be payable on account of Facility revenues or activities, including the Land Use Change Tax, Timber Tax, State Utility Property

Tax, Business Enterprise Tax, or Federal Income Tax. Any portion of the Property not occupied by the Facility under the Taxpayer's lease will remain subject to ad valorem real estate taxes.

9. Notices. Any notice to be provided under this Agreement shall be in writing and shall be deemed to have been given when delivered personally or by certified mail at the following addresses:

For the Town: Town of Swanzey, 620 Old Homestead Hwy, Swanzey, NH 03446, Attn. Town Administrator.

For Taxpayer: NhSolarGarden.com, LLC, 43 Holmes Court, Portsmouth NH 03801

In the event of a change in the address of any party listed above, the responsible signatory (Taxpayer in the case of itself, its Lender and/or its counsel) shall give the other party prompt written notice of such change of address, which shall be effective upon receipt.

10. Notice to Lessor. As a condition to this agreement, Taxpayer shall give the Town evidence of delivery of notice to the lessor and the owner of the fee interest in the Property as required by RSA 72:74 I.

12. Miscellaneous.

(a) This Agreement shall be construed and interpreted in accordance with the laws of the State of New Hampshire. In the event any term of this Agreement or the application of any such term shall be held invalid by any court having jurisdiction, the other terms of this Agreement and their application shall not be affected thereby and shall remain in full force and effect, provided that the remaining terms continue to preserve the essential economic terms of this Agreement.

(b) The terms and provisions contained in this Agreement constitute the final Agreement between the parties with respect to this Agreement and supersede all previous communications, representations or agreements, either verbal or written. No modification or amendment to this Agreement shall be valid unless it is in writing and signed by both parties hereto.

(c) Taxpayer shall have the right, in its sole discretion, to assign this Agreement to any bona fide purchaser, transferee, or assignee, provided that said purchaser, transferee or assignee has the financial, managerial, and technical capacity to construct and operate the Facility as contemplated by the parties hereto. All covenants, agreements, terms and conditions contained in this Agreement shall apply to and be binding upon the parties, their assigns and successors. Taxpayer shall provide written notice to the Town of any sale, transfer, or assignment.

(d) Section titles or subject headings in this Agreement are provided for the purpose of reference and convenience only and are not intended to affect the meaning of the contents or scope of this Agreement.

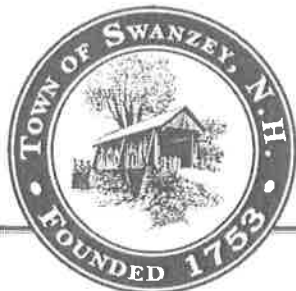
(e) This Agreement may be executed in multiple counterparts, each of which shall be deemed an original instrument, but all of such counterparts together will constitute but one Agreement.

Town of Swanzey, New Hampshire

By:
Name:
Date:

NhSolarGarden.com, LLC

By:
Name: Andrew Kellar, Member
Date:



TOWN OF SWANZEY

620 OLD HOMESTEAD HIGHWAY

P.O. BOX 10009

SWANZEY, NH 03446-0009

TOWN HALL (603) 352-7411 FAX (603) 352-6250

WWW.TOWN.SWANZEY.NH.US

MEMORANDUM – FINANCE OFFICE

TO: Board of Selectmen

FROM: Theresa Louder, Finance Director

RE: Recommendation of Auditing Firm for Year Ending December 31, 2021

DATE: December 6, 2021

CC: Michael Branley, Town Administrator

The Town requested proposals from auditing firms for services from 2021 through 2025 (a one-year contract with four one-year extensions). We received three proposals, listed below in receipt order with pricing for the 2021 audit.

Firm	Vachon, Clukay, & Company, PC	Plodzik & Sanderson, PA	Roberts & Greene, PLLC
Financial Statement Audit	\$ 23,725	\$ 20,125	\$ 17,000
Less: Discount Applied	\$ (3,560)		
Financial Statement Audit Total	\$ 20,165	\$ 20,125	\$ 17,000
Single Audit, First Major Program	\$ 2,500	\$ 2,500	\$ 2,200
Each Additional Major Program	\$ 1,500		
Hourly Rate for Additional Services *	\$108 - \$200	\$60 - \$150	\$60 - \$150
Percentage of Discount Applied	15.01%	0.00%	0.00%
* Dependent upon level of staff desired or assigned to work on additional services ranging from staff to partner level.			

Given the lateness of the RFP (due in large part to unforeseen circumstances) and most of the department staff being hired less than a year ago, I recommend continuing with Vachon, Clukay, and Company, PC (VCC), despite the higher cost. The knowledge of the Town's processes and prior financial information gained from the audits VCC staff has already performed eliminate the need for the significant amount of staff time that would be required in order for a new firm to adequately perform the audit and prepare the MS-535 (Financial Report of the Budget).

Michael T. Branley

From: Barton L. Mayer <bmayer@uptonhatfield.com>
Sent: Wednesday, November 3, 2021 11:18 AM
To: Michael T. Branley
Cc: Michael P. Courtney
Subject: RE: Town Clerk Compensation

Mike—

The Town adopted a comprehensive policy on compensation of the town clerk, in accordance with RSA 41:25. The statute does not prescribe the terms of the compensation package the voters may choose. You certainly should be open to suggestions, if the policy can be improved. However, a vote at the Town Meeting would be required.

The current policy does not require the Town to make any contribution to the ICMA deferred compensation plan. The first proposal suggests the Town should pay a contribution, similar to the payments made under the personnel policy. However, the clerk is not an employee, and the personnel policy does not control. Whether the Town wishes to increase the compensation package and make that contribution is strictly a policy issue, which would be resolved by the voters, if the Board of Selectmen chose to present a warrant article(it is not required to do so). There is nothing "illegal" about increasing the compensation package. Nor is there anything inappropriate in the current policy.

The intended change in the second proposal is not entirely clear to me. The language of the current policy is reasonably clear. The policy is intended to govern both the office(keeping it available to the public at least 40 hours/week), as well as the hours worked by the clerk. I do not believe the proposed language is an improvement. I may have missed the import of the proposed amendment, in which case I would be happy to look at it again.

I trust all is well with you.

Bart

From: Michael T. Branley <mbranley@swanzeynh.gov>
Sent: Tuesday, November 2, 2021 3:27 PM
To: Barton L. Mayer <bmayer@uptonhatfield.com>
Subject: Town Clerk Compensation

Premature sending... Anyway, as you may recall, a few years ago you assisted us with developing a Town Clerk Compensation policy, which the community adopted in 2016. We now have a new Town Clerk who is requesting revisions to the policy (see attached). The Board wanted your guidance regarding the advisability of these edits, especially in light of the unique nature of the Town Clerk position.

Thank you,

Michael T. Branley, MPA
 Town Administrator

Town of Swanzey
 PO Box 10009
 Swanzey, NH 03446
 (603) 352-7411 ext. 107
 (603) 352-6250 (fax)
www.swanzeynh.gov



TOWN OF SWANSEY

620 OLD HOMESTEAD HIGHWAY

P.O. BOX 10009

SWANSEY, NH 03446-0009

TOWNHALL (603) 352-7411 FAX (603) 352-6250

WWW.TOWN.SWANSEY.NH.US

TOWN CLERK COMPENSATION POLICY

PURPOSE:

The Town of Swansey considers the Town Clerk to be a valuable position in delivering efficient services to its citizens. The purpose of this Town Clerk Compensation Policy is to establish a policy for the method of compensation for the elected position of Swansey Town Clerk as permitted under RSA 41:25. Nothing in this policy shall conflict with the choice and duties of the Town Clerk as defined in the Revised Statutes Annotated of the State of New Hampshire Chapter 41. If any provisions of this Policy or the application thereof to any person or circumstance are determined to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this policy.

COMPENSATION:

The Town Clerk shall receive compensation as a salary. The Town Clerk shall deposit with the Town all statutory fees as a revenue to offset said salary as voted on by the legislative body at the annual Town Meeting in March of 1975.

Annual Salary: The Salary will be calculated based on 40 hours per week open to the public and multiplied by the hourly rate of \$18.00. For instance, starting in the first pay period in April, the Town Clerk will be paid an annualized salary of \$37,440 (40 hours open to the public x \$18.00 per hour). The Town Clerk's salary will increase in April from year to year based on the cost of living increases recommended by the Board of Selectmen and approved by Town Meeting through the operating budget. Because the Town Clerk's performance is reviewed by the voters through periodic elections, the Town Clerk shall not receive merit changes in compensation other than those increases or decreases as voted directly by Town Meeting. This salary is contingent upon the Town Clerk's office being open to the public at a minimum of 40 (forty) hours per week. Should the Town Clerk's Office not be open for 40 hours in a given week and/or if the Town Clerk does not reflect 40 combined total hours on his or her timesheet between hours worked and leave time, the compensation for that week shall be reduced at the Town Clerk's current hourly rate for the difference between 40 and the actual total hours. This annual salary shall include compensation for all of the duties required by the Town Clerk for any and all election activities and other office hours as required by State statutes. As an elected official, the Town Clerk shall not receive overtime compensation or comp-time for hours worked over 40 per week.

DEFERRED COMPENSATION:

For as long as the Town of Swanzey offers a deferred compensation plan, the Town Clerk may elect to contribute a portion of his or her wages to the plan within allowable legal limits. The Town of Swanzey shall not make a Town contribution on behalf of the Town Clerk.

INSURANCE BENEFITS:

The Town Clerk shall receive insurance benefits as outlined in the Town of Swanzey's Personnel Policy for Town Hall Full-Time employees, subject to periodic changes as may be made by the Board of Selectmen. Insurance benefits are contingent upon the Town Clerk's office being open to the public and the Town Clerk working at a minimum of 40 (forty) hours per week. If during any five week period the Town Clerk does not work or otherwise reflect at least 40 total hours on his or her time sheet during four of the weeks, the Town Clerk shall be reclassified as part-time status for insurance benefit purposes until the next open enrollment period. During the next open enrollment period the Town Clerk can then request reclassification to full-time status for insurance benefit purposes provided that the Town Clerk normally works a minimum of 40 hour week for an average of 45 weeks per year.

ALLOWABLE ABSENCES:

The Town Clerk will begin to accrue vacation time at a rate of 80 hours per year (6.6 hours per month, at the end of each month) beginning on the Town Clerk's anniversary of one year of service provided that the Town Clerk normally works a minimum of 40 hours per week for an average of 45 weeks per year. Vacation leave may be substituted for sick leave.

The Town Clerk upon assuming office shall accrue sick leave on a monthly basis, at the end of each month, at a rate of 6.75 hours per month.

In the event the Town Clerk exceeds the allowable absences in any calendar year, a prorated deduction of 100% percent per hour of absence shall be subtracted from the Annual Salary portion for the workweek in which the absence occurred with a maximum of 100% deduction in any workweek.

Nothing in this policy shall forbid the Town Clerk from attending any conference, seminar and/or meeting, except that prior approval of the Board of Selectmen is required if the Deputy Town Clerk will be requested to fill in for such absence OR monies are to be appropriated from the Town's operating budget OR the absence is not to be counted against the allowable absences in the calendar year.

PERSONNEL POLICY TO NOT APPLY:

Except as referenced in this policy, the Town of Swanzey's Personnel Policy shall not apply to the Town Clerk as an elected official.

DEPUTY TOWN CLERK:

The Board of Selectmen encourages the appointment of a Deputy Town Clerk as provided for in RSA 41:18. Nothing in this section of this policy shall be construed as a contract of employment for the Deputy Town Clerk. The Deputy Town Clerk shall be considered an employee-at-will and is subject to the provisions of the Town of Swanzey Personnel Policy.

The rate of compensation for the Deputy Town Clerk shall be determined by the Board of Selectmen.

The work schedule of the Deputy Town Clerk shall be set by the Town Clerk in consultation with the Board of Selectmen, based on availability of the Deputy Town Clerk, and within the Elections & Registrations budget approved by Town Meeting (subject to the Board of Selectmen's transfer authority). The Deputy Town Clerk may be scheduled on election days to work with and assist the Town Clerk with any and all election duties as allowed by law.

The Deputy Town Clerk may be scheduled to open and operate the Town Clerk's office with consent of the Town Clerk, during the Town Clerk's allowed vacation time and/or allowed sick time. The Deputy Town Clerk may open and operate the Town Clerk's office for the absence(s) of the Town Clerk during attendance at conferences, seminars, and other training opportunities.

The Deputy Town Clerk may be scheduled for the Town Clerk to attend any required training, as determined by the State of New Hampshire, with prior notice to the Board of Selectmen. The Deputy Town Clerk may also attend any required training, at the discretion of the Town Clerk with prior approval from the Board of Selectmen and based on the availability of the Deputy Town Clerk.

AMENDMENTS:

This Policy may be amended by vote at Town Meeting.

SEVERABILITY:

Should any section or provision of this policy be held to be invalid or unconstitutional by any court or authority of competent jurisdiction, such holding shall not affect, impair or invalidate any other section or provision of this ordinance, and to such end all sections and provisions of this ordinance are declared to be severable.

EFFECTIVE DATE:

This policy shall take effect on April 3, 2016.

Deferred Compensation Plan Program

The current plan reads as follows: As long as the Town of Swanzey offers a deferred compensation plan, the Town Clerk may elect to contribute a portion of their wages to the plan within allowable legal limits.

The Town of Swanzey shall not make a Town contribution on behalf of the Town Clerk.

Chapter XXIII- Town of Swanzey Personnel Policy

In the personnel policy as written for all other regular full time employees, the employee may set aside 5% or more of their regular weekly salary into the ICMA deferred compensation program and the town will contribute on their behalf 7% of the employee's regular weekly salary.

In conclusion I would like the board to reconsider contributing to the Town Clerks compensation plan.

Town Clerk Salary

This is contingent upon the Town Clerks office being open to the public at a minimum of 40 hours per week. If the office is not open to the public a minimum of 40 hours in a week and the Town Clerk has worked less than 40 combined total hours in that same week then the Town Clerk will get paid at their calculated hourly rate for that week. The Town Clerk shall not receive overtime compensation or comp-time for hours worked over 40 per week, nor will they get paid less than 40 hours per week as long as the clerk's office is open 40 hours to the public.

I have included a copy of how the policy is currently written for your review.

I appreciate your time to review the current plan and to make any changes that you deem appropriate.

My Best,

Heather Estrella

ACCOUNT	2020 Actual	2020 Budgeted	2021 Actual (thru 6/30)	2021 Budget	2021 Remaining	2022 Dept Request	Increase / (Decrease)	% Inc / (Dec)
4220-00 · FIRE DEPARTMENT								
01-4220-1-110 Full Time Salaries	137,164.00	152,880.00	74,760.00	159,000.00	84,240.00	159,000.00	0.00	0.00%
01-4220-1-115 PT Wages (Admin, etc.)	48,579.78	47,135.00	32,265.73	57,530.00	25,264.27	57,530.00	0.00	0.00%
01-4220-1-140 Overtime			1,180.24	1,180.24	0.00	1,180.24	0.00	0.00%
01-4220-1-190 PT Shift Coverage Wages	22,183.77	10,000.00	11,550.54	33,000.00	21,449.46	33,000.00	0.00	0.00%
01-4220-1-615 Uniforms (Class B & C)	5,755.50	4,000.00	1,466.70	6,000.00	4,533.30	7,000.00	1,000.00	16.67%
01-4220-2-115 Wages (Call, Training)	60,480.11	71,000.00	34,205.57	80,000.00	45,794.43	71,000.00	-9,000.00	-11.25%
01-4220-2-342 IT Software and Support	6,549.82	5,850.00	1,297.65	6,235.00	4,937.35	14,832.00	8,597.00	137.88%
01-4220-2-344 IT Equipment	0.00	1,000.00	0.00	1,000.00	1,000.00	1,000.00	0.00	0.00%
01-4220-2-345 Service Contracts	22.92	1,000.00	795.96	2,200.00	1,404.04	6,000.00	3,800.00	172.73%
01-4220-2-350 Physicals / Infect. Control	280.00	8,500.00	1,987.00	8,500.00	6,513.00	4,500.00	-4,000.00	-47.06%
01-4220-2-392 Recruit, Retention, Retire	879.25	1,550.00	427.75	1,550.00	1,122.25	1,000.00	-550.00	-35.48%
01-4220-2-615 Protective Clothing	10,845.61	7,500.00	15,519.79	15,000.00	-519.79	17,000.00	2,000.00	13.33%
01-4220-2-620 Office Supplies	1,654.32	2,000.00	1,772.15	2,000.00	227.85	3,000.00	1,000.00	50.00%
01-4220-2-625 Postage & Shipping	216.28	200.00	10.22	300.00	289.78	300.00	0.00	0.00%
01-4220-2-630 Equip. Maintenance & Repair	17,263.25	13,500.00	1,072.45	16,000.00	14,927.55	15,000.00	-1,000.00	-6.25%
01-4220-2-635 Gasoline	3,514.59	4,500.00	2,473.16	4,500.00	2,026.84	4,500.00	0.00	0.00%
01-4220-2-636 Diesel & Oil	4,324.98	4,000.00	1,832.55	4,000.00	2,167.45	4,000.00	0.00	0.00%
01-4220-2-638 Extinguishers	808.00	500.00	0.00	500.00	500.00	500.00	0.00	0.00%
01-4220-2-639 Oxygen	387.86	550.00	420.06	600.00	179.94	800.00	200.00	33.33%
01-4220-2-645 Medical Supplies	6,020.80	5,500.00	2,525.69	6,000.00	3,474.31	6,500.00	500.00	8.33%
01-4220-2-646 Non-Disp. Medical Equip.	3,036.70	4,000.00	2,241.36	4,500.00	2,258.64	5,000.00	500.00	11.11%
01-4220-2-660 Vehicle Maint. & Repair	36,945.77	38,000.00	8,049.42	40,000.00	31,950.58	40,000.00	0.00	0.00%
01-4220-2-662 Tires	921.62	1,500.00	0.00	4,000.00	4,000.00	6,000.00	2,000.00	50.00%
01-4220-2-670 Dues & Subscriptions	1,031.75	1,000.00	544.95	1,000.00	455.05	1,000.00	0.00	0.00%
01-4220-2-671 Fire Codes and Standards	955.00	1,000.00	64.85	1,000.00	935.15	1,000.00	0.00	0.00%
01-4220-2-680 Fire Tools, Equip. & Hose	3,426.49	4,000.00	2,123.65	4,000.00	1,876.35	6,000.00	2,000.00	50.00%
01-4220-3-680 Public Educ/Fire Prev Supp	0.00	100.00	0.00	100.00	100.00	100.00	0.00	0.00%
01-4220-4-390 Training / Education	10,437.42	10,000.00	2,870.00	10,000.00	7,130.00	12,000.00	2,000.00	20.00%
01-4220-5-630 Radios & Radio Repairs	995.02	2,000.00	1,484.00	4,000.00	2,516.00	4,000.00	0.00	0.00%
01-4220-8-115 PT Wages (Janitorial Staff)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
01-4220-8-341 Telephone / Internet	3,842.11	3,200.00	2,073.36	3,700.00	1,626.64	4,000.00	300.00	8.11%
01-4220-8-343 Cell Phones/Mobile Internet	1,308.44	1,200.00	736.59	1,200.00	463.41	2,500.00	1,300.00	108.33%
01-4220-8-410 Electricity	8,240.74	8,000.00	4,587.88	8,000.00	3,412.12	8,000.00	0.00	0.00%
01-4220-8-411 Heating Oil	4,896.48	6,000.00	1,943.38	5,500.00	3,556.62	8,800.00	3,300.00	60.00%
01-4220-8-413 Sewer Fees	340.00	385.00	170.00	385.00	215.00	385.00	0.00	0.00%

01-4220-8-414	LP Gas (West & Ctr Station)	0.00	100.00	0.00	100.00	100.00	100.00	0.00	0.00%
01-4220-8-630	Building Maintenance	4,905.21	5,000.00	4,523.94	5,500.00	976.06	6,000.00	500.00	9.09%
01-4220-8-680	Department Supplies	2,406.10	2,500.00	317.59	3,000.00	2,682.41	3,500.00	500.00	16.67%
01-4220-8-730	Fire Pond Maint. & Repair	0.00	100.00	270.00	100.00	-170.00	100.00	0.00	0.00%
Total 4220-00 - FIRE DEPARTMENT		410,619.69	429,250.00	217,564.18	501,180.24	283,616.06	516,127.24	14,947.00	2.98%

Reduced Call Wages back to 2020 budgeted.
 Reduced protective clothing.
 Reduced Training.
 Reduced Equipment Maintenance and Repair.



County of Cheshire

12 Court Street, Keene, NH 03431
www.co.cheshire.nh.us

**TO: Members of the Cheshire County Delegation,
 Selectmen of the Towns in the County and Mayor of the City of Keene**

FROM: The Cheshire County Board of Commissioners

DATE: November 29, 2021

SUBJECT: Commissioners' Proposed 2022 Budget

Enclosed is your copy of the Cheshire County Board of Commissioners Proposed Budget for 2022. The commissioners will present the budget and take questions during a public hearing on Monday, December 13, 2021, at 7:00 PM on the second floor of Cheshire County Hall, 12 Court Street, Keene, NH 03431.

As the impact of the COVID 19 endures, the commissioners are fully aware and understand that the residents of Cheshire County continue to feel the devastating ramification that this pandemic has had on our health and economic structures.

With the potential fiscal realities due to the pandemic in mind, the commissioners and senior leadership within the County have worked exhaustively to lessen the impact of the County's portion of taxes for our 2022 Cheshire County Budget.

The total of the 2022 proposed budget is \$63,533,868. This figure represents a decrease of \$4,191,362 (6.19%) from 2021. The major decrease is due to the use of American Rescue Plan Funds based on the first allotment received in 2021 in the amount of \$7,265,125. In the Commissioners Proposed 2022 budget, \$1,201,044 is presented to be used of which \$1,125,000 will offset the second year impact of premium pay for County employees with the additional \$76,044 for temporary staffing that has been hired to assist with ARPA regulations. When the second allotment has been received, the Commissioners will consider further recommendations for their use.

The proposed taxes of \$29,248,280, represents an increase of \$529,909 (1.85%) from 2021.

During our review of the department budgets, we made reductions to expense requests totaling \$709,274 and increased revenues by \$3,453,488.

Although changes to the budget were made during our review, some increases were difficult to contain, such as the increase to the New Hampshire Retirement System rates for the employer contribution. As of July 1, 2021, Group I's employer contribution percentages went from

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County of Cheshire

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11.17% to 14.06% and Group II from 28.43% to 33.88%. This increase impacted all wages for the 2022 budget year. With normal wage increases and the higher percentages that go into effect on July 1, the employer cost of NHRS expenses has increased by approximately \$230,000. Further with a gradual decline in ARPA funds to support premium pay for County Employees, the overall increases have an impact of \$325,000.

Another highlight for 2022 is that this is the first year that the County EMS department is in the budget. As you will see, this adds more than \$3 million in expenses but it is completely offset by operational revenue and outside funding. Established as an enterprise fund, this department will be operated so that there is no impact on property tax payers other than those utilizing the services.

As always, we are pleased with our department managers and elected officials' efforts as they recognize the pressure to minimize due to the COVID 19 Pandemic. Their fiscal responsibility has lessened the impact on the taxpayer and allows the County to meet its obligation to provide necessary and essential services to the citizens of the County.

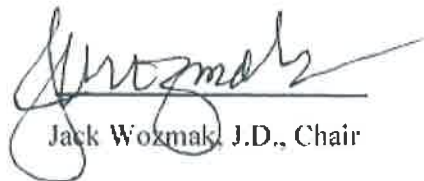
As you may know, the Commissioners proposed budget is reviewed by the Executive Committee of the Delegation, which then makes its proposal to the Delegation of Cheshire County State Representatives. The Commissioners look forward to working closely with the Delegation Executive Committee for their review of the department and elected official's budgets. These reviews typically occur during January and February.

During the meeting on December 13, 2021, the Executive Committee will determine a tentative schedule for these reviews. Once the Executive Committee reviews are finalized, they will present their budget to the full Delegation for final approval.


The Board of Commissioners looks forward to answering any questions you may have at the public hearing on December 13, 2021, at 7:00 PM at County Hall, 12 Court Street, Keene.

Very truly yours,

CHESHIRE COUNTY BOARD OF COMMISSIONERS


 Jack Wozmak, J.D., Chair


 Robert J. Englund, M.D., Vice-Chair


 Terry M. Clark, Clerk

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