

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – April 30, 2013
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

Present were Selectmen Nancy L. Carlson, Deborah J. Davis and Kenneth P. Colby, Jr. The meeting was called to order by Chair Nancy Carlson at 6:14 p.m. at Swanzey Town Hall. Also present were Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

MINUTES

- Non-public meeting Minutes #1 for April 16, 2013 - **motion** by Colby to approve, Davis seconded; all were in favor and ***motion passed.***
- Non-public meeting Minutes #2 of April 2, 2013 - **motion** by Colby to approve, Davis seconded; all were in favor and ***motion passed.***
- Regular meeting Minutes of April 23, 2013 – **motion** by Colby to approve, Carlson seconded, Davis abstained. ***Motion passed.***
- Non-Public meeting Minutes #1 of April 23, 2013 - **motion** by Colby to approve, Carlson seconded, Davis abstained. ***Motion passed.***
- Non-Public meeting Minutes #2 of April 23, 2013 - **motion** by Colby to approve, Carlson seconded, Davis abstained. ***Motion passed.***

NOMINATIONS

Nomination of Polly Seymour to serve on the Recreation Committee

The terms for both Michele Matson and Polly Seymour serving on the Recreation Committee have expired. Seymour has expressed interest in reappointment. After consideration by the Board of Seymour’s application, Davis **moved** to appoint Polly Seymour to the Recreation Committee for a three-year term, extending to Town Meeting 2016. The motion was seconded by Colby, and all were in favor. ***Motion passed.*** O’Keefe noted that another position remained open and that the term would extend for only one year to the 2014 Town Meeting.

Nomination of Bill Hutwelker to serve as an Alternate on the Economic Development Advisory Committee (EDAC)

Bill Hutwelker expressed an interest in serving in the Alternate position on EDAC. Given his interest, a **motion** was made by Colby to appoint Bill Hutwelker to the Economic Development Advisory Committee (EDAC) as an Alternate member for a term of three (3) years, subject to filling out his application paperwork. The motion was seconded by Davis, and all were in favor. ***Motion passed.***

OLD BUSINESS

General discussion of Town Clerk matters -

Town Clerk Donna Munson joined the meeting at 6:20 p.m. She said her main concern is how to get an increase in pay. Carlson pointed out that after Town Meeting there were raises for cost of living and merit. Munson and Karen Elliott got the Cost of Living raise, but not the merit raise. Carlson told Munson that the Board doesn’t do an evaluation for her because she is an elected official. A discussion was held regarding how an elected official would receive a raise. A salary question could be put on a Warrant Article and then the voters would determine the budget, including if the Town Clerk would receive a

raise. Munson noted that the previous Town Clerk, Lori Belletete, reported that and she never got more than a cost of living raise while she served as Town Clerk. O'Keefe said that he does not feel it is appropriate for the Town Administrator to evaluate someone who is an elected official.

Munson asked about how Elliott would get a raise. Munson said that she cannot speak highly enough about Elliott's work. O'Keefe noted that the 2013 budget was developed with a bottom line that assumed every employee would receive a 3% raise. Carlson pointed that out that every employee had more taken from their paychecks because the federal payroll tax went back up in January after a two year holiday. Thus any raise might not have much of an impact on net pay.

O'Keefe said he would take a look at the history of Town Clerk salaries. He noted that Munson was an hourly employee prior to getting elected and now she is salary. Salaried individuals do not make more money by working more hours. Munson left the meeting at 6:30 p.m.

Proposed timber sale of Town-owned Mt. Caesar/Carpenter Home property

Brian Johnsen and Jeffrey Snitkin of Bay State Forestry joined the meeting at 7:10 p.m. to review with the Board the bids received for the logging operation to be conducted on the Mt. Caesar/Carpenter Home property. The seven bids ranged from \$34,178.43 to \$64,899.17. Johnsen explained that five of the bids were in the middle range and two were outliers. Johnsen said he believed that the high bid is from a logger who really wants the work and although his address is Littleton, NH, he works in Hillsborough, NH. O'Keefe asked if such a high bid might be problematic, but Johnsen said that this logger has worked with Bay State in the past and they feel confident that he would do a good job.

Bidder	Price
<i>North Country Lumber</i>	<i>\$64,899.17</i>
CCM	\$50,208.77
Hopkinton Forestry & Land Clearing	\$48,160.40
Garland Lumber Company, Inc.	\$47,396.73
G.H. Evarts & Co	\$45,419.26
Goodnow Trucking, Inc.	\$43,505.80
DH Hardwick & Sons Inc.	\$34,178.43

A discussion was held regarding the landing the logger will use. Johnsen said the landing will be in the overgrown field behind the Carpenter Home. Bids were planned for the lower landing. Getting to a higher up location would be noisier for neighbors and be more difficult given the erosion of the road/trail which appears to have been caused by ATVs using the road although they are not permitted to do so. Johnsen said that removing water and mud holes may cause a decrease in ATV traffic.

Johnsen also reported that he has spoken to Jeff Taylor about invasive species in the field that will be used for the logging landing to see what he might plan in his work based on the logging work that will be done there.

After a recommendation by O'Keefe to accept the highest bid, a **motion** was made by Davis to accept the bid of \$64,899.17 by North Country Lumber, P.O. Box 681, Littleton, New Hampshire 03561 for the Mt. Caesar/Carpenter Home timber sale and to authorize O'Keefe to execute the contract with North Country Lumber. The motion was seconded by Colby, and all were in favor. **Motion passed.**

Johnsen reported that the process is such that Carl Kelly from North Country Lumber will sign a contract and put a 10% deposit on the timber once O'Keefe, representing the Town, signs the contract. Bay State Forestry will find out if it will be a summer or winter operation. Johnsen said it was his guess that the work will be done in June or August because he believes the bidder needs the work.

Town-owned forest lands on Mt. Cresson and in Westmoreland were also discussed briefly. Johnsen said that a Management Plan already exists for the Westmoreland parcel. A Management Plan for the Mt. Cresson land would run about \$20.00 per acre. O'Keefe retrieved a map of the Mt. Cresson land and Johnsen said that there would probably be two areas for harvesting. Delineation would cost about \$1,000. He thought that the blazes for boundaries might already be there and certainly Yale University may have already completed the west boundary which abuts Yale Forest. A question arose about who is responsible for decisions about the land, whether it is the Board or the Conservation Commission. O'Keefe suggested that Bay State meet with the Conservation Commission. O'Keefe will contact the Conservation Commission to set up a meeting with Bay State. At issue is the trail and disturbance of that area. O'Keefe said he would discuss it with the Conservation Commission at their next meeting which is Monday, May 6, 2013.

Johnsen said the boundaries should be redone for the Mt. Caesar and Carpenter Home land. He recommended doing blaze and paint mid-summer this year and the land should be reviewed for a Management Plan update next summer. The Board said they agreed. Snitkin and Johnsen left the meeting at 7:33 p.m.

NEW BUSINESS

Annual Paving Plan

Public Works Director Lee Dunham joined the meeting at 6:31 p.m. Dunham began his review of his annual paving plan by mentioning Main Street in West Swanzey. Main Street will not be repaved until the Main Street committee has more concrete plans for the area. Dunham said he would like to preserve some money for next year for Main Street paving. He has an aggressive approach to chip sealing. He said he wants to do the area around Route 12 near the Dunkin Donuts (Park Street, North Maple area), and Belleview Drive and Barden Circle, which have not been done since the original roads were completed. He estimates \$102,000 for chip seal for these roads. His budget has \$190,000 for asphalt. He estimates \$150,000 to include Old Richmond Road. and Base Hill Road is starting to show cracks so he would like to do that road as well. He estimates that Base Hill Road will cost between \$30,000 and \$41,000.

Discussion went on to road reclamation for Marcy Hill Road. Dunham said he would only reclaim one half of it. It's a stretch of about one mile, including drains. Water comes down the road for one half mile and has eroded the road. Carlson noted that the Town could do tax assessments for that sort of thing. Dunham pointed out that the Marcy Hill Road landowners will need to be notified to redo the ditches on both sides of the road. He estimated the cost at \$130,000 for paving, in addition to the drainage repairs. He confirmed that Public Works will do one side this year, and next year will do the other side. Colby said the key is to show the residents the Town is doing something in response to their pleas for action. It won't be finished this year, but at least we can point to something being done.

Carlson asked about Webber Hill which she stated is in desperate need of guard rails. She mentioned that it is dangerous there, especially in winter, since the hill drops off precipitously. Carlson asked Dunham if guard rails will get done this year. Dunham replied that the contractor working on the bridge

projects this summer could handle the guard rails on Webber Hill. Dunham will send a copy of the revised paving plan to O'Keefe and O'Keefe will pass it along to the Board.

Dunham then reported that Wilson Pond Road resident complaints are coming in about the water level of the pond. Dunham said he has put the boards in at the lower dam, so he can control water flowing out, but no control over what is coming in. He is going to have more conversations with Wilson Pond residents. If they do a test run of the lower level of the water residents will not be happy. The pond used to be a meadow and it was flooded in the 1800's.

Non-public session #1 per RSA 91-A:3II(b), Hiring a Public Employee(s)

Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) to discuss Hiring of Public Employee, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 6:50 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, Director of Public Works Dunham and Recording Secretary Bernard.

Motion by Colby to seal the minutes of the non-public session. Second by Davis. 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 6:55 p.m.

Request for "Blind Person" sign

Murray Ramsay of 259 Matthews Road has requested a "Caution Blind Man Ahead" sign be placed near his home. He is legally blind and much of the traffic on Matthews Road does not adhere to the posted limit of 30 MPH. He provided a list of signatures that support his request.

The Board asked Dunham whether he thought a sign should be erected where requested. Dunham said that while he understands Mr. Ramsay's situation, he believes that people don't pay attention to pedestrian warning signs. Furthermore, he posed a situation whereby a sign does get raised in the area, is removed by vandals and then Mr. Ramsay gets hurt. He asked what the Town's liability would be in such a situation. Dunham also pointed out that signs get forgotten and are left there even when the blind person moves away. Dunham also said there is no provision by the Manual on Uniform Traffic Control Devices (MUTCD) for such a sign. Finally he said that he thought that a sign such as being requested provides a false sense of protection. The Board decided to decline the request and O'Keefe was asked to send a letter of response to Ramsay informing him of such.

Carlson said that the Town got some sort of grant in 2011 for scouring the abutment of two covered bridges that was supposed to be done in 2013. Carlson asked Dunham to check on what that was in the annual report. O'Keefe will look to see if there is a file on the subject.

Temporary manufactured housing permit - Julie Johnson (Map 61, Lot 5)

Julie Johnson of 553 Swanzey Lake Road has requested permission to temporarily place a mobile home on her property while major repairs are being done to her home, as provided for under Section III.V. of the Swanzey Zoning Ordinance. **Motion** by Davis to permit the temporary occupancy of a manufactured housing unit at 553 Swanzey Lake Road for a period not to exceed six (6) months, during rehabilitation of the permanent structure on the site, provided there is continued compliance with all applicable ordinances and regulations throughout the term of the permit, and the mobile home shall not be

occupied after 15 days of issuance of a Certificate of Occupancy by the Town for the existing home following the repair work. The motion was seconded by Colby and all were in favor. **Motion passed.**

2012 Tax Abatement - Wayne Wheelock (Map 72, Lot 36-2)

The property owner has requested tax abatement due to significant difficulties with development of the property. Carlson said that she didn't understand why that would be the case. Carlson said it is .75 acre and it should be able to be developed. Carlson said that she thought it should be looked at more before granting abatement. O'Keefe suggested that Assessing Coordinator Amy Bush come to the next meeting and discuss with the Board why it isn't developable. Davis said she thought it was worth more than \$11,000. She pointed out that Town appraiser Vision valued the property at \$42,000. The Board agreed to review the request at the next meeting after more research is done.

Tax assessment status of property - The Colony Memorial (Map 76, Lots 28, 49 & 199)

The property owner has applied for charitable tax exempt status each year since 2008 and the Town has not responded to these requests. In 2008 Town Attorney Gary Kinyon suggested that the Town take no action. O'Keefe noted that the statutes do not allow a tax exemption for land which is being held as open space and not being used for charitable purposes. O'Keefe said that his guess is that the Board has never responded. O'Keefe suggested that a letter to the Colony Memorial requesters might be appropriate. Assessing Coordinator Bush is asking the Board to respond, one way or another. Carlson said that a letter should be sent by O'Keefe that they don't meet the requirements for tax exemption. This action was agreed by the Board and O'Keefe said he would follow up.

Payment arrangement - Richard Colson, 107 Lat Lane (Map 87, Lot 2-5107)

Richard Colson of 107 Lat Lane is behind on his property taxes. Total owed is \$2,891.87. A payment plan of \$200 a month will get him paid up. **Motion** by Davis to establish a payment plan of \$200.00 per month beginning June 1, 2013 and until such time as the back taxes are paid, for Richard Colson of 107 Lat Lane (Map 87, Lot 2-5107), authorizing Town Administrator O'Keefe to execute the payment agreement on behalf of the Town. Colby seconded the motion and all were in favor. **Motion passed.**

Accept unanticipated funds per RSA 31:95-b

A **motion** was made by Colby to accept a check of \$50.00 in memory of Walt Calkins from Sara Carbonneau & Mike Faulkner, and a total of \$80.00 in the form of check and cash from Hayley Hill, all as donations to Whitcomb Hall and remit the funds to the custody of the Trustees of Trust Funds to be held in the Whitcomb Hall Non-Restricted Fund trust account established on March 19, 2013. The motion was seconded by Davis, and all were in favor. **Motion passed.** O'Keefe will write letters of thanks on behalf of the Board in acknowledgement of the donations.

Resolution for establishment of Old Home Day Non-restricted Fund

Whereas, at the 1997 Town Meeting, the Voters of the Town of Swanzey authorized the Board of Selectmen, until rescinded, to accept on behalf of the Town, gifts, legacies or devices given to the Town in trust for any public purpose as permitted by RSA 31:19, and whereas certain related fundraising activities, such as a Town promotional booklet ("defined related activities") have greatly supported the effort to continue the Old Home Day celebration, and whereas the Town is desirous of establishing a non-restricted and non-lapsing account to ensure that these generous gifts and donations are administered for the sole purpose of the benefit of Old Home Day and defined related activities, a **motion** was made by Deborah J. Davis to establish a new non-restricted fund for the purpose of

accepting gifts, donations and legacies made to the Town of Swanzey for the benefit of Old Home Day and defined related activities supporting Town charitable efforts, and these funds to be remitted to the custody of the Trustees of Trust Funds to be held in the Non-Restricted Fund trust account and be accounted for separately from any amounts appropriated by the Town, to be used for promotion and implementation of Old Home Day and related charitable efforts only and with the Board of Selectmen hereby designated as agents to expend these funds. This motion was seconded by Colby and all were in favor. **Motion passed.**

Remit donated funds to non-restricted fund

The Board considered the donations previously received as donations for Old Home Day which are presently held in Town accounts (approximately \$1,700 as deferred revenue). **Motion** to remit the existing funds donated for Old Home Day to the Trustees of trust Funds for deposit into the new non-restricted fund by Colby, with a second by Davis. All were in favor. **Motion passed.**

Non-public session #2 per RSA 91-A:3II(b), Hiring a Public Employee(s)

Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) to discuss Hiring of Public Employee(s), seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:55 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard.

Motion by Colby to seal the minutes of the non-public session. Second by Davis. 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 8:00 p.m.

OTHER MATTERS

General discussion of Town Treasurer matters

Bill Hutwelker, Town Treasurer, joined the meeting at 8:01 p.m.

Hutwelker raised an issue with the Board regarding the way accounts payable and payroll is handled by the Fire Department on an ongoing basis. From the Treasurer's perspective, the Fire Department is not abiding by payment policies/rules. As an example, a recent set of invoices was submitted on a Tuesday after the deadline which is Monday at 5:00 p.m. This puts a burden on the Finance folks. Hutwelker said that this has been an on-going issue with the Fire Department and he asked the Board to agree that if the payroll does not come in under the deadline, paychecks will not be made out that week. Colby said he agreed that this was a way to bring the issue to a head.

O'Keefe suggested that there should be a better way to handle Fire Department payroll. Each call, each individual, has a separate card that must be processed. Carlson said there was supposed to be computer software that would handle that. O'Keefe said that he will speak with the Fire Chief and determine if the "Firehouse" program Carlson mentioned is in full use.

Another issue that Hutwelker raised involves the policy that any invoice over \$1,000 has to be approved by the Board. A blatant way of getting around that rule is to write multiple invoices for under \$1,000 each, all of which totaled come to more than \$1,000. Carlson said the Board needs to address the idea of vehicle repairs and that perhaps \$1,000 limit is too low. O'Keefe noted that some Town's have a procurement process that defines various levels of authority needed for various levels of purchases.

Given some time, he can research and put a proposal together for the Board to consider. Hutwelker noted that the justification from those who participate in getting around the rules is that the operating budget has been approved by the Voters and therefore can be spent without further approval.

Unrelated to his role as Town Treasurer, Hutwelker spoke briefly about property owners Howard and Robert Smith who are upset by a decision by the Board made last year about taxes on property on Belmont Street in the Swanzey Lake area. Hutwelker has recommended to the Smiths that they go to the Zoning Board of Adjustment for a variance to be able to build on the lot.

Employee Flu Clinic

O'Keefe suggested that the Board dispense with offering a flu clinic to employees this year since employees can get the shots in many places. The Board agreed.

Post Office building potential for additional space for Town use

O'Keefe showed the Board a diagram of the post office building showing the sections of the building that would be available for rent, the space being approximately 1,100 square feet. Since the section available is an inner area, there could be renovation issues which the US Postal Service would expect the Town to pay for. The Board agreed to explore it further. O'Keefe stated that the Board should carefully consider which Town offices might make use of the building. O'Keefe voiced his recommendation that the Town hire the budgeted part-time Town Hall position related to purchasing and human resources.

Keene Tree offer of land for sale or lease

O'Keefe has not had a chance to follow up on recontacting the property owner.

West Swanzey Athletic Association building Demolition

O'Keefe has not had a chance to solicit bids. Colby said that it is a priority. In the contract, the Town could consider requiring all salvageable materials be put aside.

Town Fire Truck for sale

O'Keefe reported he put out to bid the fire truck and bids are due May 10, 2013. He has also listed the truck on Craig's List.

Sympathy card for Jerry Walker

The Board discussed the death of the wife of Jerry Walker, a member of the Zoning Board of Adjustment. They want to send a card of sympathy to Walker. O'Keefe will confer with Town Planner Sara Carbonneau.

Panic buttons

The Town has panic buttons at Town Hall to be used by staff in case of threats to staff or the public or other emergency situation arises. O'Keefe reported that most of the panic buttons didn't work, but they will be repaired the next day. The buttons connect to Keene Mutual Aid which signals the Town's Police Department.

CONSENT AGENDA

- Raffle permit #2013-13. Golden Rod Grange #114, 625 Old Homestead HWY – raffle of various items on 5/15/2013.

- Notice of Intent to Cut Wood or Timber. Cersosimo Lumber Co., Inc., Map 75, Lot 3.
- Elderly Tax Exemption, Janet Harrington, Map 21, Lot 11-2.
- 2012 MS-5 Forms compiled by Town Auditor
- Personnel Action Form(s)
- Other items as necessary

Next meetings will be held on May 7, 2013.

ADJOURNMENT - **Motion** to adjourn by Davis, seconded by Colby, all in favor. ***Motion passed.***

Adjournment at 8:50 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Beverly Bernard".

Beverly Bernard, Recording Secretary

Approved on May 7, 2013.

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting Minutes #1 – April 30, 2013

Non-public session #2 per RSA 91-A:3II(b) Hiring a Public Employee(s)

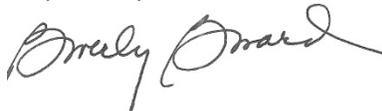
Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) to discuss Hiring of Public Employee(s), seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 6:50 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, Director of Public Works Dunham and Recording Secretary Bernard.

Dunham wants to hire a full-time seasonal employee. Of his applicants, Arthur Shane Whipple is qualified. Someone has to mow lawns throughout the summer. Whipple would be a re-hire for a seasonal position. Dunham said that this position is budgeted at \$10.00 per hour. The applicant can start work at any time. Dunham said that he has to do a background check, but one was done last year. O'Keefe said the Board can waive the background check. It was agreed that either O'Keefe or Dunham can provide the conditional offer of employment.

Motion by Colby to offer Arthur Whipple a full-time seasonal position at \$10.00 per hour, waiving the background check, and on condition of a satisfactory driving record, and authorize Town Administrator O'Keefe to sign the Personnel Action Report on behalf of the Board, with second by Davis. All were in favor. **Motion passed.**

Motion by Colby to seal the minutes of the non-public session. Second by Davis. 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 6:55 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on May 7, 2013.

These Minutes unsealed by the Board of Selectmen on February 11, 2014.

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting Minutes #2 – April 30, 2013

Non-public session #2 per RSA 91-A:3II(b) Hiring a Public Employee(s)

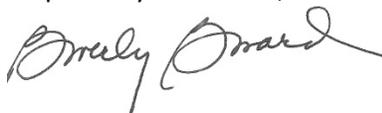
Motion by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) to discuss Hiring of Public Employee(s), seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:55 p.m. **Motion passed.** Present were the Board members, Town Administrator O’Keefe, and Recording Secretary Bernard.

A discussion was held regarding the potential employment of Bob Osterhout for the position of Solid Waste Manager. O’Keefe reported that he made a conditional offer to Osterhout, including a salary of \$55,000 per year, which Osterhout has accepted. Osterhout said he is hoping to start June 3, 2013. The Board members were amenable to this. O’Keefe reported glowing references from former colleagues, several of whom were bosses. The Benton County Oregon Chief Operating Officer, a former supervisor in Grand Traverse County, Michigan, said very good things about Osterhout. Colby reported the reason Osterhout is willing to move so far away from where he is currently located is a new grandchild in Tewksbury, Massachusetts. His wife wants to be closer to family.

O’Keefe reported that a background check with Michigan State Police showed no problems or issues. Because the Statutes of the State of New Hampshire require NH State Police interaction, Osterhout’s fingerprints will be going to the State Police for review. O’Keefe also reported that Osterhout’s Michigan driving record will be coming to the Town shortly.

Motion by Colby to seal the minutes of the non-public session. Second by Davis. 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 8:00 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

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