

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – March 19, 2013
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

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 6:12 p.m. at Swanzey Town Hall. Also present were Town Administrator Shane O’Keefe, and Recording Secretary Beverly Bernard.

MINUTES

- Regular meeting of March 5, 2013 – **Had been distributed earlier but were not available for review at the meeting.**
- Non-Public meeting of March 5, 2013 (#1, #2) - **Motion** by Colby to approve the Non-Public minutes of March 5, 2013 (#1, #2), seconded by Davis, with all in favor. **Motion passed.**

OTHERS PRESENT:

Sarah Tatro

Non-public session per RSA 91-A:3II(c), Reputation

Motion by Carlson to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 6:14 p.m. **Motion passed.** Present were the Board members, Town Administrator O’Keefe, and Recording Secretary Bernard and Resident Sarah Tatro.

Motion by Colby to seal the minutes of the non-public session. Seconded by Carlson. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Colby to leave non-public session and return to public session. Second by Carlson, with all in favor. **Motion passed.** Non-public session ended at 6:28 p.m. Tatro left the meeting at 6:28 p.m.

NOMINATIONS

Elections of Chair, Vice Chair and Secretary

Motion by Colby to elect Nancy Carlson to Chair, Kenneth Colby to Vice Chair, and Deborah Davis as Secretary, seconded by Davis, with all in favor. **Motion passed.**

Designation of representatives to the Planning Board and Open Space Committee

- Planning Board – Board members decided to continue to serve on 4-month rotations, with Davis continuing to serve through March 2013, Carlson will serve April through July 2013, Colby will serve August through November 2013, and Davis will serve December 2013 through March of 2014.
- Open Space Committee (OSC) – Colby volunteered to remain the Selectmen’s representative on the OSC.

NEW BUSINESS

Economic Development Advisory Committee (EDAC) promotion of TIF District

Economic Development Advisory Committee Chair Steven Bittel and Committee member David Cairns joined the meeting at 6:30 p.m. to discuss a proposal for marketing the TIF District. Bittel said that the EDAC would like to move ahead with promoting the TIF District but will need funds to do so. He said that the TIF District funds can be used for this sort of thing and there is \$500,000 in that fund. Bittel asked the Board to approve the investigation of fees and ideas from engineering resources such as Brickstone Engineering who would do the work. Bittel said the goal is to get some tax revenues coming back into the Town and this proposal will help get business interest in the district. Bittel said he has to better

understand how to tap into the \$500,000 that is available. He also noted that the present bond is pre-payable. The interest is 4.1% and he suggested that it be paid as soon as possible. There are only two payments left of \$50,000 each and paying off the entire amount now would save the Town the interest.

Carlson asked about the completion of Safford Drive and how it will coincide with the development of some of the properties. Bittel said that now is the time to build interest in the area. He noted that planning is a long process; there is a long sales cycle. The sooner the Town gets moving on plans, the better off it will be in building interest for the district. Developable land with water and sewer and high-speed internet, zoned appropriately, with access to major roads, with access to an airport, should be easily sold. Cairns pointed out that EDAC wants to help in leading the process of marketing the district. He said that if we have TIF funds, they can be proactive in assisting owners to prepare to sell their properties.

Carlson pointed out that the EDAC was established to promote Swanzeey for development. Bittel responded that consensus on the EDAC is that everything is in place to sell the TIF district now. Bittel pointed out that there is a learning curve. The EDAC will gain experience assisting in the development of the TIF District which will enable it to assist at a later date in developing other areas of Town such as West Swanzeey.

Carlson said that the Board is in favor of this work being done. Bittel offered to return to the Board with a firm quote for promotional efforts and ask the Selectmen for their approval to move ahead. The Board agreed that he should do so.

Update on TIF District funding

Carlson asked if the Town has settled matters with Clearwater Pool & Spa, a business at the Route 12 end of the proposed new Safford Drive. O'Keefe said a meeting was scheduled for the following day and the Town may be able to move ahead with finishing Safford drive without Clearwater's approval. Bittel mentioned that the cost of finishing Safford Drive will use up all the TIF funds. He noted that budget for build-out does not cover a possible water tower or booster pump should one be needed for water pressure. The Board said that the Town may need to address some problems with water pressure. The Board has to think about where the money will come from. Bittel suggested looking at the Sewer Commission and Water Precinct for money, or perhaps get a community development grant to cover costs. Bittel suggested that Town Planner Sara Carbonneau look into obtaining a grant. Bittel said that this kind of expenditure can be directly related to economic development. Bittel and Cairns left the meeting 6:48 p.m.

Resolution for establishment of non-restricted fund

The Board was asked to establish a new non-restricted fund for donations to Whitcomb Hall improvements. After consideration by the Board of the packet provided by Town Administrator O'Keefe, Davis made the **motion** to resolve to establish a new non-restricted fund for donations to Whitcomb Hall as developed with the input of the Trustees of Trust funds and Bookkeeper Theresa Lounder. The motion was seconded by Colby and all were in favor. **Motion passed.** *The Board executed a resolution establishing the fund.*

Remit donated funds to non-restricted fund

Funds of \$1500 donated to the Town by "Mae West" for the benefit of Whitcomb Hall pursuant to RSA 31:95-b were accepted and expended by the Board at the 3/5/2013 Board meeting. Davis **moved** to remit these funds to the new Whitcomb Hall non-restricted fund, seconded by Colby, and all were in favor. **Motion passed.**

Authorize submittal of Vermont Yankee training budget

Emergency Management Director Bruce Bohannon joined the meeting at 6:50 p.m. to ask the Board to authorize the Vermont Yankee training/drill budget for submission to the State of New Hampshire. He noted that the grant for Vermont Yankee 2013 - 2014 to cover \$20,059 budget is the same as last year. Bohannon noted that Maintenance Facilities line item has increased but Training line item has gone down. Bohannon passed out the documentation for the Chair to sign which details the assessment for Vermont Yankee for submission to the State. Davis made a **motion** to authorize the Chair to sign for the Board, Colby seconded, all were in favor. **Motion passed**. The Chair executed the document.

Emergency Management Updates

Bohannon then discussed with the Board moving forward on development of the Town's Emergency Operations Plan. The projected cost is \$6,000 and the budget presently carries \$5,580 for this effort, though it was assumed some grant funding may be available. The Board concurred that Bohannon should move forward on this effort as soon as possible.

Bohannon then spoke about Emergency Notification System which would replace Code Red, a notice of which had been provided to the Board. It is called reverse 911 (NH-ENS). O'Keefe suggested that the Town website could offer an email subscription to citizens to automatically get emails when there is an emergency notification. Bohannon said that the State of New Hampshire is only looking for whether or not the Town wants to participate at this point. He said that this operation needs two people and Bohannon is the only one who has the password as of now. He has encouraged the Swanzey Police Department and the Swanzey Fire Department to participate. Bohannon said he wanted to get Consultant Lee Kimble going on the project.

Bohannon said he is concerned about developing Continuity of Operations and has been in touch with two towns, Jaffrey being one of them. He said he is considering acquiring a standard box trailer to work out of since space at Town Hall is tight. In addition, Bohannon said he would like to consider the possibility of renting space to accommodate Town Hall employees should evacuation of the building be required. He noted that there is a warehouse and commercial space available in Keene, and he could talk to them to work out some space for rent. O'Keefe pointed out that EMF Inc. which maintains the Town's computer systems has a lot of space. Also, he noted that the Post Office has space that might be available. Carlson asked about the trailer and where it would be kept. Bohannon said the trailer would have to be available at a moment's notice. Colby mentioned the State of NH surplus might have a 10 x 20 trailer available.

Update on Rail Trail Project

Bohannon updated the Board on the Rail Trail Project and said the culvert is done. He said the estimate to finish surfacing the trail 100 feet north of the culvert to the end of Pine Street is \$13,000 and another \$700 to lay down rip rap. He hasn't made any commitments but he will come back to Board to ask to finish the project with a change order. He mentioned that the State said that the Town can use some left over money from previous trail efforts for ongoing work.

Update on Vermont Yankee Exercises

Bohannon reported that on May 8, 2013 another Vermont Yankee exercise will be conducted. And another will be held on June 5, 2013. Carlson asked if observers from the State will be there. Bohannon said FEMA will be there. Bohannon left the meeting at 7:06 p.m.

Fire Chief Norm Skantze joined the meeting at 7:07 p.m.

Non-public session per RSA 91-A:3II(b), Hiring

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 7:08 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard and Fire Chief Norm Skantze.

Motion by Davis to seal the minutes of the non-public session. Second by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Davis to leave non-public session and return to public session. Second by Colby, with all in favor. **Motion passed.** Non-public session ended at 7:18 p.m.

Interest Payments on ALS monitors

Bookkeeper Theresa Louder asked Skantze to discuss with the Board a situation having to do with interest payments being charged for the advanced life support monitors the Fire Department acquired through authorization under 2010 Town Meeting Article 5 . The approved amount was \$37,486 but did not consider annual interest payments which exceed the approved amount. Carlson said she thought they covered this last year and further said she thought that the lease charge included the interest. O'Keefe asked if the Board wants to cover all of the due amounts this year or split over this and next year. O'Keefe also said that the Town is not allowed to use the funds balance for the recent purchase of thermal cameras for the ALS monitors because there were two different warrant articles addressing the thermal cameras and the monitors individually. O'Keefe said that payment is not due until December and that the Board can revisit the issue toward the end of the year when we know where we are with the budget. The Board agreed.

Fire Department Training Budget

Skantze discussed the training budget with the Board. He said that he is spending money on EMT and advanced EMT and firefighter certification. After tuition for EMTs paid, we will be over budget on the line item. He wanted to know if he goes over the budgeted amount by \$905, will the Board be okay with that. He gave a variety of reasons why he thought it was a good idea to fund the training saying that the budget is essentially only about \$200 per person and that the employees are volunteering when at training and not getting hourly wages. Carlson asked Skantze if he could find \$905 somewhere else in his operating budget. He said that he would have to find a way, but he wanted the Board to approve the excess expenditure. Carlson pointed out that he would have to be frugal for the rest of the year. Colby pointed out the some of the people had taken the EMT who hadn't passed in the past and thought that they should pay their own way. Skantze said that he didn't think it was a waste of money even if they didn't pass, the education still provides learning for the employees useful to the Department. Skantze said some of his employees don't have the resources to pay their way. Carlson said that Skantze will have to find the \$905 somewhere else in his budget. She noted that the budget was passed by the voters and that's it for this year. Colby said that Skantze should stay within his budget. Colby said that he cannot fault Skantze for fighting for his dollars for his department but firmly stated that Skantze can't go over his budget.

Equipment Purchase Order

Skantze provided a purchase order for some of the protective clothing needed by the Fire Department. This is in the budget: thirty (30) firefighter hoods, seven (7) helmets, and ten (10) pairs of rescue gloves together costing \$2,939.50. Skantze asked the Board to approve the expenditure. Colby **moved** to approve the purchase order for \$2,939.50 for thirty (30) firefighter hoods, seven (7) helmets, and ten (10) rescue gloves, seconded by Davis, all were in favor. **Motion passed.**

Ladder Truck Equipment Purchase Order

Skantze said that the ladder truck that the Town is purchasing needs some equipment that was not included with the truck contract: electrical wheel, mounting equipment for fire extinguishers, and brackets. He has a Purchase Order for \$2,497.00. The dollars would come from the capital improvement account. Carlson said that Skantze should take it out of Tools and Equipment under the operating budget or do it yourself. **Motion** by Colby to approve a purchase order for \$2,497.00 to be taken from the Tools and Equipment line item in the operating budget for the purchase of an electrical wheel, mounting equipment for fire extinguishers, and additional brackets for the ladder truck, seconded by Davis, all were in favor. **Motion passed.**

Fire Department Training in WSAA building

Skantze said that the West Swanzey Athletic Association building has been useful for the Fire Department training in the past. He wants permission from the Board to use the building for training and perhaps take down a wall for practice, up until the time the building is ready for demolition. A discussion was held about objects that are still in the building and the need to inventory the items so as to distribute them or store them somewhere else. This needs to be done before the Fire Department can do training in the building and Colby mentioned that he would like to see the building gone as soon as possible. Some items have been removed such as a safe taken to the Carpenter Home. O'Keefe mentioned that his office is the only one without an air conditioner and would like to take one from the building for his office use if possible. O'Keefe said he would have Francis Faulkner work on an inventory of the building items this week. The Board agreed that they did not have a problem with the Fire Department using the building as they did in the past for training but there should be no damage to the walls or other structural damage without consultation with the demolition contractor.

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

The Board was asked to accept a donation to the Fire Department of \$50.00 from Reny and Eva Jane Demers of Shelburne, NH and to remit these funds to the fund established by the Board for Fire Department gifts and donations on 2/11/2009 pursuant to RSA 31:19-a IV. Colby **moved** to accept and expend the donation of \$50.00 to the fire Department gifts and donations fund established on 2/11/2009 pursuant to RSA 31:19-a IV, seconded by Davis and all were in favor. **Motion passed.**

Discuss potential for acquisition of West Swanzey Water Company

Planning Board Chair Glenn Page joined the meeting at 7:52 p.m. Page noted that the Master Plan for the Town of Swanzey mentioned the possible acquisition of the Brown Water company. Page also noted that there has been no follow-up. He continued saying that a reliable source of water is needed if the Town is going to develop West Swanzey. He said the Planning Board researched it a bit and the water company is down to one pump. If that pump goes, there isn't any water in the village. He stated that Vice Chair for the Planning Board Scott Self seems to think that the main lines are in good shape. Page says he doesn't know what the requirements would be from the State Public Utility Commission (PUC) if the Town took over. The Planning Board is asking the Board to form a committee to research the situation, determining the existing infrastructure and what it would take to be a municipal water system for West Swanzey. Davis said she had discussion with Mike Brown about taking over the system and they would be happy if the Town did, but the Town doesn't know the condition of the system. Davis said she also had a conversation with Sewer Commissioner Larry Crowder and he said another private water company had no interest in taking it over. Carlson asked if the PUC would allow the Brown's to walk away from the water system. Page said that he doesn't know the answer to that but it is the sort of question that the Town needs to investigate and is asking the Board to create a committee to do the investigation. Page said that Scott Self would serve on it. Skantze said he would serve on it since the Fire Department has a vested interest in water for building sprinklers and working fire hydrants. Required sprinkler systems need water at pressure. There is only 8,000 gallons of storage today and that is not enough water. Skantze said the lack of good working water supply has impact on development.

The Board agreed that they can support a committee to pursue investigation of the water system. They asked Page to come up with a list of five people to be on the committee. Suggested were Business Owner Ken Greatbatch, Fire Chief Norm Skantze, Planning Board Chair Glen Page, and Planning Board Vice Chair Scott Self. O'Keefe suggested that Page return to the Board meeting of April 2, 2013 with a list of people who are willing to serve on the committee. Then the Board will come up with an official charge to the committee. Colby asked for an outline of what needs to be looked into from Page. Page responded that he could come up with one and develop a proposed charge for the committee. Page left the meeting at 8:10 p.m.

Engineering contract for Safford Drive Improvements

The Town received a \$194,800 proposal for engineering services from Underwood Engineers for the completion of the Safford Drive project, to include private property improvement site plans, bidding and construction administration, construction observation and record drawings. The Board was asked to authorize the Town Administrator to execute the proposal on behalf of the Town. Davis **moved** to authorize Town Administrator O'Keefe to execute the proposal with Underwood Engineers for the completion of Safford Drive project on behalf of the Town, seconded by Colby. All were in favor. **Motion passed.**

Payment Arrangement – John E. & Sharon L. Benoit, 7 Wilson Pond Rd, (Map 18, Lot 106)

The Board was asked to consider a payment plan of \$150 per month for delinquent taxes. **Motion** by Colby to accept the payment arrangements and have O'Keefe to send a letter informing the Benois of the payment arrangement, was seconded by Davis, and all were in favor. **Motion passed.**

Annual Adoption of Liability Statutes, RSA 31:104, 105, 106, RSA 508:12-b.

The Board considered the indemnification and liability Statutes and Davis **moved** to re-affirm adoption of the provisions of RSA 31:104, 105 & 106 and RSA 508-12-b providing liability and indemnification protection to officials, employees and volunteers of the Town of Swanzey in accordance with the terms of these statutes. Colby seconded the motion, and all were in favor. **Motion passed.**

Town employee compensation

The Board considered and advised on how it wishes to proceed with employee compensation at this time, to include a cost-of-living adjustment (COLA) and merit increases as appropriate. Last year they allowed Department Heads determine how the adjustments would be distributed. Carlson suggested that 1.7% COLA be given to every employee and 1.3% Merit raise be determined by Department Heads. The Board agreed that Department Heads will all get 3%. O'Keefe volunteered to run the numbers for each department and inform them. The Board will sign a letter to be sent to each employee. The budget for 2013 assumed an adjustment of 3% based on 12 months but it cannot be awarded until after the budget is passed in March. The Board agreed that compensation increases will be effective as of March 31, 2013, and the Board will sign the compensation approval documentation on April 2, 2013, and that increases would reflect in paychecks to be issued April 11, 2013.

Acquisition of Police Department patrol vehicle

Article 4 of the recent Town Meeting approved raising and appropriating \$35,000 for the purchase and outfitting of one patrol vehicle for the Police Department. Chief of Police Tom DeAngelis would like to move forward for immediate procurement of the vehicle and asked for agreement from the Board. It was so agreed by the Board.

OLD BUSINESS

Updates on Settlements of property tax appeals to the BTLA

Amy Bush joined the meeting at 8:11 p.m. Bush discussed the Abatement Review conducted by the Town's assessing contractor, Vision Government Solutions. She stated that several of the properties on Swanze Lake were appraised too high. Colby said that the Town needs to talk to Vision about the discrepancies in assessed values. Colby said that it is their job to come up with a proper assessment. Bush made the point that some properties skew the results. Colby insisted that Vision should be doing their job, paying them to know what the market is doing, so the Town doesn't have to do it. O'Keefe asked who would be the best person Vision would send us to discuss the problem with the discrepancies. Equalization ratio is supposed to accommodate for differences in markets across a given area. Colby is asking if the Town should be looking at other assessing companies to consider hiring. Colby said that the Town has an expectation that the figures the Town gets from Vision are reasonably correct.

Bush came up with a proposed correction formula for properties reviewed on East Shore Rd and Winch Hill Road. Carlson suggested that the Board accept Bush's proposed reduction in assessment for these properties. Bush said that we should change the assessed value for 2013 and apply it to 2012. The landowners would get a rebate on 2012 taxes. Colby **moved** to authorize Bush to negotiate a settlement on East Shore Road and Winch Hill Road in keeping with data reviewed by the Board. Davis seconded the motion. Bush will have O'Keefe review the letter with the offer. Bush left the meeting at 8:38 p.m.

Motion passed.

Delinquent Court-ordered payments to the Town

O'Keefe presented the Board with information on two cases where court-order payments to the Town were severely delinquent. Arthur and Ellen Brnger owe \$ 11,144.80 to the Town based on court orders in July 2008 and again in December 2008. The last payment made by the Brngers was for July of 2010 and came to the Town in October 2010. In addition, in August 2007 the District Court ordered Christopher and Brandon Frazier to pay the Town \$75 per month related to storage of unregistered vehicles. The last payment received was for April 2010 which came in in December 2010, and the Town is owed \$475.00. The Board asked O'Keefe to discuss with the Town Attorney what next steps should be taken and to report back to the Board at the next meeting.

OTHER MATTERS

Constellation Energy contract

The Town has been purchasing power from Constellation Energy in a consortium with other towns and school districts. The present contract is at \$0.0634/kwh, while PSNH presently is charging \$0.0954/kwh, and extends through June of this year. PSNH still provides transmission and invoicing services. Town Administrator O'Keefe reported that he attended a meeting last week and was informed that a new contract is being readied. O'Keefe recommended to the Board that the Board act quickly in order to simultaneously execute a power purchase agreement with the other communities that the Town has teamed up with for the current contract. O'Keefe requested that he be authorized to execute an electricity supply agreement once a negotiated price is set. Carlson said she agreed that the Town should continue with Constellation Energy. Colby **moved** to authorize Town Administrator O'Keefe to execute an electricity contract with Constellation Energy once the price is set. The motion was seconded by Davis, and all were in favor. ***Motion passed.***

Review Solid Waste Manager Open Position

O'Keefe reported that the Town has received three (3) applications to review thus far. The Town will continue to collect applications until April 1, 2013. He asked the Board members whether they wanted to establish a review committee for the hiring process or handle it on their own. It was the consensus of the Board to review the applications together on April 1, 2013.

Payment arrangement – Anna Luce, 28 Pondview Road (Map 73, Lot 22-508)

At the previous Bod meeting, as part of the Board consideration of a delinquent tax payment arrangement, this property owner provided a \$1,000 check to the Town to cover a portion of property taxes owed. O'Keefe reported that the check bounced. He recommended that the Board withdraw the agreement. Davis said that she thinks the property owner doesn't have the capacity at this time to follow through. O'Keefe noted that it would be a tax sale, and it should have been done last year. He also noted that he had heard that she has a Power of Attorney. Davis suggested that the Board should send a letter to the property owner to inform her that she is in danger of losing her house for non-payment of taxes. The Board agreed to send the property owner a letter and a copy to the person who has Power of Attorney for the property owner stating that the Town will require cash or a bank check by April 1, 2013 or the Board will terminate the payment plan agreement and proceed accordingly with a tax sale.

Postal Service Building as Potential Additional Town Space

O'Keefe has spoken to someone from the Post Office and they will sketch out what space might be available and provide it to O'Keefe.

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

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(a) to discuss personnel matters, seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 9:20 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard.

Motion by Davis to seal the minutes of the non-public session. Second by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.** **Motion** by Davis to leave non-public session and return to public session. Second by Colby, with all in favor. **Motion passed.** Non-public session ended at 9:24 p.m.

CONSENT AGENDA

- Event Permit #2013-06. Home Builders & Remodelers Association of SWNH, Cheshire Ice Arena, 247 Monadnock Highway – Annual Home & Leisure show on 4/5/2013 – 4/7/2013.
- Raffle Permit #2013-09. Viet Nam Veterans of America Chapter 1034, Cheshire Fair, 247 Monadnock Highway and community drives – Cash raffle on 11/12/2013.
- Yield Tax Assessment Certification and Warrant, Joseph & Lorraine Young, Map 2, Lot 10.
- Yield Tax Assessment Certification and Warrant, Renae Lampinon, Map 20, Lot 153.
- Yield Tax Assessment Certification and Warrant, Victoria Reck Barlow, Map 31, Lot 20 & Map 45, Lot 37.
- Notice of Intent to Cut Wood or Timber, Lane Construction Corp., Map 24, Lot 2-2.

Next meeting will be held on April 2, 2013.

ADJOURNMENT - Colby **moved** to adjourn, seconded by Davis, with all in favor. Adjourned at 9:34 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 2, 2013