

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – May 28, 2013  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

Present were Selectmen Nancy L. Carlson, Kenneth P. Colby, Jr. The meeting was called to order by Chair Nancy Carlson at 6:00 p.m. at Swanzey Town Hall. Also present were Town Administrator Shane O'Keefe and Recording Secretary Beverly Bernard. Deborah J. Davis joined the meeting at 6:32 p.m.

**MINUTES**

- Regular meeting Minutes of May 21, 2013 - **motion** by Colby to approve the Minutes with minor changes. The motion was seconded by Davis, all in favor. **Motion passed.**
- Non-Public meeting Minutes #1 of May 21, 2013 – Davis **moved** to approve the non-public Minutes #1 of May 21, 2013, seconded by Colby, and all were in favor. **Motion passed.**
- Non-Public meeting Minutes #2 of May 21, 2013 – Davis **moved** to approve the non-public Minutes #2 of May 21, 2013, seconded by Colby, and all were in favor. **Motion passed.**
- Non-Public meeting Minutes #3 of May 21, 2013 – Davis abstained. Colby **moved** to approve the non-public meeting Minutes #3 of May 21, 2013, with a second from Carlson and all were in favor. **Motion passed.**

**Non-public Session #1 – RSA 91-A:3II(a), Personnel**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) Personnel, seconded by Carlson. The Selectmen voted unanimously by roll call to go into non-public session at 6:01 p.m. **Motion passed.** Present were the Board members, Town Administrator O'Keefe, and Recording Secretary Bernard. Also present were President of Cheshire Fair Association Russ Fiorey, Treasurer Lloyd Hill, Director Roger Packard, and Manager Jori Johnson.

**Motion** by Colby to seal the minutes of the non-public session. Second 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 Davis, with all in favor. **Motion passed.** Non-public session ended at 6:31 p.m.

**NEW BUSINESS.**

**Request for "Children at Play" signs.**

Steve and Terry Boscarino joined the meeting at 6:32 p.m. Citing the number of children living in the neighborhood, the Board was asked by the Boscarinos to consider posting "Children at Play" signs at the following three locations:

- Talbot Hill RD and Cross Street
- Davis AV and Cross Streets
- Davis AV and Talbot Hill RD

Steve Boscarino from 9 Davis Avenue, Swanzey, spoke about the number of children in the neighborhood. He estimated that there are about ten to twelve (10-12) children in the area. He said that he thinks that a "Children at Play" sign would be a good idea for the area.

Lee Dunham joined the meeting at 6:35 p.m. and the Board asked him to comment on Boscarino's

request. He said he has never put up a "Children at Play" sign, although there are some in Town. The reason is that drivers don't pay attention. The signs are not that effective. The Manual on Uniform Traffic Control Devices (MUTCD), the governing regulations for standardized signs does not list a "Children at Play" sign any more. O'Keefe said there is no law to back up "Children at Play" sign as there is for traffic speed limits. Terry Boscarino asked about whether drivers slow down for "Deer Crossing" signs. Dunham said "no", but Mrs. Boscarino said that she does pay attention to these. She asked if there are any studies about accidents increasing or decreasing about posting signs.

Steve Boscarino said he feels that the Town should err on the side of caution and have the sign. Davis asked about the sign being needed mostly on Davis and Cross yet the majority of traffic is on Talbot Hill Road. Davis mentioned the roads in the neighborhood are not for traffic passing through but only for people living there. Terry Boscarino pointed out that neighbors have a mailing business so trucks go by regularly and teenage kids "fly" through the area. O'Keefe asked about the cost of a sign. Dunham said it would be a little over \$100.00, plus installation labor. Technically, by State of New Hampshire law, if a road isn't posted, then the speed limit is 35 MPH. Davis asked if posting of 25 MPH signs would be helpful. Dunham asked Boscarino if "Caution" signs would be acceptable. There was no response. Carlson said that the Board would take the Boscarino's request under advisement and asked Dunham to assess some of the options. Dunham asked the Boscarinos when it would be a good time to visit them to discuss it further. Boscarino said any time would work. Dunham said he would work with the Boscarinos to come up with a solution. He will meet with the Boscarinos after he looks into his options, and after that he will meet with the Board in two weeks. The Boscarinos left the meeting.

## **OLD BUSINESS**

### **General discussion of Public Works Department matters.**

Department of Public Works (DPW) Director Lee Dunham updated the Board on Public Works Department matters.

Wilson Pond Dams report: Dunham said he has been in touch with engineering firm Dubois & King Inc. relative to the letter of March 2013 from the New Hampshire Department of Environmental Services (DES). In order to do anything to the dam, the Town has to secure ownership or easement rights to the Branch River Dam to do anything since Public Service of New Hampshire (PSNH) owns it. DES says that the lower Wilson Pond dam needs to be a foot lower than it currently is in order to meet the 100-year flood plan. Dunham predicted that residents on the pond will complain if the water is lowered. Dunham said he needs between \$2,500 to \$4,000 added onto what has already been spent, and another \$2,200 for penstock work on Swanzey Factory Road. Just to clarify, Colby said it is going to cost up to \$4,000 for Dubois & King to meet with DES and the Town to settle the issues raised by the DES letter and another \$2,200 to inspect the penstock. Dunham said that was correct.

Dunham reported that he hasn't yet talked to Bookkeeper Theresa Louder about where there might be money to use for this purpose. Colby said all the ducks have to be in the row from the State, from Dubois & King, and the Town to address the concerns of the residents of Wilson Pond. Colby said that is why the Town is paying Dubois & King to get answers from the State. Dunham said he wanted approval of the funds after he finds out where the money will come from. He will bring the figures back to the Board at the next meeting.

Dunham then reported that chip sealing work to be done on local roads will be in progress before the end of the week. But Mother Nature might affect his timetable.

Colby asked about flags for Swanzey Center. He noted that there were American flags placed on poles in West Swanzey for Memorial Day weekend but none in Swanzey Center. Carlson said the West Swanzey flags are not put up by the Town but instead by a private citizen and flags are only flown in Swanzey Center for Old Home Days in July, which is done by the Old Home Days Committee on behalf of the Town. It was noted that PSNH requires a permit to place flags on their poles. It was also noted that neighboring towns like Marlboro and Dublin all have flags flying for Memorial Day. Colby asked for the Board's agreement to check with PSNH for permission to hang flags from the poles in Swanzey Center. Colby also noted that the Old Home Day Committee is a Town body so he suggested that the Committee be asked to take on the responsibility for flags being displayed earlier than for Old Home Days. The Board agreed to talk to the Old Home Day committee to explore placing flags in Swanzey Center starting with Memorial Day. Dunham will research it to check out a permit for each pole.

**Bid selection for West Swanzey Athletic Association building demolition.**

Bids for this project were opened at 11:00 AM earlier in the day. The Board reviewed the bids provided by O'Keefe.

<b>Bidder</b>	<b>Abatement Sub</b>	<b>Bid</b>
All-Ways Wrecking Bridgewater, NH	None (company is a State certified asbestos contractor)	\$55,500
Leonard W. Lawrence Excavating, Inc. Winchester, NH	Alpha Asbestos Bedford, NH	\$59,750
Francesco Demolition, Inc. Duxbury, MA	Premier Abatement & Labor Services Methuen, MA	\$60,000
K. A. Stevens & Sons, Inc. Newport, NH	Catamount Environmental Wilmington, VT	\$69,950
Ingram Construction Corp. West Swanzey, NH	Concord Building Services Epson, NH	\$78,240
Jay-Mor Enterprises, Inc. Pelham, NH	EnvironGreen, LLC Jamaica Plain, MA	\$81,400

O'Keefe reported that the bids were based on an invitation to Bid, a site visit and asbestos testing already completed. However, additional tests show there is more asbestos in the building than originally provided to the bidders. O'Keefe said the bids could be higher given the additional asbestos. Colby said that the estimate of \$35,000 to \$40,000 was used originally for demolition and additional disposal costs were estimated from \$3,500 to \$5,000 and more for lead disposal. Colby said the total would be \$47,000 on the high side. O'Keefe pointed out that the additional testing was done free of charge. O'Keefe said the Town could go back to the bidders and let them know of the additional asbestos and get revised pricing. Steve Brackett of Brackett Geosciences of Keene, New Hampshire provided the professional testing.

Colby pointed out that bidder All-Ways is a one-stop shop and proposed to handle the asbestos themselves. O'Keefe confirmed that All-Ways was not present for the walk through. Colby pointed out the experts are the demolition experts and they should be here. Leonard Lawrence Excavating did come to the site visit and he is bidding \$59,750. O'Keefe pointed out that the demolition contractors rely on the asbestos reports done by an expert (Steve Brackett). They cannot tell by looking at a building whether asbestos is present or not since they cannot see behind walls nor evaluate the contents of tile flooring. Colby asked if Steve Brackett has Errors and Omissions insurance. O'Keefe said that Brackett likely knows that he failed to do a thorough job with the initial analysis and re-did the analysis right away. We now know that there is 200 feet more of asbestos and additionally twelve by twelve (12 x 12)

tiles with 2-3% asbestos in those tiles, but he did not report the square footage. One area of asbestos is in a bathroom and one area outside a stairwell.

Carlson said it is going to hold up the bidding again because we need to get the numbers by tomorrow for the additional footage of asbestos from the tiles. Colby said that he doesn't see the bid changing much given the push for July 1, 2013 demolition work completion. O'Keefe said it is the process of obtaining permits that takes time, not taking down the building. O'Keefe was asked to contact All-Ways and Lawrence Excavating to discuss the additional asbestos and get supplemental bids for the extra work. O'Keefe agreed to email the Board with results after hearing back from the two lowest bidders. The Board agreed to meet early on May 31<sup>st</sup> to consider these bids.

Dunham left the meeting at 7:37 p.m.

## **NOMINATIONS**

### **Capital Improvement Committee**

O'Keefe reported he contacted the following prior committee members to learn if they were willing to continue to be members as the committee would be re-activated:

- Victoria Barlow - no
- Robert Pinckney - no
- Larry Crowder - yes
- Deb Davis – yes

O'Keefe is waiting to hear from Dave Osgood and Clarence E. Tenney. Carlson said that the Town has to get moving on the review of options for Town space needs. Davis said that we could use Whitcomb Hall. O'Keefe said there isn't much additional space there. Colby reported that the Open Space Committee (OSC) met to try to determine options for property recently put up for sale at the corner of Route 32 and Carleton Road. The OSC is going to explore options with the Monadnock Conservancy.

Carlson suggested Richard Scaramelli for the committee. The Board agreed. Colby suggested Francis Faulkner. The Board agreed. O'Keefe will contact these two.

## **NEW BUSINESS**

### **Letter Regarding the Riley Conservation Area**

A letter from Grace Lilly was reviewed by the Board. The letter was in regard to the Riley Conservation Area and some of the issues there. The Board agreed to refer the letter to the Conservation Commission, so they can give feedback to the Board and subsequently reply to Lilly. O'Keefe will send a note to the Vice Chair of the Commission, Bob Goodrich, asking for Commission input.

### **Payment arrangement – Scott Mullett, 19 Lake Street (Map 18, Lot 149).**

The Board considered a request for a payment plan for Scott Mullett of 19 Lake Street of the deeding balance (presently \$1,784) by July 1, 2013 and \$136.00 per week thereafter for delinquent taxes.

**Motion** by Colby to approve the payment plan for Scott Mullett for property at 19 Lake Street, Map 18, Lot 149 in payment of the entire deeding balance by July 1, 2013, and \$136.00 per week thereafter, and authorize the Town Administrator to execute the payment agreement on behalf of the Town. The motion was seconded by Davis and all were in favor. **Motion passed.**

### **Accept unanticipated funds per RSA 31:95-b.**

The Board was asked to accept checks as follows as fee contributions to the Town for Old Home Day activities:

- Kona Ice of New Hampshire - \$50.00
- Cards of Joy/Wax on Tap - \$25.00
- Russell R. and Diana Fiorey - \$25.00
- Robert J. Coppola - \$100.00

Davis made a **motion** to accept and remit the funds to the custody of the Trustees of Trust Funds to be held in the Old Home Day Non-Restricted Fund trust account established on April 30, 2013. The motion was seconded by Colby and all were in favor. **Motion passed.**

### **Non-public Session #2 – RSA 91-A:3II(c), Reputation**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:00p.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 Davis, with all in favor. **Motion passed.** Non-public session ended at 8:06 p.m.

### **OTHER MATTERS**

O’Keefe raised the following issues:

1. The Bates family is likely to request additional time to dispose of garbage and other materials and therefore may be coming to a Board meeting seeking a pass for the Recycling Center.
2. Partridgeberry Street residents are establishing a neighborhood watch group and request to meet at Town Hall on Sunday night, June 23rd. O’Keefe mentioned that a Town employee would be a participant and would arrange for access. The Board agreed to allow their use of Town hall at that time.

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

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) Personnel Matters, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:09 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 Davis, with all in favor. **Motion passed.** Non-public session ended at 8:14 p.m.

### **CONSENT AGENDA**

**Motion** by Davis to approve the Consent Agenda, authorizing the chair to sign where necessary. Second by Colby. All were in favor. **Motion passed.**

- Raffle Permit #2013-19. MHRS Band Boosters – 50/50 Raffle at MRHS on 6/9/2013.
- Certification of Yield taxes Assessed and Yield Tax Levy – \$736.11
- Certification of Yield taxes Assessed and Yield Tax Levy – \$2,588.55
- Certification of Yield taxes Assessed and Yield Tax Levy – \$256.69

**CONTINUATION – Motion** at 8:30 p.m. by Colby to continue the meeting to Friday, May 31, 2013 at 7:30 a.m. at Town Hall, seconded by Carlson. All were in favor. **Motion passed.**

Respectfully Submitted,



Beverly Bernard, Recording Secretary

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**RECONVENE ON MAY 31, 2013**

The Board reconvened the meeting at 7:30 a.m. on May 31, 2013 at the Swanzev Town Hall. Present were Selectmen Nancy L. Carlson, Kenneth P. Colby, Jr. and Deborah J. Davis. Also present was Town Administrator Shane O’Keefe.

**OLD BUSINESS**

**Bid selection for West Swanzev Athletic Association building demolition.**

Following up on direction from the Board earlier in the meeting on May 28, 2013, O’Keefe presented the Board with revised bids from the two low bidders that reflect abatement of additional asbestos found at the site. Results were as follows:

Bidder	Abatement Sub	Orig. Bid	Add’l ACM	Total Bid
All-Ways Wrecking Bridgewater, NH	None	\$55,500	\$4,200	<b>\$59,700</b>
Leonard W. Lawrence Excavating, Inc. Winchester, NH	Alpha Asbestos Bedford, NH	\$59,750	\$3,950	<b>\$63,700</b>

Colby asked O’Keefe how it came about that additional asbestos samples were taken at the last minute. O’Keefe noted that he had received a call from one of the asbestos abatement subconsultants looking to bid on the project who stated that it appeared that the asbestos sampling done earlier, that was included in the Town’s Invitation to Bid, was not comprehensive and that the Town was likely to encounter more asbestos in the demolition process that could both delay the project and make it more costly. This was brought to the attention of the Town’s consultant, Steve Brackett, who while disputing the other subconsultant’s claim agreed to conduct additional expedited sampling to settle any concerns, which in turn revealed more asbestos.

Colby suggested sending Brackett a bill for the Town’s added expenses or at least seek compensation through his errors and omissions insurance. O’Keefe was asked to inquire of Brackett whether he has E & O insurance and if the Town can expect some restitution. O’Keefe was also asked to confirm whether the Town would be billed for the extra sampling efforts.

**Motion** by Colby to accept the bid of \$59,700 from All-Ways Wrecking for the demolition and abatement of the Town-owned West Swanzey Athletic Association building located at 53 Main Street, to authorize the Town Administrator to execute any documents necessary to secure the contracted services and advance the project, and to expend funds up to \$60,000 from the Recreation Facilities Improvement Capital Reserve Fund to pay for these contracted services and any other necessary expenses related thereto. The motion was seconded by Davis and all were in favor. **Motion passed.**

## **OTHER MATTERS**

### **Resignation.**

The Board received a letter of resignation from Assessing Coordinator Amy Bush, indicating she has accepted another offer of employment and that her last day with the Town would be August 2, 2013. O'Keefe and the Board discussed how Bush had proven herself to be a very valuable employee to the Town. O'Keefe noted that there would ample time to rehire for the position and allow the replacement employee to work with Bush on transition. Colby made a **motion** to accept Bush's resignation with regret. The motion was seconded by Davis and all were in favor. **Motion passed.** O'Keefe was asked to write a letter to Bush on behalf of the Board and given the go ahead to advertise for a new Assessing Coordinator.

### **Non-public session #1 per RSA 91-A:3II(a) – Personnel Matters.**

**Motion** by Ken Colby to enter Non-public session pursuant to RSA 91-A:3II(a) Personnel Matters, seconded by Deborah Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:48 a.m. **Motion passed.** Present were Board members Nancy Carlson, Colby and Davis, and Town Administrator Shane O'Keefe.

**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 Davis, with all in favor. **Motion passed.** Non-public session ended at 7:48 a.m.

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

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of a Public Employee, seconded by Davis and all were in favor. The Selectmen voted unanimously by roll call to go into non-public session at 7:48 a.m. **Motion passed.** Present were Board members Carlson, Colby and Davis, and Town Administrator Shane O'Keefe.

**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 Colby to leave non-public session and return to public session. Second by Davis, with all in favor. **Motion passed.** Non-public session ended at 7:54 a.m.

## **CONSENT AGENDA**

**Motion** by Davis to approve the supplemental Consent Agenda, authorizing the chair to sign where necessary. Second by Colby. All were in favor. **Motion passed.**

- Raffle Permit #2013-14. Minis Too 4H Club – 50/50 Raffle at 184 Old Richmond Road on 9/14/2013.
- Notice of Intent to Cut Wood or Timber. Robert & Gail Ballou, Map 27, Lot(s) 8.
- Personnel Action Report(s).

Next meeting will be held on June 3, 2013 at 9:00 a.m.

**ADJOURNMENT** - Motion to adjourn by Colby, seconded by Carlson, adjournment at 7:08 p.m.

Respectfully Submitted,

Shane O'Keefe, Town Administrator

Approved on June 4, 2013.

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #3 – May 28, 2013

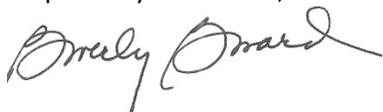
**Non-public session per RSA 91-A:3II(a) – Personnel Matters**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) Personnel Matters, seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:09 p.m. **Motion passed.** Present were the Board members, Town Administrator O’Keefe and Recording Secretary Bernard.

O’Keefe reported that Assessing Coordinator Amy Bush has been offered a position with the Federal Government Accountability Office (GAO) in Washington, D.C. as of August, 2013. The issue is that the timing is such that Bush should be coming off probation, getting a raise, and beginning to get retirement benefits. Carlson said she didn’t think the Town should follow through on that since Bush will be leaving. It was decided that Bush will remain on probation status. O’Keefe said the Town can't advertise for filling the position until Bush gives her resignation. Colby said to ask her for her resignation now so the Town can advertise and have a new person start August 1, 2013 in order to have the new person trained by Bush.

**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 Davis, with all in favor. **Motion passed.** Non-public session ended at 8:14 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on June 4, 2013.

**These Minutes unsealed by the Board of Selectmen on January 28, 2014.**

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #2 – May 31, 2013

*NOTE: The May 28, 2013 meeting of the Board of Selectmen was continued to May 31, 2013, when this non-public session took place.*

**Non-Public session per RSA 91-A:3II(b), Hiring of a Public Employee**

**Motion** by Ken Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of a Public Employee, seconded by Deborah Davis and all were in favor. The Selectmen voted unanimously by roll call to go into non-public session at 7:48 a.m. **Motion passed.** Present were Board members Nancy Carlson, Colby and Davis, and Town Administrator Shane O'Keefe.

On behalf of Carpenter Home Administrator Dawn Rice, O'Keefe requested that the Board authorize the hiring of Stephanie Tommila as a part-time caregiver at the Carpenter Home. Due to the sudden departure of another employee, the Board was asked to consider expediting the process if at all possible.

O'Keefe reported that Rice decided against hiring Tommila a while back, but has seen greater maturity and responsibility in her of late and is now comfortable with hiring her on. Colby asked what her reservations had been, but O'Keefe was unable to recall whether Rice had been specific about this in her discussion with him. Davis said that the hiring of Tommila was Rice's call and if Rice is good with her as a new hire than the Board should go along with this.

**Motion** by Davis to authorize Rice to issue a conditional offer for the part-time position of Caregiver II/LNA at a rate of pay of \$10.15 per hour to Tommila, subject to successful background checks, and to authorize O'Keefe to issue a Personnel Action Report for this hire on behalf of the Board. Second by Colby. **Motion passed.**

**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 Colby to leave non-public session and return to public session. Second by Davis, with all in favor. **Motion passed.** Non-public session ended at 7:54 a.m.

Respectfully Submitted,

Shane O'Keefe, Town Administrator

Approved on June 4, 2013.

**These Minutes unsealed by the Board of Selectmen on January 28, 2014.**