

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting Minutes – December 4, 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, Recording Secretary, Beverly Bernard, and Town Planner, Sara Carbonneau and one new resident who wished to observe the Selectmen at work.

**MINUTES**

**Regular meeting of November 27, 2012 – motion** by Colby to accept the Minutes for November 27, 2012 with changes to page 3 under “Discuss Removal of Tires on Property at 611 West Swanzey Road” that the State of New Hampshire estimate is 100 tires, not 200 and on page 4 paragraph 4 indicating “late hour” should be changed to “time of the year”. Seconded by Carlson. All in favor. ***Motion passed.***

**Non-public meeting of November 27, 2012 – motion** to accept the Minutes for non-public sessions of November 27, 2012 by Carlson, seconded by Colby, all in favor. ***Motion passed.***

**NEW BUSINESS**

**Non-public session I per RSA 91-A:3II(d), Acquisition of Real Property**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(d) to consider acquisition of real property, 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, Town Planner Sara Carbonneau and Recording Secretary Bernard. **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 6:38 p.m.

**Revenue Development District Advisory Board**

Steve Bittel submitted a request to be considered for appointment to the Revenue Development District Advisory Board. There is an opening due to the resignation of Dave Krisch. **Motion** by Carlson to appoint Bittel to the Revenue Development District Advisory Board for a term extending to March 2014, seconded by Colby, all in favor. ***Motion passed.***

**Acceptance of Unanticipated Gift per RSA 31:95-e**

The Board considered the offer of Steve and Mary Anne Bittel of a large flat-screen television to be given to the Carpenter Home, which is very much needed as the old TV is no longer working. Carlson **moved** to accept the gift pursuant to RSA 31:95-e, seconded by Colby, all in favor. ***Motion passed.*** Town Administrator, Shane O’Keefe, was asked to write a letter of thanks on behalf of the Board.

**OLD BUSINESS**

**Tree Removal in Town Cemeteries**

Public Works Director Lee Dunham joined the meeting at 6:40 p.m. He discussed with the Board the need to remove trees from two cemeteries, Mt. Caesar, and Oak Hill. He has bids from three tree

companies. The Board asked Dunham to pursue the removal of the trees by engaging the lowest bidder, Phil Davis. Colby **moved** to expend the funds for the removal of trees and to hire Phil Davis, seconded by Carlson, two in favor with an abstention from Chairperson Davis. **Motion passed.**

#### **Consideration of expenditure and budget transfer request from Department of Public Works (DPW)**

Dunham requested up to \$7,000 from the Highway budget to construct a shed roof over the mixed sand pile. He requested a transfer of funds from the Sale and/or Fuel budget lines to cover this expense. These accounts had balances of \$56,256 and \$20,431, respectively, as of 11/15/2012. He said that without a roof to cover the salt any rain that falls mixes with the sand/salt mixture and leaches the salt from the mix making it less than desirable. Colby **moved** to expend a maximum of \$7,000 from the Highway Building Maintenance budget line to cover the mixed sand pile and to transfer the funds from the Highway Salt & Calcium budget line to the Highway Building Maintenance budget line to cover the expense. Seconded by Carlson, all in favor. **Motion passed.**

#### **Truck Repairs**

Dunham told the Board that Truck #4 (2000 with 65,000 miles) has a problem with the turbocharger and gauge cluster, which have likely repair costs of \$3,000 and \$1,500 respectively. Colby **moved** to expend up to \$3,000 for replacement or repair of the turbo and up to \$1,500 for the gauge cluster repair, both from the Highway Vehicle Repairs budget line, and to transfer \$4,500 from the Highway Culverts budget line to the Highway Vehicle Repairs budget line to cover the expense to cover the expense. Seconded by Carlson, all in favor. **Motion passed**

#### **Tree trimming on Old Richmond Road**

O'Keefe reported on his meeting with Tiffany Mannion on 11/29/2012. She is unhappy with the tree trimming done by the Town DPW employees on her property on Old Richmond Road. She expressed a desire to be compensated for the loss of privacy and sound barrier that had been provided by the tree branches. She values the loss at \$6,400 for the large tree and \$100 for a legacy rose bush. Carlson asked if the insurance for the Town might cover the cost of reimbursing Mannion. She asked Dunham to consult with Representative Sprague at NHLGC to research if a claim could be made and whether or not it would be denied, and to report back to the Board.

Dunham left the meeting at 7:10 p.m. The resident who was present suggested that the Town should have a dedicated insurance representative.

#### **Proposal to Replace Town Hall Computers**

O'Keefe introduced the Board to a document from EMF, Inc. entitled "Planning and Analysis for PC Refresh – Town of Swanzey" for their consideration. O'Keefe described the current technology equipment used at Town Hall as inadequate and out-of-date. The expense to replace the computers is high with costs ranging from \$52,250 to \$72,000, depending on options and labor variables. O'Keefe stated that he thought EMF is a reliable and knowledgeable company and that it continues to provide the Town with a good technology basis for its employees. Carlson asked O'Keefe if he had discussed the potential changes with the employees at Town Hall and he said that each employee had been consulted by the company in writing the plan, but that he had not spoken to them, but that he could bring it up at the next staff meeting. Carlson said that she wanted to be sure that all employees agreed that changing the hardware and software would be a good idea. The Board will review the document over the next week and discuss further at the next BOS meeting.

O'Keefe mentioned that each year the Town prepurchased a block of project-specific technical assistance from EMF, Inc. as part of the service contract, and he wanted to go forward with that purchase, which is budgeted at \$3,100. The Board unanimously agreed to this purchase.

### **Changes to Personnel Policy**

O'Keefe reported to the Board that the existing Personnel Policy, under Chapter VII. Health Insurance includes language that refers to specific dollar amounts as well as a 60% formula for determining payments in lieu of health insurance. Since the rates may change yearly, he suggested that it would make sense to change the Policy language by removing the dollar figure and solely rely on the 60% formula. The rate this year changes from \$420 to \$460 per month. The Board unanimously agreed to this change to Section 7.7 by roll call vote and asked O'Keefe to amend the policy accordingly, effective January 1, 2013.

O'Keefe also brought before the Board the idea of changing the Town Holiday schedule in order to better match State holidays. He mentioned that some residents were surprised to learn that Town Hall was open on Veteran's Day. After some discussion on the various holidays, a **motion** was made by Colby, seconded by Carlson to amend Chapter X, Section 10.1 of the Town of Swanzey Personnel Policy by 1) adding Veteran's Day and Martin Luther King, Jr./Civil Rights Day to the list of paid holidays, 2) removing Columbus Day, from the list of paid holidays, and 3) changing the name of Washington's Birthday to President's Day, and furthermore to amend Chapter XI, by deleting Section 11.5, which has provided for a floating holiday to be assigned by the Board of Selectmen. These changes are to take effect on January 1, 2013. All were in favor. **Motion passed.** O'Keefe was asked by the Board to change the Personnel Policy to reflect these changes.

### **Consideration of Request to Waiver late fees and interest on Carpenter House payment**

O'Keefe brought to the attention of the Board a request from the caretaking son of a Carpenter Home resident, his mother, that late fees and interest amounting to \$486.22 at this time be waived due to circumstances set forth in a letter dated 10/22/2012, which the Board reviewed. A discussion was held regarding the reason for the late fees. The Board felt that the requestor knew the due dates for payment and didn't see any reason to grant the request. **Motion** to deny the request made by Carlson, seconded by Colby, all in favor. **Motion passed.** O'Keefe was asked to forward a letter indicating the Board's decision on this matter.

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

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(d) to consider a personnel matter, seconded by Carlson. The Selectmen voted unanimously by roll call to go into non-public session at 8:00 p.m. **Motion passed.** Present were the Board members, Town Administer O'Keefe and Recording Secretary Bernard. **Motion** by Carlson to seal the minutes of the non-public session. 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 8:15 p.m.

### **Review of 2013 Budget**

The Board began an overall review of the budget.

Financial Administration – Salaries – discussion on full time and part-time salaries. Carlson suggested that the Assistant Bookkeeper stay full time with the Finance Office and no longer be assigned to the

Town Clerk's Office, and increase the hours of the Deputy Town Clerk to 29-30 hours a week.

O'Keefe passed out a chart of budget line allocations for different employees, which shows the proportional allocation of staff to General Fund, Carpenter Home budget and the two Wastewater budgets. This explains why some budget lines may appear smaller than they should for certain positions. O'Keefe was asked to inquire into why the budget line for New Town Clerk Training was at \$5,000.

O'Keefe pointed out that dollar figures under Insurance in grey cells need to be refined. He also pointed out that the figures for FICA and Medicare appeared high, and the Board asked him to double check the calculations on this.

Fire Department - There was discussion regarding the Swanzey Fire Department part-time wages. Carlson felt that the Personnel Administration could be covered by Clerical Support. The request of \$43,225.00 is a \$23,225.00 or 116% increase over the 2012 appropriation and the Board decided it was proper to get Fire Chief Skantze back in to discuss it with them. O'Keefe will contact Skantze and ask him to appear at the next Board of Selectmen meeting.

Cemetery & Parks Maintenance – O'Keefe was asked to check into why the budgeted fulltime salary figure is so much lower than this year.

Health Agencies - The Board discussed agencies who receive help from the Town. Regarding the Red Cross and Big Brothers & Sisters, Carlson **moved** that \$3,000.00 be given to the Red Cross and \$250.00 to Big Brothers & Sisters under the "Other Outside Agencies" budget line, for a total of \$3,250. Colby seconded, and all in favor. **Motion passed.** O'Keefe was asked to contact Big Brothers & Sisters to let them know of the Board's vote on this.

Carpenter Home – The Board reviewed the Carpenter Home expenses and projected revenues, including potential rate increases to cover projected expenses. **Motion** by Carlson to increase non-HCBC room rates by 1% effective January 1, 2013, or as soon as permitted by existing laws and/or contracts. Colby seconded, all in favor. **Motion passed.**

### **Recycling Center**

The Board members agreed that the hiring of a new Assistant Solid Waste Manager must begin immediately and that they would be available to assist with the interview process if necessary. O'Keefe was asked to convey the urgency of this effort to Solid Waste Manager Steve Stewart.

### **BTLA Appeals**

O'Keefe noted that a required settlement discussion on a tax appeal will be held at the next meeting. The Board directed O'Keefe to invite the Town Attorney to attend as is customary in this circumstance.

### **CONSENT AGENDA**

Selectmen approved the following consent agenda items:

- Budget transfer from General Fund to Conservation Commission Account in the amount of \$375.
- Executed a revised Warrant for property tax levy as the one signed on 11/20/2012 was for \$14,140,689, when it should have been for the half-year amount of \$6,657,934

- Raffle Permit #2012-23, for Monadnock Humane Society on 12/8/2012

Colby **moved** to adjourn, Carlson seconded, and all were in favor. ***Motion passed.*** The Board adjourned at 8:55 p.m.

Respectfully Submitted,

Beverly Bernard, Recording Secretary

Approved on December 11, 2012

# TOWN OF SWANZEY, NH

Board of Selectmen Minutes of December 4, 2012 Non-Public Session, Session 1

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.
- RSA 91-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 6:15 AM/PM

Other persons present during the non-public session:

Town Planner Sara Carbonneau Town Administrator Shane O'Keefe YN  
Recording Secretary Beverly Bernard

**Description of matters discussed and final decisions made:**

Sara Carbonneau, Town Planner, brought before the Board the idea that they might consider purchase of the property known as the West Swanzey Athletic Association building located at 53 Main Street (Map 57, Lot 50). She stated that the price has been coming down and that this might be the right time to approach the owners about purchasing the property and make it into a riverside park. Part of the cost would include demolition of the property. The property could be purchased with funds from the Land Acquisition account which has \$250,000 in it. She is concerned that as the price drops, someone else might become interested in buying the property. Colby expressed concern about the historic nature of the building and that some group might want to see it preserved as an historic building, which would mean restrictions. Carbonneau said that since the building is no longer in use, there will be taxes that need to be paid by the owners. Carlson suggested that the parking area next to the building might be suitable for parking for the use of canoeists and kayakers if the site was turned into a park. Town Administrator, Shane O'Keefe, was asked to invite the owners of the property to the next Board of Selectmen meeting to discuss this further.

Continuation of Description from first page, if any:

N/A

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 YN Nancy L. Carlson YN Kenneth P. Colby YN

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 6:38 AM/PM (M)

These minutes recorded by Beverly Bernard

These Minutes approved by the Board of Selectmen on 12/18/2012  
Unsealed on 2/25/2014

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.