

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

CALL TO ORDER

Present were Selectmen W. William Hutwelker III, and Kenneth P. Colby, Jr. The meeting was called to order by Chair Kenneth P. Colby, Jr. at 6:10 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard. Davis joined the meeting at 6:17 p.m.

OTHERS PRESENT

Residents Christopher Fortson, Judy Bohannon and Kristen Goodenough, Director of Planning and Community Development Sara Carbonneau, Business Owner Bob Furlone, Public Works Director Lee Dunham, Carpenter Home Administrator Dawn Rice, Brian Siena of Lane Construction ,Megan Foley from the *Keene Sentinel* newspaper, residents Bob Mitchell, Judy Gallaresi, and Michael Goldschmidt. There were other unidentified residents in attendance as well.

MINUTES

- Regular meeting of July 1, 2014 – **motion** by Hutwelker to accept the regular meeting minutes of July 1, 2014 with changes as follows: Massey Hill is incorrect, needs to be changed to Marcy Hill on page 2; page 4 remove “pushing” by Scully Architects and replace with “very interested in” and replace “Town Hall and Fire” with “Town Hall and Police Station”. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-public meeting #1 of July 1, 2014 – **motion** by Hutwelker to accept the non-public #1 meeting minutes of July 1, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***
- Non-public meeting #2 of July 1, 2014 – **motion** by Hutwelker to accept the non-public #2 meeting minutes of July 1, 2014. The motion was seconded by Davis and all were in favor. ***Motion passed.***

NOMINATIONS

Monadnock Regional School District (MRSD) Budget Committee

The Board met with residents Christopher Fortson, Judy Bohannon, and Kristen Goodenough regarding their interest on serving on the MRSD budget committee. All three were interviewed by the Board. However, due to his family relationship with one of the candidates, Colby excused himself from the proceedings and stepped down as Chair, passing the gavel to Vice-Chair Davis to conduct the interviews.

The first to be interviewed was Christopher Fortson of 148 Highland Circle. The Board asked him to tell them why has applied for the committee. Fortson said he wants to help, and believes he has the appropriate skills since he has been in corporate finance for 25 years. Fortson said he has done taxes, and budget work for legal entities. Hutwelker asked him about what attracts him to the Budget Committee. Fortson responded that he can derive meaning out of a lot of data and he would hope to be able to communicate that meaning to the public. Davis asked about whether he felt any conflict of interest since his wife works in the School District business office. Fortson said that he didn’t see a conflict of interest with her job. Hutwelker said he spoke with several people about the candidates and all of them mentioned a concern regarding Fortson’s wife working for the District. He was asked by

Hutwelker if he would run if it were an elected position. He responded that he wasn't sure whether he would or not. Hutwelker noted there will be five to ten stressful years ahead for the district. He asked if Fortson was up for the challenge. Hutwelker noted there will be pressure to reduce the budget. Fortson said he wants to be able to help voters to understand the numbers and to get the best education with the limited resources we have.

Next was Judy Bohannon of 315 Matthews Road. Bohannon said that she worked for the District for 21 years before retiring this year. She also noted that she currently works for the Town in Recreation and has been doing so for 35 years. She said that the School District has changed over the last few years and she is concerned for her grandkids education. She is a property owner and is aware of taxes. She said she is beginning to ask questions about how the money is spent. She said she wants to give the public answers and she is concerned that folks are not really aware of what is happening. Hutwelker asked Bohannon about whether she would be running if it were elected. Bohannon said she can go to meetings because she is retired and no longer working for the District. She said communication is not good between the public and the School District. She wants to ask appropriate questions about line items in the budget. Sometimes cuts are for the wrong reason, like cutting teachers. Some of the classes will be large; twenty-eight children in a classroom is too many, she said. Hutwelker said there was a common theme among folks he spoke to regarding Bohannon and that was she would have an agenda for staff and teachers, as opposed to having a more balanced approach. Bohannon said she is paying enough taxes and is not looking to have them go up. She isn't looking for raising money but instead being more selective about how it is being spent.

The third person interviewed was Kristen Goodenough of 374 Old Homestead Highway. Goodenough said that she wants to help out and make a difference. A concern for her is a lack of information going out to the public. Most important for her is to close that gap and communicate what is really going on so that the public can make educated decision when it is time to vote on a budget. Davis noted that Goodenough was on the School Board in the past and found it a bit difficult. Davis asked if this would be different. Goodenough said there was a particular instance that generated her resignation from the School Board. A man swore at her and was rude and she was told that she had to take it. So she stepped down. Hutwelker noted that the comment from others was that her involvement makes her time thin, and a lack of fulfillment of the commitment because of the number of groups she is involved in. Hutwelker said it was disappointing for him when Goodenough resigned since he had supported her. He said that a member of the Budget Committee will be faced with disruptive people. Goodenough said she is struggling with Hutwelker's suggestion that she doesn't complete her commitments. Goodenough said she has grown and has sat on a number of boards where folks have been disruptive and she has handled it. She said she sees this as a short-term commitment to see if she can handle it.

Bob Mitchell asked if public input was acceptable. Davis spoke for the Board and said that since there were a number of folks from the public present comment would be acceptable. Mitchell went on to say that the appearance of conflict of interest is almost as bad as a real conflict of interest. He cautioned the Board to think of this when making their decision.

Davis informed those present that the Board would now vote but before doing so, she thanked all three candidates for their willingness to serve.

Davis then nominated Judy Bohannon based on the fact that she has the most available time to serve.

Hutwelker asked Colby to comment on how a winner is determined if there is a tie in voting. Colby said that in the State of New Hampshire the winner is determined by lot when there is a tie.

Hutwelker said that he is in agreement with Bob Mitchell regarding conflict of interest and therefore he nominated Kristen Goodenough.

The vote was one vote for Bohannon, one for Goodenough. A coin was flipped. O'Keefe was asked to make the call: he chose heads for Goodenough and tails for Bohannon. The coin flip was done by Business Owner Furlone who was among those present. The coin landed on heads and therefore Goodenough was appointed to the School Administrative Unit (SAU) 93 Budget Committee. All three candidates were thanked once again. The candidates and Bob Mitchell left the meeting at 6:44 p.m.

NEW BUSINESS

Proposed Payment in Lieu of Taxes (PILOT) agreement

Mr. Furlone was present to request that the Board consider an agreement providing for a Payment in Lieu of Taxes for a proposed 66 kW solar array behind the Airport Business Center on NH Route 32 (Map 36, Lot 5). RSA 72:74,1 provides, in part, that "(t)he owner of a renewable generation facility and the governing body of the municipality in which the facility is located may, after a duly noticed public hearing, enter into a voluntary agreement to make a payment in lieu of taxes."

Furlone passed out a location plan from Brickstone Land Use Consultants, LCC showing the solar array, which would provide 92% of the power at the buildings located on the property. The size of the project is limited by the incentive caps. Furlone said he is proposing power for the pump station for up to 14,000 KWH per year. 98,000 KWH is projected to be produced in total. He said he is aware that he needs to go to the Planning Board for site plan approval.

O'Keefe noted that the State of New Hampshire Department of Revenue Administration (DRA) has no guidance for the Town on solar arrays from a taxation standpoint. Hutwelker noted Furlone is trying to determine his obligation. Furlone said he will make some money on it, but not a lot. If the project is taxed as real property, it won't be worth the effort. Colby asked about the size of the project in terms of square footage and Furlone said about 9,000 square feet is the footprint. The land is right out on the airport property line and he has Federal Aviation Administration (FAA) approval for glare. He noted that the array would be only 4 feet 6 inches off the ground. There was a brief discussion held regarding new laws for solar power that might be forthcoming from the State.

Furlone said he is proposing to provide the power to the pump station. He was then informed that providing the power would not be a direct benefit to the Town, but would be to the sewer rate payers. O'Keefe mentioned some benefit to the TIF district. Discussion continued regarding the Town Sewer Commission being funded by fees – and is separate from the North Swanzey Water and Fire Precinct. It was noted that the electric bills for the pump station do come to the Town of Swanzey, but O'Keefe noted that the bills are paid through sewer fees.

Furlone said he needs to understand the next step. Colby mentioned he would like to follow through with what might be forthcoming from the Legislature, and that we should reach out to Representative Tatro and Town Attorney Gary Kinyon about any legislation dealing with this type of project. Hutwelker said that this kind of lack of guidance is what has held up solar power development. Hutwelker said that the Board should do whatever they can to encourage the pursuit of solar power development.

Maximum statutory timeframe is five years for any PILOT agreement. Furlone suggested that the Town could benefit into the future by adding more solar power. Furlone asked how long it would take the Town to research. Furlone said he is hoping for November to get the project into the ground.

O'Keefe suggested that should the Board wish to proceed with this request the Town should involve Town Attorney Gary Kinyon.

Furlone left at 7:01 p.m.

OLD BUSINESS

West Swanzey river-front park

O'Keefe noted that the only available funding source at this time is the Recreation Facilities Improvements Capital Reserve Fund which at present has a balance of \$55,785, including this year's infusion of \$7,500 approved under Town Meeting Article 3.

Carbonneau spoke to the Board and affirmed developing the grounds of the park now and waiting until next year to build facilities. She encouraged the Board to make a decision on the fencing as soon as possible. Colby said he agreed with Carbonneau. Colby mentioned that Dunham has already committed to doing some pavement cutting and other work. Dunham said he is getting a recommendation on fencing and a rough number (\$8-10,000 range for the length of fencing needed) to present to the Board.

Colby said that the Open Space Committee and the West Swanzey Athletic Association are willing to help out. Colby volunteered to head up the effort to speak to local business folks about making donations for the park.

Carbonneau suggested that the park should be named. She also suggested that October would be a good time for a dedication of the park. She suggested a contest would be appropriate for naming the park.

Update on Planning and Community Development Issues

Discussion was held regarding vacation of Department Heads. Carbonneau provided her request for vacation time to the Board. She said she is asking for two weeks around Christmas and the New Year.

Groundbreaking for Safford Drive extension project

Carbonneau informed the Board that there will be a groundbreaking ceremony for the Safford Drive project, to include introduction of the new Southwest New Hampshire Enterprise Zone, on July 21, 2014 at around 12:30 p.m. and asked if Chair Colby might be able to say a few words at the event. He agreed.

Deficiencies with an Enterprise in town – Code Enforcement

Carbonneau briefed the Board on an enterprise in town that Code Enforcement has been involved with. She did not mention the business or location but said there are a number of deficiencies that exist at this business that need to get rectified.

Planning and Community Development Budget Expenses

Carbonneau informed the Board that she is at about 50% expending her budget for the year. Carbonneau left at 7:15 p.m.

Authorize expenditure - Paving Bids Marcy Hill project

On June 17, 2014 the Board authorized issuance of an Invitation to Bid for road reclamation and repaving. Three bids were received as follows:

- Lane Construction \$74,771.18
- United Construction \$75,530.26
- Brox Industries \$98,892.00

Director of Public Works Lee Dunham met with the Board to discuss the project and asked the Board to accept a bid for the work from Lane Construction. They did a job for the Town in the past to a satisfactory conclusion. Brian Siena of Lane Construction was present and said construction could start by the 31st of August, 2014.

Hutwelker **moved** to 1) accept the proposal from Lane Construction for roadway reclamation and paving for the 2014 portion of the Marcy Hill project, totaling \$74,771.18; 2) authorize expenditure of up to \$80,000 for this and other reclamation and paving projects this year, to be paid from the Town Roads Rehabilitation and Reconstruction Expendable Trust Fund; and, 3) authorize the Public Works Director to sign any documents necessary to obtain the approved services. The motion was seconded by Colby and all were in favor. **Motion passed.**

Cresson Bridge Fire Suppression Work

Dunham spoke about the Cresson Bridge fire suppression work plan and noted that a pre-construction meeting was held on July 7th. He also said that it was suggested that the southeast abutment wall be worked on as well since it needs work and the equipment will be in place to do work already contracted for. Dunham said he will request a grant amendment from New Hampshire Department of Transportation (NH DOT) to add this work. If they say yes, the Town will pay for 20% of the cost of the work. If NH DOT says no, then the Town will have to figure out how to pay for the cost of the repairs. Dunham opined that there would be 5-6 feet of granite involved. Since the equipment will be on site for the suppression work, Dunham said that that his estimate for the additional work shouldn't be more than \$5,000. A change order is needed on the fire suppression work, to include the abutment work.

Carbonneau asked about the bridge closing and Dunham said the bridge will be closed from August 4, 2014 to August 26, 2014. The contractor will be using the bridge for staging. A Rail Trail event is scheduled for August 2, 2014.

Facilities Maintenance Supervisor position

This was discussed at the previous meeting and DPW Director Lee Dunham has been working on revisions to the Job Description for consideration by the Board. Hutwelker suggested review to see if there is a more efficient economic model for the Town to use. Dunham reviewed background for the Facilities Maintenance position. The Town had a Sexton for a period of time who worked with the cemeteries in the summertime only. There were other handy-man type jobs that needed to be done. Dunham said he had four people at one time to work at the cemeteries but now he has only a couple of part-timers with a full-time person. The Facilities person works with snow removal in the winter time. He does the little things that are out-of-the-norm for the Department of Public Works.

Granite for park at West Swanzey

Dunham said that he spoke to Jeff Goller who is the landscape architect planning the park in West Swanzey. Dunham reported that Goller said there isn't enough granite for the two semi-circular

retaining walls in the proposed plan for the park. Colby suggested that there could be one semi-circle at the park with different grading.

Dunham left the meeting at 7:25 p.m.

Authorize expenditure – Carpenter Home

This was discussed at the previous meeting and Carpenter Home Administrator was asked to refine cost estimates for the installation of a gazebo at the Carpenter Home. Bids reviewed at the previous meeting were:

- Cheshire Shed & Gazebo \$8,847 – floor is included
- Gazebo Creations.com \$8,396 + \$500 with shipping and handling
- Amish Country Gazebos \$7,600 – the floor isn't included - add \$2,240 for wood floor, add \$2,995 for composite floor.

Carpenter Home Administrator Dawn Rice met with the Board to discuss the expenditure. She said she has a young man working on his Eagle Scout project to do the work but he will need help putting up the gazebo. It will take 4 to 6 weeks for the product to come in once ordered. She noted a concrete pad will be needed at a cost of \$108 per yard. There is a need for 6 yards which comes to an estimate of \$700-800 for concrete. The cement work will be done by the Town she stated. Total cost of the project was estimated at about \$10,000. Colby suggested there be a dedication plaque added to the plan. Davis asked if the young man who is willing to do the work will be able to find someone to help him. Hutwelker asked about grading the land and creating an access walkway. Rice said she was told by Francis Faulkner that the Town could do that work. Rice said that the Boy Scouts have built structures for the Carpenter Home in the past. Hutwelker asked about whether the gazebo will have electric power. Rice said that it comes prewired and electricity to it could come at a later date. There was a brief discussion about running a conduit out to the gazebo and who would do that.

The Board was asked to consider the bids, select a contractor, and authorize expenditure for this project. Funding is recommended as follows:

- \$1,940 in deferred revenue received as donations to the Carpenter Home in memory of Robert Beauregard, Roger Conway, and Marjorie Clark.
- The balance from the Lucy Carpenter – Carpenter Home Unrestricted Income Fund, which is the recipient fund from the logging operation just completed.

Davis made a **motion** to 1) accept the proposal from Cheshire Shed and Gazebo for delivery of a gazebo for the Carpenter Home, totaling \$8,847; 2) authorize expenditure of up to \$11,000 for this project, to be paid from deferred revenue of \$1,940, with the balance coming from the Lucy Carpenter – Carpenter Home Unrestricted Income Fund; and, 3) authorize the Carpenter Home Administrator to sign any documents necessary to obtain the approved product and services. The motion was seconded by Hutwelker, no further discussion. All were in favor. **Motion passed.**

Rice left the meeting at 7:42 p.m.

Capital Improvements Program Committee (CIP) matter

At the previous meeting the Board discussed with CIP Chair Dave Osgood several matters regarding potential locations for municipal facilities, and asked for further functional and financial details on them for consideration. O'Keefe informed the Board that Osgood has not heard back yet from the architects.

CITIZEN CONCERNS

Mike Goldschmidt of Old Homestead Highway was present and he said that meeting minutes are not getting out in a timely fashion. The minutes are not yet on the website from the last week's Selectboard meeting. And he claimed that the CIP meeting minutes are also not available on the website from last week.

O'Keefe said the minutes to meetings must be available to the public within five days by statute and are available before the next meeting, and if someone requests them, they are made available to any citizen immediately.

Goldschmidt and Gallauresi spoke about the fact that notice is not getting out for irregular meetings, meetings which are not on the regular schedule. Goldschmidt suggested that the postings at Town Hall and at the Post Office are not happening. He claimed that the announcement for the recent CIP meeting was not posted at the Post Office as late as the Saturday before the meeting according to Goldschmidt. He said they were posted on the website but late.

O'Keefe said that the minutes are posted as soon as he has them. O'Keefe also said that notices of the meetings are on the calendar posted on the website. Gallauresi said that the notice was not posted at the Post Office according to folks she spoke to. O'Keefe reviewed the meeting files and verified that the notice for the meeting of June 30, 2014, was posted on June 27, 2014 at Town Hall, the Swanze Post office and the West Swanze Post Office. Gallauresi said that there were folks who did not see the notice of the meeting. Goldschmidt suggested that the notices could be an entry on Facebook.

O'Keefe pointed to the Selectboard rules of procedures regarding minutes, which state that once minutes are adopted by the Board, the minutes will be posted. O'Keefe also said an email to him is enough to request the draft minutes which can be made available immediately. Colby said he would like to have the names of the folks who Gallauresi referred to as not seeing the notice of meeting. Gallauresi said that she will have those persons call Colby directly.

O'Keefe said that many folks in the community don't use computers or Facebook. O'Keefe said he is always available to help out with keeping people informed. Colby said that the announcements should be posted properly. A photo can be taken of the posted announcement – 24 hour notice – at no less than two locations. O'Keefe said that meeting notices are posted on the Town calendar. Hutwelker asked about feasibility of increasing the time frame for posting notices. O'Keefe said he does it as soon as he can. Davis said that the CIP meeting dates are fluid because they occur as needed. Some discussion was held about structure to notifications. But some meetings come up spontaneously. Hutwelker asked if there should be more structure. O'Keefe said that the Town closely follows the State of New Hampshire statutes on meeting notice and minutes. Goldschmidt said that even if it falls within the letter of the law, but it isn't adequate, something should be done to correct the situation. Colby said that if it can be done more expeditiously, it will be done.

Gallauresi and Goldschmidt left the meeting at 8:03 p.m.

Business Operation Assessment

At the June 24, 2014 meeting the Board received the Business Operations Assessment prepared by Municipal Resources, Inc. The Board met with consultants Mike Everngam and Kevin Clougherty on April 30, 2014 to discuss preliminary findings of the Assessment, which was prepared on behalf of the Town's insurer, HealthTrust (now NHPLT). The Assessment has several key findings, recommendations and observations that the Board discussed further.

Colby said he did read the assessment and there were some valid points raised. However, in small town politics it isn't a perfect world. Hutwelker said he would like to schedule a special meeting to focus on the subject. Colby said he wouldn't disagree with that. The Board agreed that the agenda will be limited to this topic at the Board meeting on July 29, 2014.

A brief discussion followed regarding the length of time Department Heads are assigned for discussion with the Board. Colby suggested that 15-minute increments are too short a time slot for each individual and asked O'Keefe to schedule folks for longer periods of time to meet with the Board.

Safford Drive Project

There was a brief discussion regarding removal of trees along NH State Route 12 for the Safford Drive project. Both Fairpoint Communications Inc. and Public Service of New Hampshire (PSNH) are involved and there is an option for waiting for PSNH to remove the trees in their cycle at an unspecified cost or the Town could have Park Construction do it as part of a change order. The budget for utility poles, wires, and trimming is \$75,000 and PSNH has informed the Town that it will run the lines down Safford Drive without further cost in order improve area service. To expedite the process O'Keefe asked the Board to give him authorization to approve a change order for up to a certain amount.

Colby asked for a firm figure from Park Construction to remove the trees and suggested that the Board wait until next week and have Lee Dunham deal with it in O'Keefe's absence. The Board agreed.

Carbonneau Vacation during Christmas

The Board agreed that Carbonneau put her request for vacation time off during the Christmas season in a form to be approved of through the Consent Agenda.

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

Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matter. The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:35 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.

Motion was made by Hutwelker to leave non-public session and return to public session. The motion was seconded by Davis, with all in favor. **Motion passed.** Non-public session ended at 8:41 p.m.

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

Carpenter Home income and expenses

Brief discussion was held regarding a report from Carpenter Home Administrator Dawn Rice regarding budget income and expenses for the Carpenter Home.

CONSENT AGENDA

Motion was made by Hutwelker to approve the Consent Agenda and authorizing the chair to sign where necessary. Second was made by Davis. No further discussion. All were in favor. ***Motion passed***

- Memorandum on Department Head vacations
- Letter to Francis Faulkner
- Personnel Action Report

In addition to items discussed as part of the agenda, the Board received the following documents:

- Expenditure report for June 2014 (incomplete due to some outstanding bills)
- Carpenter Home Accounts Receivable as of June 30, 2014
- Carpenter Home Receipts for 2014, dated July 7, 2014
- Carpenter Home Special Revenue Fund balance sheet through June 2014
- Selectboard Rules of Procedure

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Davis . All were in favor. **Motion passed.**
Adjournment occurred at 8:49 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on July 15, 2014