

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – April 8, 2014
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

Present were Selectmen W. William Hutwelker III, Deborah J. Davis and Kenneth P. Colby, Jr. The meeting was called to order by Chair Kenneth P. Colby, Jr. at 6:05 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

OTHERS PRESENT

Emergency Management Director Bruce Bohannon, Residents Jeff Goller and Bud Windsor, Director of Planning and Community Development Sara Carbonneau. Fire Chief Norm Skantzze arrived at 6:39 p.m.

MINUTES

- Regular meeting of April 1, 2014 – **motion** was made by Davis to accept the regular meeting minutes of April 1, 2014. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***
- Non-Public meeting of April 1, 2014 – **motion** by Hutwelker to accept the non-public meeting minutes of April 1, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***

OLD BUSINESS

Expenditure Authorization – Department of Public Works

A discussion was held reviewing the situation. On February 11, 2014, prior to the recently adopted purchasing Policy, the Board authorized the repair to the sander mounted on Truck #4 caused by a rear-end accident during ice conditions. The cost of repair parts from Donovan Equipment came to \$3,420.70. As the Town received an insurance claim payment of \$2,940.70, the net cost was expected to be \$480. The Board voted “to authorize the expenditure of up to \$3,450 from the Highway Department Vehicle Repair budget line (#01-4312-1-660) for parts for repair of Highway Department Truck #4 from Donovan Equipment, and to apply insurance payments related to damage to the vehicle to this budget line”.

The original estimate of parts was \$3,420.70, but came in at \$3,328.40. However a freight cost of \$190 was not accounted for at the time of the estimate, so the Board was asked to authorize an additional \$68.40 at this time.

Davis **moved** amend the expenditure for repair parts for Highway Department Truck #4, previously approved on February 11, 2014, to \$3,520. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***

Payment arrangement – Bonita Champney, 16 Kempton RD (Map 70, Lot(s) 21)

The Board was asked to consider a payment plan of \$400 per month for this property owner for delinquent taxes, interest and/or sewer fees (2013 tax deed amount is approximately \$2,800).

Davis **moved** to authorize the Town Administrator to enter into a payment arrangement with the property owner of 16 Kempton Road requiring no less than \$400 per month be paid to the Town beginning April 20, 2014, and continuing until such time as all taxes due are paid in full. The motion was seconded by Hutwelker and all were in favor. ***Motion passed.***

Park at former West Swanzey Athletic Association property

Residents Jeff Goller and Bud Windsor, volunteers to help with the design of the park, met with the Board to discuss their efforts to date. Goller and Windsor showed two versions of potential concepts for the park: Pavilion Concept versus Recreation Concept. Goller noted the dry hydrants are accounted for in the plans, and both concepts include canoe access to the river. There was discussion regarding the presence of a sewer pipe related to the pumping station. Discussion was also held on an option for bathroom facilities on the site. Colby asked if there were any maintenance issues regarding the raised terracing at the west end of the park to serve as sitting area when pavilion is used for concerts. Goller said that terracing would be easy to maintain. Goller said he could add bathroom facility into the design.

Goller will draw a final design and address costs associated with creation of the park. Colby commented that the Board appreciates the time and effort that both Goller and Windsor have put into the design work.

Windsor addressed some concerns about canoe access safety due to the strength of the river current at that location. Bohannon suggested the left side of the river down river from the bridge for a canoe access, but the Town does not own the land. The Board agreed to go with the Pavilion Concept and asked Goller to include a bathroom facility in the design. Colby suggested that Goller discuss with Director of Public Works Lee Dunham or Vice Chair of the Planning Board Scott Self regarding the sewer pipe/pump chamber on the site.

There was some discussion initiated by Carbonneau about Town resources being used for earth-moving during construction of the park rather than hiring an outside contractor. Fire Chief Skantze requested approval from the Board to paint the hydrants on the property red.

Goller and Windsor left at 6:44 p.m.

Automatic External Defibrillators (AED)s

Emergency Management Director Bohannon spoke about AEDs for Town Hall and an opportunity to acquire them via a grant. He informed the Board that there is a meeting tomorrow morning (April 9, 2014) to learn about the grant at the Cheshire County Department of Corrections building in Keene. Chief Skantze noted the Fire Department received a notice about the meeting, as did the Police Department. Colby asked Skantze to have someone at the meeting and he agreed to do that.

Emergency Operations Plan

Bohannon reviewed with the Board a potential new plan for emergency operations. There will be six meetings involved. Bohannon will return to the Board at a future date to execute the grant and get direction for staff to be included in the emergency plan.

PUBLIC HEARINGS

Pursuant to RSA 31:95-b, the acceptance and expenditure of unanticipated grant funds in the amount of \$5,693 from the NH Department of Safety, Division of Homeland Security and Emergency Management for the purposes of updating the Town of Swanzey Local Emergency Operations Plan.

The Chair opened the public hearing at 6:44 p.m. and asked for testimony. There was no testimony or comments.

The Chair closed the public hearing at 6:45 p.m.

Hutwelker **moved** to 1) accept and expend grant funds of \$5,693 from the NH Department of Safety, Division of Homeland Security and Emergency Management for the purposes of updating the Town of Swanzey Local Emergency Operations Plan, 2) execute the required grant agreement, and 3) authorize the Town's Emergency Management Director to execute any subsequent documents necessary to secure the grant. The motion was seconded by Davis. All were in favor and the ***motion passed.***

General discussion of Planning & Community Development matters

Director of Planning and Community Development Sara Carbonneau provided a list of items she wished to discuss with the Board.

Carbonneau first spoke about the new Code Enforcement Officer who has started work under her management. His hours were discussed. The economic impact regarding closure of Vermont Yankee was discussed.

Carbonneau asked for approval to apply for a Community Facilities Grant for up to \$26,000 from Rural Development for assistance in the renovation of Whitcomb Hall. A discussion was held regarding Federal standards for historic buildings and whether or not there might be restrictions to the renovation of Whitcomb Hall if the grant were received. Carbonneau said she would like to review the grant details and determine whether or not the grant is too restrictive, but that needs to be done rather quickly since the deadline for application for the grant is May 2, 2014.

Motion was made by Hutwelker to approve Carbonneau to investigate the details for the Community Facilities Grant from Rural Development and report to the Board via a memorandum for final approval from the Board. The motion was seconded by Davis, and all were in favor. ***Motion passed.***

Miscellaneous personnel issues were discussed. Carbonneau said some people at Town Hall are working very hard and others are not that busy. She suggested that duties might be re-examined and possibly re-assigned.

Carbonneau then commented on the Personnel Policy in regard to her work hours. Carbonneau asked for the Personnel Policy to be re-visited and modified. She said that she was hired to work at 37.5 hours per week (although she usually works more than 40 hours per week). She was made a Department Head in December of 2013 and all Department Heads work 40 hours per week according to the Personnel

Policy. Her wish is that her hours be reflected as 37.5, not 40. She also doesn't want a Memorandum of Understanding, which is also included in the Personnel Policy.

O'Keefe said that there is an update that will occur during the next few months. Human Services and Resources Coordinator Edna Coates will be able to report on progress within two months. Coates is doing a lot of work, covering recreation and event permits and other duties. Carbonneau said it is a concern.

Carbonneau mentioned working with the Swanzey Economic Development Advisory Committee (EDAC) for the Southwest New Hampshire Enterprise Zone (EZ). She also offered a draft of her Mission Statement. Carbonneau will place the mission statement on the website.

Carbonneau then commented on Carpenter Home Administrator Dawn Rice who has offered to manage the removal of an underground oil tank. Carbonneau said that Rice shouldn't be involved in removing the tank and that it is not an appropriate use of the administrator's time. Carbonneau said that the removal of the tank should be a facilities issue that Facilities Manager Francis Faulkner should take care of.

Later in the meeting, Colby noted that he had agreed to let Rice handle the removal of the underground oil tank because he understood that this was a long-standing issue which Rice was most familiar with.

Hutwelker said he was troubled by Carbonneau's issues regarding the Personnel Policy. He asked for an update within two months from Coates regarding the Personnel issues that were raised. Hutwelker said he wants to see accountability. Carbonneau said that the Personnel Policy should be consistent. It was changed in December 2013 to reflect that she would work 40 hours instead of 37.5 hours.

Hutwelker asked if Carbonneau had a suggestion to balance the workload issues at Town Hall. Carbonneau recalled that former Selectman Nancy Carlson was going to look into evaluating the duties of staff to better balance the work load but that never was completed. Davis noted that there are differences in the expectations of the job duties. Carbonneau said that there are tasks that could be re-assigned. Carbonneau said that there is staff totally overwhelmed while others have more free time. Carbonneau left the meeting at 7:30 p.m.

Fire Department acquisition of self-contained breathing apparatus

Fire Chief Norm Skantze requested that the Board authorize the acquisition of self-contained breathing apparatus as approved under Town Meeting Article 5, which read as follows:

"Shall the Town will vote to authorize the Selectmen to enter into a seven-year lease/purchase agreement in the amount of \$204,742.00 for the purpose of leasing thirty (30) self-contained breathing apparatus (SCBAs) and to raise and appropriate the sum of \$33,223 for the first years payment, for that purpose, or take any action thereon? If the lease/purchase agreement is authorized by the voters, year two through seven lease payments will be included in the 2015 through 2020 Town operating and default budgets. "

The Town received a quote from Industrial Protection Services (IPS) of Wilmington, MA for the equipment using the Massachusetts State bid pricing of \$204,742. The lease/purchase is proposed to be

handled through Tax-Exempt Leasing Corp. of Libertyville, IL over 7 years at 3.29% interest, with an annual payment of \$33,222.50.

In addition to the new SCBAs, the proposal also calls for the trade-in of 8 old 2002 standards SCBAs for \$8,000 worth of equipment new SCBA-related equipment. Colby commented that given the \$8,000 credit – make sure there isn't any more money that the Town will incur responsibility for. Colby doesn't want to hear that the department needs more money. The expenditure is exactly what was approved for in the Warrant Article.

Discussion ensued regarding how much in actual payments would be made against the lease/purchase. The \$204,742.00 does not represent the total cost since \$33,222.50 times seven payments equals \$232,557.50. Colby said that it is deceiving to the Board to not discuss the total amount when requesting funds. The Board wants to know all costs, including interest, shipping & handling, etc, and it appears that was not done. Skantze said that the documentation stated the amounts up front and everyone read the paperwork. O'Keefe said the budget carries the \$33,222.50 in it so the larger cost is accounted for in the budget. Davis said it feels like the Board is deceiving the voters. While deception was not intended, the public could perceive it that way. Skantze noted that the Department of Revenue Administration (DRA) did review the expenditure and the wording of the Warrant Article.

Colby asked about the Police Department leases for two cruisers and wanted to know if the figure appropriated includes interest for the leases. O'Keefe left the meeting briefly to research and when he returned he reported there are the same issues with the cruisers. Colby said the Board needs to get a response from DRA on the wording of the Warrant Article and whether or not the total cost, including any interest or other costs can be written into a Warrant Article. O'Keefe will check with DRA and report back next week.

Skantze said he cannot guarantee when the breathing apparatus will arrive. Skantze left at 7:54 p.m.

Proposed amendment of the Board of Selectmen's Rules of Procedure

The Chair opened the public hearing at 7:55 p.m.

Posting the agenda on the website was being considered.

On March 25, 2014 the Board discussed possible changes to the day, time, conduct and preparation of Board meetings. It was agreed that the Board should consider requiring the posting of the Board agenda on the Town web site on noon on the day before the regular Tuesday meeting. The Board also considered changing the Order of Business set forth in section 5.5 to reflect the actual flow of appointments and related agenda items. There were no residents in session and no comments from the floor.

The Chair closed the public hearing at 7:56 p.m.

O'Keefe noted that minor typos were made and agenda has been posted on the website. Everything has to be in at noon on Friday. He also suggested that the Order of Business should be presented as it takes place, rather than as Old Business or New Business as per the Memorandum.

Motion to re-open the public hearing at 8:01 p.m. by Hutwelker, second by Davis and all were in favor. **Motion passed.**

A discussion followed regarding the Order of Business. Item (k) needed to be modified to "Adoption of previous meetings minutes". O'Keefe will make the changes.

Hutwelker **moved** to amend the Rules of Procedure of the Board of Selectmen by incorporating all changes as proposed, and all others as recommended at the meeting. The motion was seconded by Davis and all were in favor. **Motion passed.**

Bohannon left the meeting at 8:07 p.m.

Reappraisal Contract – Vision Government Solutions, Inc

A discussion was held regarding the services that will be provided by Vision Government Solutions, Inc. within the contract. In addition to the contractual amount of \$65,000 for services, Vision will also provide greater analysis for prep work and defense at The New Hampshire Board of Tax and Land Appeals (BTLA) at a compensation of \$125.00 per hour with a two hour minimum. Hutwelker asked if there any assurances regarding the number of BTLA cases lost and O'Keefe said the Town settled on two appeals, and one went to trial. It was also noted that the NH Department of Revenue Administration has approved the contract and final review by Town Attorney Gary Kinyon has been completed.

Davis **moved** to accept the proposal for property reassessment services from Vision Government Services, Inc. in the amount of \$65,000 plus \$125.00 per hour with a two hour minimum for BTLA appeals, to be paid from the Reappraisal Revaluations and Updates Expendable Trust, and to execute the contract for these services. The motion was seconded by Hutwelker and all were in favor. **Motion passed.**

Non-public session(s) per RSA 91-A:3II(e), Consideration or negotiation of pending claims or litigation.

Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(e) , Consideration or negotiation of pending claims or litigation – The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:40 p.m. **Motion passed.** Present were the Board members, Town Administrator Shane O'Keefe and Recording Secretary Bernard.

Motion was made by Davis to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 8:42 p.m.

Motion was made by Davis to seal the minutes of the non-public session. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Non-Public session(s) per RSA 91-A:II(a) – Personnel Matters

Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matters – The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:43 p.m. **Motion passed.** Present were the Board members, Town Administrator Shane O’Keefe and Recording Secretary Bernard.

Motion was made by Davis to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 8:55 p.m.

Motion was made by Davis to seal the minutes of the non-public session. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

NEW BUSINESS

Parking on Town land for access to Dickinson Forest

The Society for the Protection of New Hampshire Forests is planning to include the Dickinson Memorial Forest (Map 49, Lot 8) on its online map of Forest Society lands and is requesting permission from the Town to indicate on the map available parking on the Town-owned Muster Property (Map 57, Lot 124). Access to the Muster property is by way of right-of-way over private abutting lands. I have shared this information with Department Heads and there are no objections.

Hutwelker **moved** to authorize the Society for the Protection of New Hampshire Forests to indicate the availability of public parking on the Town-owned Muster property for access to the Dickinson Memorial Forest. The motion was seconded by Davis and all were in favor. **Motion passed.**

Membership of Deb Crowder to Town Committees

Davis referred to a conversation she had with Larry Crowder regarding Deb Crowder, who is recovering from an illness, as a full member of the Conservation Commission. The Board discussed moving her to an Alternate position with the Conservation Commission serving to Town Meeting 2015. Davis said Crowder would like to serve on the Open Space Committee (OSC) and she could be the Representative of the Conservation Commission to the OSC. It was determined that there are already two Alternate positions on the OSC and they are both filled. A discussion occurred regarding creating a third Alternate position for Crowder.

Motion by Hutwelker to create a third Alternate position on the OSC to serve until Town Meeting 2015 and designate Deb Crowder to that position, with second by Davis, and all were in favor. **Motion passed.**

Personnel Policy discussion

A brief discussion was held regarding Town Hall employee hours. Town Hall employees work 37.5 hours per week. Referring to the previous discussion with Director of Planning and Community Development Carbonneau it was pointed out that she is now a salaried employee and a Department Head and Department Heads work 40 hours. Discussion occurred regarding what it means to be a salaried

employee. Colby suggested that Hutwelker obtain a copy of the Personnel Policy to review it and more discussion can occur next week.

Proposed Vision website

Hutwelker spoke briefly about the menu options for the Vision website. Hutwelker asked that the website url be sent to the rest of the Board.

Logging of the Potash Bowl

O'Keefe reported that the tree cutting is finished and Francis Faulkner does not want the trees after all. He also reported that Director of Public Works Lee Dunham knows someone who can come in and take away the trees. Hutwelker asked if insurance is an issue regarding any accident that might occur on the property while removing the trees.

Meeting with Attorney Gary Kinyon on Pilgrim Pines

Colby reported that he has been unable to obtain a meeting with Kinyon as Kinyon has been busy but he will meet with him next Wednesday and will report back to the Board once that meeting has occurred.

Safford drive project

O'Keefe reported that bid requests are going out tomorrow, April 9, 2014. He reported that the schedule for completion of the project is not as short as EDAC Chair, Steve Bittel, was hoping to see. It will take a year to complete. Schedule shows bids due May 8, 2014. Hutwelker mentioned that Bittel's concern is savings to the Town if the schedule is pushed out.

O'Keefe noted that the booster station is a bid add-on. Hutwelker said that there is money in the Tax Increment Financing (TIF) account for the booster station. O'Keefe said that there isn't enough money to do both the road and the booster station. Davis said that in her recollection that the booster station is to be included in the bidding for the project. Colby agreed with Davis. O'Keefe said that it is a bid alternate. Colby said he posed the question to Bittel regarding whether or not the funds were there for the project and Bittel confirmed that the money was there. O'Keefe said that it is his understanding there is a \$26,000 deficit but the Town won't know until the bids come in. O'Keefe said he has the numbers and will provide them to the Board. Hutwelker said he would like to have Steve Bittel and Planning Board Chair Glenn Page come to a Board meeting to discuss this further.

The purchase and sales agreements are with the parties involved and their lawyers – there are complicated easements involved. The Board cannot sign the agreements without a public hearing. Colby said that O'Keefe should attempt to discuss with the parties involved the need to get their signatures expeditiously because of upcoming public hearings.

Sign a Petition for Global Warming

A brief discussion occurred regarding a petition for global warming which the Board determined is a country and state issue, not a local issue. This item was tabled.

CONSENT AGENDA

Motion was made by Davis to approve the Consent Agenda and authorizing the chair to sign where necessary. Second was made by Hutwelker. All were in favor. **Motion passed.**

- Tax Abatement Settlement Agreement. Norman & Denise Hassell, Map 41, Lot(s) 42 (Abatement Application #2012-002, BTLA Docket #26728-12PT)
- Letters to Ronald Gocht and Russell Gocht refunding taxes due to BTLA appeals (Dockets # 26520-11PT & 26920-12PT)
- Raffle Permit #2014-05. Fast Friends Greyhound Rescue, Raffle of animal food on April 30, 2014 at 14 West Swanzey Road
- Notice of Intent to Cut Wood or Timber. Robert & Gail Ballou, Map 27, Lot(s) 8
- Notice of Intent to Cut Wood or Timber. Yale University, Map 50, Lot(s) 3 & 4
- Notice of Intent to Excavate. South Branch Group, Map 24, Lot 58
- Notice of Intent to Excavate. South Branch Group, Map 86, Lot 2
- Certification of Yield Taxes Assessed and Yield Tax Levy, Chamberlain Timberlands, LLC, Map 27, Lot(s) 14-3 – \$1,563.27
- Certification of Yield Taxes Assessed and Yield Tax Levy, Wayne Young, Map 69, Lot(s) 2-1 & 2-2 – \$67.69
- Gravel Tax Levy – \$75.00
- Personnel Action Report(s).

ADJOURNMENT

Motion to adjourn was made by Davis, second by Hutwelker. **Motion passed.** Adjournment occurred at 9:24 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 15, 2014.

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting Minutes #1 – April 8, 2014

Non-public session(s) per RSA 91-A:3II(e), Consideration or negotiation of pending claims or litigation.

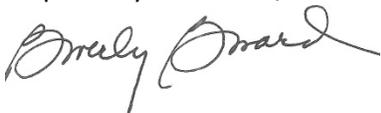
Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(e) , Consideration or negotiation of pending claims or litigation – The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:40 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis and W. William Hutwelker, III, Town Administrator Shane O’Keefe and Recording Secretary Bernard.

O’Keefe reported that the Town has received a letter from the US Department of Justice stating that they would not file a lawsuit for Stephen Stewart based on his charge against the Town of Swanzey, case number 523201400104 with the Equal Employment Opportunity Commission (EEOC). The letter notifies Steward that he can choose to commence a civil action and he must do so within 90 days of the receipt of the notice which was dated March 27, 2014 and which was received by the Town on April 4, 2014. A letter from the Town Attorney regarding this mentioned that this decision was to the Town’s advantage.

Motion was made by Davis to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 8:42 p.m.

Motion was made by Davis to seal the minutes of the non-public session. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 15, 2014.

These Minutes unsealed by the Board of Selectmen on March 10, 2015.