

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting Minutes – November 27, 2012

CALL TO ORDER

Present were Selectmen Deborah J. Davis, Nancy L. Carlson, and Kenneth P. Colby, Jr. The meeting was called to order by Chair Deborah Davis at 6:00 p.m. at Swanzey Town Hall. Also present were Town Administrator, Shane O’Keefe and Recording Secretary, Beverly Bernard.

MINUTES

Regular meeting of November 20, 2012 – motion by Carlson to accept the Minutes for November 20, 2012 with changes to page 6 indicating the room that was available at the Carpenter Home is the Number One Room, not the “new” room, seconded by Colby. All in favor. **Motion passed.**

NEW BUSINESS

Non-public session I per RSA 91-A:311(a), Personnel Matters – Family & Medical Leave Act (FMLA)

Motion by Colby to enter Non-public session pursuant to RSA 91-A:311(a) to consider request for FMLA by a Town employee, seconded by Carlson. The Selectmen voted unanimously by roll call to go into non-public session at 6:15 p.m. **Motion passed.** Present were the Board members, Town Administer O’Keefe and Recording Secretary Bernard. **Motion** to approve the request for intermittent FMLA leave for up to 12 weeks and authorization for the Town Administrator to sign the approval for the request was made by Carlson, seconded by Colby. All in favor. **Motion passed.** The Town Administrator was authorized to sign a letter communicating the Board’s approval to the employee and to execute any necessary documentation related to the request. **Motion** by Carlson to seal the minutes of the non-public session until the issue is resolved. Second by Colby. All in favor. **Motion passed.** **Motion** by Carlson to leave non-public session and return to public session. Second by Colby. All in favor. **Motion passed.** Non-public session ended at 6:25 p.m.

Non-public session II per RSA 91-A:311(a), Personnel Matters – Resignation

Motion by Colby to enter Non-public session pursuant to RSA 91-A:311(a) to consider a letter of resignation from a Town employee, seconded by Carlson. The Selectmen voted unanimously by roll call to go into non-public session at 6:25 p.m. **Motion passed.** Present were the Board members, Town Administer O’Keefe and Recording Secretary Bernard. **Motion** by Colby, seconded by Carlson, to accept the resignation of Town Employee in the Department of Public Works (DPW) sent by letter to the Swanzey Board of Selectmen. All were in favor. **Motion passed.** Colby made a **motion** to seal the minutes of the non-public session and to move out of non-public and back into public session at 6:29 p.m., seconded by Carlson, all in favor. **Motion passed.** The Town Administrator was asked to draft a letter communicating the Board’s acceptance of the employee’s resignation “with deep regret”. **Motion** made by Carlson to authorize DPW Manager, Lee Dunham, to advertise for replacement of employee, seconded by Colby, all in favor. **Motion passed.**

Review 2013 Budget proposal from the Open Space Committee (OSC) – Jeanne Thieme, OSC Chairman, joined the meeting at 6:30 p.m. She reviewed the budget asking for the same amount as last year. Jeanne reminded the Board that the OSC cannot predict when a landowner will want to put their land into a conservation easement. Therefore, the budget needs to include dollars for unexpected transaction costs. The request includes \$50,000 to be placed in the Land Acquisition Account. Carlson

asked how much was in the account as of now. O'Keefe estimated that there is about \$250,000 in the account since nothing was drawn out this past year. Thieme is asking for level funding. Judy Hildebrandt, a member and treasurer of the OSC, joined the meeting at 6:32 p.m. A discussion was held regarding how the Recording Secretary's pay is accounted for. Currently this expenditure for the Town is allocated to each committee and the Board for which the minutes are taken. It is a problem for the Town Administrator for budgeting purposes. O'Keefe suggested that the Recording Secretary salary expenditure should be allocated 25% to land use, i.e. Zoning Board of Adjustment (ZBA) and Planning Board (PB) and 75% to the Board of Selectmen and other Town committees such as the OSC. There was no further discussion with Thieme, and she and Hildebrandt left the meeting at 6:34 p.m.

Review of 2013 Budget proposal for the Sewer Commission – Glenn and Sandy Page joined the meeting at 6:35 p.m. to discuss the budgets for West Swanzey Wastewater Treatment Plant and for the North Swanzey Wastewater collection system. The request is essentially level funding as compared to the budget for 2012. Glenn Page also indicated that letters are going out to request information about the number of residents in homes of users of the systems. User rates can be based on the number of residents versus the number of bedrooms. The Pages left the meeting at 6:39 p.m.

Citizen Concern regarding Vehicle Registration Surcharge -Gus Lerandeau joined the meeting at 6:40 p.m. to ask about the Town surcharge of \$5 per registration established this year. He wanted to know if the surcharge had an ending date. O'Keefe read the Warrant Article which indicated that once it was enacted, it was effective April 1, 2012, with no ending date. Lerandeau left the meeting at 6:41 p.m.

Review of 2013 Budget proposal for the Recycling Center - Steve Stewart, Solid Waste Manager, joined the meeting at 6:42 p.m. to review the departmental budget request. Davis asked about the revenue off-set. Stewart indicated that he will get that figure but he thought it would be flat. O'Keefe pointed out Recycling Center Part Time Salaries and Carlson pointed out Overtime as two areas they wanted to discuss. Stewart indicated that a new assistant will get over-time, not Stewart. He referred to the fact that he has two more people on staff which accounts for part-time salary increase. Carlson pointed out that with a full-time assistant the part-time salaries should decrease. O'Keefe said he is using an anticipated 3% increase in salaries as a number to work with in the draft budgets. He offered to make the number "zero" but the Board decided it wants to see the budget with an anticipated increase. Stewart indicated that he wants an assistant manager to train as opposed to hiring someone with experience. O'Keefe pointed out that the Board can return to the original list of applicants for the Assistant Manager's position which was advertised earlier in the year or create a new advertisement for reopening the position. Stewart suggested the Town Administrator return to the original list. Stewart promised to get the revenue numbers to the O'Keefe.

Public Hearings – Chair Davis opened the scheduled series of Public Hearings at 7:00 p.m. and read the Notice of Public Hearing for the Town of Swanzey Board of Selectmen as follows:

1. **Pursuant to RSA 31:95-b**, the acceptance of unanticipated funds given to the Town of Swanzey for trail upgrades along the rail trail corridor in the amount of \$10,000.00 for the Putnam Foundation/NH Charitable Foundation.
2. **Pursuant to RSA 31:95-b**, the acceptance of unanticipated funds given to the Town of Swanzey for trail upgrades along the rail trail corridor in the amount of \$10,000.00 from Markem-Imaje Corporation.
3. **Pursuant to RSA 31:95-b**, the acceptance of unanticipated funds given to the Town of Swanzey by the Department of Homeland Security through Cheshire County in the amount of \$14,068.86

to assist with the purchase of portable radios with associated equipment for the Swanzev Police Department.

4. **Pursuant to RSA 31:95-e**, the acceptance of a gift of personal property given to the Town of Swanzev by the New Hampshire Department of Safety, specifically four (4) portable radios for use by the Swanzev Police Department with a total value of \$15,488.96.
5. **Pursuant to RSA 31:95-b**, the acceptance of unanticipated funds given to the Town of Swanzev for police special duty in excess of the amount budgeted for the year, which is over \$10,000.00.

There was no input from the public. It was noted by O'Keefe that several of these matters had had public hearings in the past but that the notice for those hearings had not appeared in the Keene Sentinel as required by law: Item 1 had a hearing on September 18, 2012; Item 3 had a hearing on April 10, 2012; and, Item 4 had a hearing on October 30, 2012. Chair Davis closed the public hearings at 7:05 p.m.

Motion by Carlson to accept funds and gifts, Colby seconded, all in favor. **Motion passed.**

Discuss Removal of Tires on Property at 611 West Swanzev Road (Map 73, Lot 29-3) owned by Dana & Merl Farnsworth

Dana & Merl Farnsworth joined the meeting at 7:10 p.m. The Farnsworths are responding to a complaint to clean up tires which someone dumped on their property in the past and which have accumulated over many years. They stated that they didn't realize that the tires were there. A complaint was initiated by a neighbor to the State of New Hampshire Department of Environmental Services, which followed up with an order to the Farnsworths to remove the tires from the site. Merl Farnsworth stated that the tires are nearly buried in the land and she passed out photos to show this. She said the tires cost money to take to the Town dump. Dana Farnsworth said that the State representative told him there are funds available to help clean up the site. Carlson said those are probably federal funds. Mr. Farnsworth stated that there were about 100 tires on the property, but they have gotten about 30 or 40 pulled out of the ground. O'Keefe asked the Farnsworths how long they have owned the property and Mrs. Farnsworth responded that they have owned it since 1986. Carlson asked how many tires were left to be removed. Mr. Farnsworth said he has to get a confirmation with the State to verify progress removing them. Mostly car tires, and maybe some truck and tractor tires are there. If the State estimates 100 tires, at \$2.00 per tire, or \$5.00 per tire depending on the type of tire, Colby suggested a cost of about \$175 - \$250 to dump the tires. Davis suggested that the Board talk to the Recycling Center Manager, Steve Stewart, about the tires. O'Keefe pointed out that the Town has to pay to get rid of them. Carlson asked about scrap metal. Mr. Farnsworth said that the scrap metal is gone now from the property. Carlson suggested that the Farnsworths call the Town Administrator with the information regarding the number of tires the State wants to see removed from the property. The Farnsworths do not have to come back to meet with the Board. O'Keefe will discuss the situation with Stewart and follow up with the Board. Colby would like to see progress that the Farnsworths have contacted the State and is working with them. Mr. Farnsworth stated that the State is asking for a receipt for where the tires eventually end up. The Farnsworths left the meeting at 7:20 p.m.

Consideration of the Police Department Proposal for "Decembeard" Charity Effort – The Swanzev Police Department would like to depart from its standard facial grooming policy and grow beards for the month of December to support local families in need. The Swanzev Police Benevolent Association (PBA) will donate \$750 after the month and any officer unable to complete the ordeal must kick in an additional \$100. Chief DeAngelis is asking the Board's support for this effort. Selectmen voted unanimously by roll call to support the Police Department charitable effort. The Town Administrator will notify Chief DeAngelis of the Selectmen's support.

Consideration of Employee Longevity Compensation – The Board was asked to confirm and award longevity pay for 2012 to long-time employees, with an effective cutoff date of 11/27/2012. The rates recommended were identical to those from the 2011 budget:

- \$250 for between 5 and 9 years of service;
- \$500 for between 10 and 14 years of service;
- \$750 for between 15 and 19 years of service;
- \$1,000 for over 20 years of service

The Board reviewed the longevity compensation policy, which O’Keefe said would provide longevity pay to employees on December 11, 2012. Carlson made a **motion** that the Board award longevity compensation in 2012, according to the schedule as reviewed, seconded by Colby and all in favor.

Motion passed. O’Keefe presented the Board with letters to be signed by the Board recognizing individual employees.

Consideration of Employee Health Insurance Plans/Open Enrollment – Open enrollment for Town employees must take place by December 14, 2012, and the Board must decide on the continuation of benefits. O’Keefe apologized for not having the final numbers for health insurance, but he indicated that there is an expectation of roughly a 7.5% increase for Health insurance and lesser increases for Dental, Life, STD. Carlson pointed out that Sewer Commission and Carpenter Home rates are tracked separately. Carlson asked for last year’s cost and O’Keefe said that the Town report shows cost for last year for Town costs were \$487,763. The total was \$534,000 for last year when you add in the other departments. The Town will be seeing a “contribution holiday” from NHLGC over the next two years, whereby the Town will be credited for health and dental premiums once this December (\$18,417) and again in August.

A discussion was held regarding changes that could be made to co-pays and premiums paid by employees. Carlson said there wasn’t enough time this year to change co-pays, but they could change how much the employees pay. Carlson said that the problem with increasing premiums is that the employees don't get paid highly to begin with so that it is a burden for some to have the premium increased. O’Keefe suggested that the Town stay with the same plan as this year. Colby said because of the time of the year it has to stay the same, but he also suggested that the Board should look at the availability of adjustments in August or September of next year. O’Keefe reported that the insurance numbers come out in October of each year. O’Keefe also mentioned that with the new health care law, things are changing and potentially the Town may have to offer benefits to others. Carlson said the Board needs to see the entire bottom line so they can begin to make decisions about budget requests. Davis asked that the budget be a priority for the Town Administrator.

O’Keefe pointed out that given statutory provisions, the Deliberative Session will be held on February 5, 2013, not February 12, 2013, as originally thought. O’Keefe needs to reserve the auditorium at the high school for the Deliberative Session. O’Keefe will get a revised 2013 Budget Development/Town Meeting Schedule to the Board.

New Hire Start Date – O’Keefe mentioned that the new Assessing Coordinator starts work on November 29, 2012. O’Keefe reported that former Assessing Coordinator Victoria Barlow will be at Town Hall that day to help train the new employee.

Veterans Tax Exemption Discussion - Colby raised the issue about increasing the veteran’s exemption to \$500.00. O’Keefe noted that he had received a copy of the proposed petition article and is working to

see if the language is correct. The Board has discussed this in the past but determined that it would cost the Town too much. No action was taken.

Holiday Schedule Consideration – O’Keefe reported that the Town’s holiday schedule is different than the State’s schedule, and this creates a problem on State holidays when the Town offices are open when people come in to register vehicles. He suggested that the Town might want to swap Martin Luther King Jr. day with Columbus Day to match the State’s schedule. No action was taken.

Colby **moved** to adjourn, Carlson seconded, and all were in favor. **Motion passed.** The Board adjourned at 8:50 p.m.

Respectfully Submitted,

Beverly Bernard, Recording Secretary

Approved on December 4, 2012

TOWN OF SWANZEY, NH

Board of Selectmen Minutes of November 27, 2012 Non-Public Session, Session II

Present: Deborah J. Davis YN Nancy L. Carlson YN Kenneth P. Colby YN

Motion to enter non-public session made by Colby

Seconded by Carlson

Specific statutory reason cited as foundation for the non-public session:

- RSA 91-A:3II(a) - The dismissal, promotion or compensation of any public employee or the disciplining of such employee or the investigation of any charges against him unless the employee affected (1) has a right to a meeting, and (2) requests that the meeting be open, in which case the request shall be granted.
- RSA 91-A:3II(b) - The hiring of any person as a public employee.
- RSA91-A:3II(c) - Matters that, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.
- RSA 91-A:3II(d) - Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- RSA 91-A:3II(e) - Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his or her membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any body, board or agency for the purposes of this subparagraph.

Roll call vote to enter non-public session:

Deborah J. Davis YN Nancy L. Carlson YN Kenneth P. Colby YN

The Board entered into non-public session at 6:25 AM/PM.

Other persons present during the non-public session: Town Administrator Shane O'Keefe YN

Recording Secretary Beverly Bernard

Description of matters discussed and final decisions made:

The Board reviewed a letter of resignation from Michael Lilly of the Public Works Department/Highways from Town service effective 12/28/2012. He has worked for the Town since May 2008.

Motion by Colby, seconded by Carlson, to accept the resignation of Town Employee in the Department of Public Works (DPW) sent by letter to the Swanzey Board of Selectmen. All were in favor. **Motion passed.** The O'Keefe was asked to draft a letter communicating the Board's acceptance of the employee's resignation "with deep regret".

Motion by Colby to seal the minutes of the non-public session and to move out of non-public and back into public session at 6:29 p.m., seconded by Carlson, all in favor. **Motion passed.**

Motion made to seal these minutes? If so,

motion made by Carlson, seconded by Colby
to not publicly disclose the minutes because it is determined that divulgence of information likely would:

- Affect adversely the reputation of any person other than a member of the Board
- Render the proposed action ineffective.
- Pertain to preparation or carrying out of actions regarding terrorism.

Roll call vote to seal the minutes:

Deborah J. Davis Y N Nancy L. Carlson Y N Kenneth P. Colby Y N

Motion: Passed / ~~Did not pass~~

Motion to leave non-public session and return to public session by Carlson

Seconded by Colby **Motion:** Passed / ~~Did not pass~~

Public session reconvened at 6:29 AM/~~PM~~.

These minutes recorded by Beverly Bernard

NOTE: RSA 91-a:3(III) Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that the divulgence of the information likely would affect adversely the reputation of any person other than a member of the Board, or render the proposed action ineffective. In the event of such circumstances, information may be withheld until, in the opinion of a majority of the members, the aforesaid circumstances no longer apply.

Approved by Board of Selectmen on 12/4/2012.

Unsealed on 2/25/2014

[Handwritten signatures]