

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – November 18, 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 6:03 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard. Selectman Debra J. Davis joined the meeting at 7:41 p.m.

OTHERS PRESENT

Police Chief Tom DeAngelis, Public Works Director Lee Dunham, Fire Chief Norm Skantze, Robert DiLuzio, Jr., Residents Michael Goldschmidt and Bob John, and newly elected New Hampshire State Representative Ben Tilton.

MINUTES

- Regular meeting minutes for November 11, 2014 were considered. There was a **motion** by Hutwelker to accept the regular meeting minutes of November 11, 2014. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- Non-public meeting #1 minutes for November 11, 2014 were considered. There was a **motion** by Hutwelker to accept the non-public meeting #1 minutes for November 11, 2014. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- Non-public meeting #2 minutes for November 11, 2014 were considered. There was a **motion** by Hutwelker to accept the non-public meeting #2 minutes for November 11, 2014. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- Non-public meeting #3 minutes for November 11, 2014 were considered. There was a **motion** by Hutwelker to accept the non-public meeting #3 minutes for November 11, 2014. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- Non-public meeting #4 minutes for November 11, 2014 were considered. Hutwelker noted that Page 1 paragraph 3 needed an “it” replaced with “he” in the third line. There was a **motion** by Hutwelker to accept the non-public meeting #4 minutes for November 11, 2014 with those changes. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***

FINANCIAL MATTERS

Selectmen reviewed and approved accounts payable and payroll manifests.

OLD BUSINESS

Police Department Proposed Budget for 2015

Police Chief Tom DeAngelis was present to review line items of the Police Department budget with the Board. There was a discussion regarding the increase in operating budget. DeAngelis said his major concern is tires for the cruisers. He said that he has added \$1,000 more into the proposed budget for tires which wear out faster on the new All-Wheel Drive (AWD) vehicles. He said he is concerned about that amount and would like to see as much in the PD Tires budget line item as possible. DeAngelis said that AWD cruisers need tire rotation with every oil change. The Board agreed to add \$1,000 in the budget for tires so that the total for line item PD Tires would be \$5,500.

A brief discussion occurred regarding fixing the Police Department building roof. Discussion was held about mold in the sally port that has been scrubbed away with bleach. DeAngelis noted there is some mold on the outside of the building in the front as well. DeAngelis said the new patrol officer has not started work yet, but should begin in December.

Hutwelker asked for any feedback from DeAngelis on the Board meeting on November 17, 2014 regarding municipal facilities that DeAngelis attended. DeAngelis said that he thinks that the Fire Station is a priority and not the Police Station. He said that the Police Station is a 14 year old building, which is the newest civic building in town, so other facilities should take priority. He acknowledged that storage has been an issue, but that is being addressed. He also noted that finishing the roof is important and there may be a need for more insulation in the walls. He also asked that the Board to consider housing the Emergency Management Director in the new Fire Station if it is approved in order to free up that office for Police Department purposes. He said he isn't looking to add any more personnel beyond the twelve employees is has now.

Colby mentioned to DeAngelis that in the near term there would be work on amending the Special Events Policy.

Illegal Dumping Ordinance – This item was deferred to the next meeting. DeAngelis said that he would have some comments on this when it is discussed.

DeAngelis left the meeting at 6:31 p.m.

Public Works Department Proposed Budget for 2015

Public Works Director Lee Dunham met with the Board. There was a brief discussion about the progress being made at the West Swanzey Park.

Highway Department line items were reviewed. There was a brief discussion regarding Brown Field and the cost of lighting for the field. Somewhere between \$4,000 and \$5,000 is needed for lighting the field that would need to go into the budget, but that would be offset by collecting fees from users of the field, according to Dunham. Colby suggested that Dunham speak to Recreation Coordinator Judy Bohannon about how best to manage the costs. Colby said the field should be self-sustaining. Lane Field on South Road was discussed. It was noted that Lane Field is predominantly for Swanzey kids. Brown Field is primarily for Keene men's softball and therefore should be self-sustaining. There was a question raised by Hutwelker regarding how discrepancy in funding is covered. Dunham said there is a former West Swanzey Athletic Association (WSAA) Committee which appears to come up with funds. Colby and Hutwelker agreed that Dunham should meet with Bohannon and the WSAA to work out the details.

Dunham said he is fine with the proposed budget as it has been presented.

West Swanzey Park

A brief discussion was held regarding asphalt and/or concrete for the West Swanzey Park and about the level of funding that has been used thus far for the Park. Dunham said the terrace has been laid out. A discussion occurred regarding the proposed plan for a pavilion and the need for electricity to it and the possibility of a bathroom on the site; he said that in anticipating the need, they will need to address the wiring by running a conduit from a utility pole, and if water is going to be needed at the park, by running

pipes for water. Colby said that it is fine to run the conduit for wiring, but not to worry about access to water. Colby said that the Board has decided against a bathroom at the park given the cost of a bathroom is high, not only in initial costs, but daily maintenance. Colby suggested that if someone is to use the pavilion, event planners can hire a port-a-potty for the event.

Salt Purchase

A brief discussion was held about the purchasing of salt for the roads in winter. Dunham said he needs a larger facility in order to store the salt. Hutwelker asked for numbers that would show the savings involved if Dunham could pre-buy. Discussion was held regarding the amount of salt used in a year. Dunham said that at certain times of the year, he has to buy salt nearly weekly, but that there is no cost savings on storing more salt. He went on to say that if a full-year's supply can be purchased at one time, it is more convenient and a guarantee that there will be salt if needed. He said there are some harsh winters when you cannot find a vendor who has salt to sell since they tend to supply their regular/volume customers first. Discussion was held regarding pre-treatment of roads and forecasting storms.

Dunham left the meeting at 7:02 p.m.

Special Events Policy Changes

Fire Chief Skantze met with the Board. Colby informed Chief Skantze about the possibility of modifying the events policy, especially for local non-profit events that happen every year.

Ambulance Agreements

Robert DiLuzio, Jr. representing DiLuzio Ambulance LLC was present with Chief Skantze to discuss ambulance contracts. Discussion began with Colby speaking about the need of the Town of Swanzey for a certain level of services. He referred to the request of Fire Chief Howard of the City of Keene for the Town of Swanzey to contract with the City of Keene in addition to DiLuzio for intercept ambulance services. He noted that the Town has been satisfied with DiLuzio's service; the subject is being raised because of the letter from Chief Howard and not due to any unsatisfactory performance by DiLuzio. Colby said there seems to be a need for more paramedic services (life-support) and the Town would like to have just one contract for services.

DiLuzio said if there are paramedic personnel available they provide paramedic service, but he cannot guarantee that he can provide a paramedic for every call. DiLuzio said he had six paramedics available today. Usually he has two or three on call ready to serve, but they might be called out to another town at the same time the Town of Swanzey needs one. Hutwelker asked for data on the number of paramedic calls. DiLuzio said that 5 – 25% of calls are for services somewhere between Emergency Medical Technician (EMT) and paramedic. Skantze added that the City of Keene service would be estimated to be provided 20 times a year or more. Discussion occurred regarding the fee schedule required by the proposed City of Keene contract. Colby asked for assurance from DiLuzio that they would provide the best services. The current contract calls for services that are available and when not available it is by mutual aid. Colby said he is concerned that citizens will be caught in the middle between the professional services. DiLuzio said that he cannot guarantee a paramedic every time one is needed but he believes his paramedics are the best. DiLuzio added that he is trying to find a solution working with the City of Keene with regard to primary ambulance service towns like Swanzey. They are in the process of negotiations.

Hutwelker asked about the 90 day extension which was requested by the Town from the City of Keene for making a decision regarding a contract for paramedic services from the City. Skantze said that Chief Howard doesn't have a problem with a 90 day extension so long as the Town produces a letter to the Keene City Manager from the Swanzey Town Administrator.

Skantze asked if DiLuzio can accommodate growing business. DiLuzio said that they have turned down towns because they were not able to accommodate the increased business without negatively impacting the primary towns such as Swanzey. DiLuzio said that he would recommend that a town not sign a contract with the City of Keene. DiLuzio talked about the effectiveness of paramedic versus EMT services and where trends are going into the future.

Skantze said he and Rob DiLuzio have scheduled regular meetings to work out details. Colby and Hutwelker agreed that DiLuzio and Skantze should get together to work out any details that might need to be addressed. Skantze said he is only looking for minor operational adjustments from DiLuzio. The Board told DiLuzio they would like to meet with DiLuzio in January to get an update on the issue.

Skantze referred to recent fires in town and expressed gratitude for the presence of DiLuzio ambulances.

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

Permit Types

Skantze provided a list of possible permit types and a fee structure that would involve a Fire Inspector.

Purchasing Policy waiver – Architectural services

At the November 17, 2014 meeting the Board discussed employing Mitchell Associates Architects of Voorheesville, NY to prepare preliminary architectural plans for a new Fire Station on Safford Drive in anticipation of a bond vote hearing this coming January. There was discussion about the need to make an exception to the Purchasing Policy requirements regarding formal solicitations in order to expedite the hiring of this firm. Hutwelker said that because Mitchell was significantly involved in the planning for a Fire Station, the point of meeting with Mitchell is to provide information to the Board, but he was not ready to waive solicitation. The Board decided to not pursue a waiver at this time.

A brief discussion occurred regarding fire inspections for wood stoves versus pellet stoves. Discussion occurred regarding sheet metal flexible pipe. Discussion included reference to insurance company benefits.

Skantze left the meeting at 7:54 p.m.

Discuss setting of tax rate

On November 11, 2014, the Board voted to “amend the estimated revenues for 2014 as previously entered on the New Hampshire Department of Revenue Administration (NHDRA) Form MS-4, to amend the amount to reduce taxes to \$611,000, thus maintaining a fund balance of 12%, and to authorize the Town Administrator to execute and submit the necessary documents with the State of New Hampshire related to setting the tax rate”. It was noted that this would result in an unofficial tax rate of \$26.15, up from the previous year rate of \$25.37, and the NHDRA rounded that up to \$26.16

O’Keefe explained that with the new tax rate, which the NHDRA rounded up to \$26.16, staff tried to establish a taxing commitment to generate the tax warrant and found that the variation in commitment was outside of the allowable limits. There was a discussion as to how the error was made and O’Keefe said staff went back through the MS-1 statement of assessed values and found that we were off by 1.2%, which threw off the numbers that are used to establish the tax rate. Once the error was corrected and filed with the NHDRA, the tax rate went from \$26.16 to \$26.48, which amounts to a change from \$5,232 to \$5,298 (\$66) for a \$200,000 home. O’Keefe mentioned that a specific house now at \$200,000 was valued at \$231,100 and was taxed \$5,863. O’Keefe also noted that changes in the process for calculating a proposed tax rate will be instituted by staff to help avoid errors in the future. He stated that the Board could bring additional undesignated fund balance forward to reduce taxes and still remain within the fund balance policy, and mentioned bringing forward up to \$784,000 would maintain the \$26.16 tax rate and an undesignated fund balance of 11%.

Colby mentioned that there is an overall ceiling level for a tax rate that he doesn’t want to surpass of \$27.00 for those in the North Swanzey Water and Fire Precinct. O’Keefe said the NHDRA is ready to reset the tax rate if the Board acts to change the undesignated fund balance brought forward and a Warrant could be ready to sign the following day, which would allow tax bills to be mailed out by November 26, 2014 and due December 26, 2014. O’Keefe suggested a continuation of the meeting tonight to sign the Warrant Article. O’Keefe said only two signatures of the Board are needed. Hutwelker said he could accommodate a few minutes sometime on Wednesday and it was scheduled for 3:15 p.m.

The Board continued to discuss the opportunity to reduce the tax rate by bringing forward even more of the undesignated fund balance, as follows:

Non-tax Revenue	Surplus to bring forward	Unassigned fund balance %	Tax Rate Town portion (2013 = \$5.26)	Tax Rate Overall (2013 = \$25.37)
3,031,731	611,200	12.00	\$5.61	\$26.48
3,031,731	697,000	11.50	\$5.45	\$26.32
3,031,731	784,000	11.00	\$5.29	\$26.16

Hutwelker **moved** to amend the amount of the unassigned fund balance brought forward, to reduce taxes, to **\$697,000**, thus maintaining a fund balance of **11.5%**, and to authorize the Town Administrator to execute and submit the necessary documents with the State of New Hampshire related to setting the tax rate. There was a second by Davis. Further discussion: Davis asked to discuss using \$784,000 instead to lower the tax rate further, but after further discussion, the vote was called. All were in favor of the motion as initiated by Hutwelker.

Motion passed.

It was noted that this would generate a tax rate of \$26.32, with a rate in the North Swanzey Water and Fire Precinct of \$26.92.

Hiring of Assistant to the Town Administrator - This item was deferred to the next meeting.

NEW BUSINESS

Departmental Purchase Notification

In keeping with the Purchasing Policy, O'Keefe informed the Board that the Police Department has proceeded with the purchase of new riot gear, to cost \$4,045.00 to better prepare its officers for situations that may call for its use. There was a brief discussion about purchasing gear given the recent events at Keene State College during the Pumpkin Festival.

Tax Anticipation Note

O'Keefe raised the issue of preparing for a Tax Anticipation Note in case the Town has to issue tax bills later than the date that is preferred. He requested that the Board authorize the Town Administrator and Town Treasurer Lynda Faulkner to execute a Tax Anticipation Note which would apply only on an as-needed basis.

Davis **moved** to authorize Town Administrator O'Keefe, together with Town Treasurer Lynda Faulkner, to sign a tax anticipation note not to exceed \$1,000,000. There was a second by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

Request for vacation carry-over

O'Keefe asked the Board to consider a waiver of section 12.4 of the Town Personnel Policy and allow for the carryover of 40 hours of accrued vacation leave.

He noted that the Policy limits year-end accumulation to 172 hours and he will have 212 hours of accumulated vacation leave at year end and stands to lose 40 hours unless the Board grants the waiver. He said that given the budget and Town Meeting schedule it would be difficult if not impossible to take off a weeks' vacation between now and the end of the year and that he forfeited 6 hours last year. Hutwelker asked how the situation evolved so quickly in two and half years. O'Keefe said that it is tough to take a vacation because the work piles up. Hutwelker said there is value in having vacation and taking it. He said he expects that O'Keefe should take his vacation time every year. Davis noted that the Board has waived the time for other Town employees this year. Colby suggested taking a day off here and there. O'Keefe said he would like to take Christmas week off if the Board would waive their policy for taking time off during budget time.

Hutwelker **moved** to grant a waiver of Section 12.4 of the Town Personnel Policy and allow for the carryover of 16 hours of vacation leave for Town Administrator Shane O'Keefe with the remaining 24 hours to be taken off at the discretion of O'Keefe between now and the end of the year. There was a second by Davis. All were in favor. ***Motion passed.***

OTHER BUSINESS

Finance Office Position Opening

Colby asked what is being done about the opening created by the resignation of the Finance Office Assistant. O'Keefe said that he and Bookkeeper Theresa Louder are suggesting the Board consider hiring someone above the Bookkeeper, someone Louder would report to as a Finance Manager. Colby asked if Louder will be able to handle the workload for the rest of the year without an assistant; O'Keefe said she will need to work over-time and will get things done. O'Keefe said that Louder has not indicated the need for temporary assistance, but the Town could consider bringing in someone temporarily if necessary. It was noted that a person who would qualify as a Finance Manager would draw twice the salary of the Finance Assistant who recently resigned. Colby said he feels that the critical thing is to keep the Finance Office functioning on an even keel. O'Keefe said that he is ready to

advertise a replacement for the Finance Office Assistant position. The Board agreed that the position should be advertised. O'Keefe also noted that Louder has suggested some changes to the job description for the position and that he will present these to the Board soon.

Qualification on the Event Permits

Colby said he would like to streamline the Special Event Permit process as much as possible so that something like a church supper wouldn't need approval from the Board. O'Keefe mentioned that there are zoning regulations as to what is allowed and what is not allowed regarding uses of property. O'Keefe said that he would discuss the issues further with Director of Planning and Community Development Sara Carbonneau and will bring back some ideas for consideration by the Board next week.

Carpenter Home Positions

O'Keefe reported that for one position that an offer of employment was extended by the Town, the candidate took another job. Hutwelker asked for more ideas for how to get more candidates for the job of Administrator. Hutwelker suggested the possibility of asking Interim Carpenter Home Administrator Judy Bohannon to make phone calls to agencies.

State House Issues

Representative Ben Tilton was present to discuss leadership at the State House. He said everyone is going to have to work together to get things done. He said he does not have a set agenda. He said he does think it is important to be in touch with Swanzey to learn what can be done for this town. He also suggested that more can be done with the Cheshire County delegation. He said he is here to listen to what he can do for Swanzey. Hutwelker said he is appreciative that Tilton is present. Hutwelker asked Tilton for his opinion on the proposal for the new nursing home; he would like to better understand the logic and budget for it given the way the County Jail information was disseminated with inaccuracies. Hutwelker said the Town has suffered when the County budget keeps climbing because the Town has to keep close tabs on the Town budget as a result. Hutwelker said that he appreciated Tilton's willingness to run for the office. Tilton said he would drop in for Board meetings occasionally.

Funeral Expenses Covered by the Town

In response to the request made at the previous November 11, 2014 meeting, O'Keefe provided the Board with a chart of funds provided by the Town to funeral homes for burial expenses. Hutwelker asked how it is determined who receives the funds. O'Keefe said the Town does a financial analysis as to need of the family requesting the funds. If they own property, a lien is attached to the property.

Southwest Region Planning Commission

O'Keefe noted that the Southwest Region Planning Commission will be handling the multi-hazard mitigation plan so there will be no cost to the Town. A letter was requested to acknowledge the plan.

Motion was made by Davis to authorize the Chair to sign a letter acknowledging the Southwest Region Planning Commission's funding and management of the multi-hazard mitigation plan. There was a second by Hutwelker, and no further discussion. All were in favor. **Motion passed.**

Health Insurance Plans

O'Keefe informed the Board that he has information for a comparison of plans.

Roundabout Plans

O'Keefe again showed the Board the design for the roundabout to be constructed on New Hampshire State Route 12 where it intersects with Lake Street and Swanzey Factory Road, and asked if they had comments to forward to the Department of Transportation. Board members asked that O'Keefe let the State know that this project should be expedited.

CONTINUATION

Motion to continue to 3:15 p.m. on Wednesday November 19, 2014 was made by Davis, second by Hutwelker. No further discussion. All were in favor. **Motion passed.** Continuation occurred at 9:04 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

RECONVENE

The meeting begun on November 18, 2014 was reconvened at Town Hall by Chair Kenneth P. Colby, Jr. at 3:19 p.m. on November 19, 2014. Present were Selectmen Kenneth P. Colby, Jr. and W. William Hutwelker III. Also present was Town Administrator Shane O'Keefe.

OLD BUSINESS

Special Events Policy

Colby raised a concern with the Special Events Policy, approved on October 7, 2014, that places a burden on religious and other charitable organizations wishing to hold fundraisers on their property. He mentioned that he had spoken with the Town Attorney on the matter and the Attorney Bradley opined that the Town can create exemptions for charitable uses. He also stated that he had asked O'Keefe earlier in the day to draft some language addressing this concern. O'Keefe distributed a proposed amendment that he had reviewed with Planning and Community Development Director Sara Carbonneau, and which provides an exemption for "periodic fundraising events for religious or other charitable organizations that are located in Swanzey when the entirety of the event takes place at the facility of that organization". The proposed language was briefly discussed. Hutwelker mentioned a concern he had received about whether family events such as graduation parties would be subject to the Policy. O'Keefe reported that there is an exemption in the Policy for this type of activity.

Motion was made by Hutwelker to amend the Special Events Policy to add an exemption to the definition of "Special Event" in Section III for "periodic fundraising events for religious or other charitable organizations that are located in Swanzey when the entirety of the event takes place at the facility of that organization". There was a second by Colby, and no further discussion. All were in favor. **Motion passed.**

O'Keefe will draw up for the next meeting a revised policy document for execution by the full Board. Colby stated that he would contact the citizen who raised the concern about religious fundraising events to mention the Board's action on this matter.

CONSENT AGENDA

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

- Property Tax Levy – Warrant #2014-02 in the amount of \$6,721,750, due 12/29/2014.
- Personnel Action Report

O’Keefe was asked to issue a press release on the setting of the tax rate. There was a brief discussion about matters in the local media.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Colby. All were in favor. **Motion passed.**

Adjournment occurred at 3:33 p.m.

Respectfully Submitted,

Shane O’Keefe, Town Administrator

Approved on December 2, 2014