

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – November 25, 2014  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

Present were Selectmen W. William Hutwelker III, Selectman Debra J. Davis and Kenneth P. Colby, Jr. The meeting was called to order by Chair Kenneth P. Colby, Jr. at 6:02 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

**OTHERS PRESENT**

New Hampshire State Representative Ben Tilton, Conservation Commission member Wally Smith, Human Resources and Services Coordinator Edna Coates, Code Enforcement Officer Mike Jasmin, Resident Michael Goldschmidt, Fire Chief Norm Skantzze, and Interim Carpenter Home Administrator Judy Bohannon.

**MINUTES** – the Board deferred consideration of Minutes to their next meeting.

**FINANCIAL MATTERS**

Selectmen reviewed and approved accounts payable and payroll manifests.

**OLD BUSINESS**

**Illegal Dumping Ordinance**

This matter was discussed on October 28, 2014. As requested, O’Keefe said he amended the proposed ordinance to reflect the format of the Noise Ordinance, sent it around to Department Heads and Wally Smith of the Conservation Commission, and on to Town Attorney Sam Bradley. O’Keefe noted that Bradley replied that “it would appear that there is not a great need for this ordinance since the state law is already in effect”, but offered suggested changes nonetheless, which were provided in the meeting packet. O’Keefe said he also received and provided to the Board feedback from the New Hampshire Municipal Association (NHMA) legal services office.

O’Keefe said that should the Board approve of the language of the Ordinance he could put it in the form of a resolution for signature by the Board at an upcoming meeting, along with a proposed article for the Town Meeting Warrant. There was a brief discussion and the Board agreed to have O’Keefe follow through with verbiage for the Warrant Article.

**Job description for Finance Office Assistant**

The Board last discussed this matter at the meeting of November 18, 2014, and at this time was asked to review and approve minor changes to update the job description, which have been recommended by staff. O’Keefe noted the vacancy has been advertised and seven applications have been received thus far. A brief discussion with Human Resources and Services Coordinator Edna Coates was held regarding the changes.

Hutwelker **moved** to approve the amended job descriptions for the Finance Office Assistant position. There was a second by Davis and no further discussion. All were in favor. ***Motion passed.***

### **Hiring process for Carpenter Home Administrator**

The Board reviewed applications for the Carpenter Home Administrator position from applications received from qualified candidates. The Board was asked to decide how it would like the interview/selection process to proceed for this department head level position.

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

**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 6:18 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Shane O'Keefe, Human Resources and Services Coordinator Edna Coates and Recording Secretary Beverly 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 6:39 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:3II(a), Personnel Matter(s)**

**Motion** by Davis to enter Non-public session pursuant to RSA 91-A:3II(a) , Personnel Matter(s) . The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 6:40 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Shane O'Keefe, Human Resources and Services Coordinator Edna Coates 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 6:43 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.**

### **Proposed 2015 General Assistance Budget**

Discussion was held between Coates and the Board regarding the budget for Account General Assistance – GA Housing Assistance which will be over budget for 2014 by about \$22,000. Discussion occurred regarding why the need for assistance has risen; Coates cited the extreme cold winter of 2013/2014. She also noted Medicare changes provided a higher deductible for some families, and there were a number of emergency surgeries for injuries. Several families have no income when the main breadwinner is out of work with medical issues. Coates said GA Housing Assistance has been running about \$13,000 per month. She said that the Town did receive some re-imburement from families and other sources. \$125,000 was budgeted for GA Housing Assistance in 2014. Colby suggested the Town budget \$155,000 for 2015 and Hutwelker suggested \$175,000. Coates noted that applicants must fill out eight page application and provide copies of all their financial data. Coates said that she tries to get families on a budget to control their expenses, and after a few months many are off assistance.

The Board agreed to budget \$165,000 for GA Housing Assistance. Discussion occurred regarding the GA Electricity line item and the indication that electric bills will be rising. The Board agreed to budget \$10,000 for GA Electricity instead of the \$8,000 recommended. Discussion was held regarding a jump in distribution of GA Food Vouchers line item from 2013 to 2014. Coates said that federal food stamps have been reduced. Coates suggested staying at \$7,000 for 2015 for Food Vouchers and the Board agreed.

Davis suggested to Representative Tilton that it would be good if the State of New Hampshire assisted Towns with Housing Assistance.

Coates left the meeting at 6:57 p.m.

#### **Request for application of *cy pres* by Trustees of Trust Funds**

O'Keefe said the Trustees of Trust Funds have requested that the Town Attorney petition the Probate Court to allow funds bequeathed in trust by Charles E. Carlton to the former library in the East Swanzey Community House to be used by the Mt. Caesar Union Library. It was reported that the value of the trust fund is about \$7,674. O'Keefe noted that Attorney Bradley has asked that the Selectboard vote to approve the petition prior to its filing.

Colby mentioned that he received a call from the Fred Peters from the Swanzey Community House regarding the issue he has with the funds being directed to the Mt. Caesar Union Library. Colby said that given his conversation with Peters, he is in favor of having the money be directed to the Swanzey Community House. Davis mentioned that the Swanzey Community House is in financial trouble and could use the funds. Davis asked that the Board meet with the Trustees to discuss it further and include the representatives from the Swanzey Community House. The Board agreed to table the discussion for now and O'Keefe said he would invite the parties to be present at next week's meeting of the Board, and provide to the Board the Will of the late Mr. Carlton.

**Hiring of Assistant to the Town Administrator** – this item was deferred.

#### **NEW BUSINESS**

##### **Employee longevity compensation**

The Board was asked to confirm and award longevity pay for 2014 to long-time regular full-time employees, with an effective cutoff date of November 25, 2014. The rates recommended are identical to those identified in approved 2014 budget:

- \$250 for between 5 and 9 years of service;
- \$500 for between 10 and 14 years of service;
- \$750 for between 15 and 19 years of service; and,
- \$1,000 for over 20 years of service.

Hutwelker **moved** to award longevity pay to full-time employees for 2014 as follows, for years of service up to November 25, 2014:

- \$250 for between 5 and 9 years of service;
- \$500 for between 10 and 14 years of service;
- \$750 for between 15 and 19 years of service; and,
- \$1,000 for over 20 years of service.

There was a second by Davis and there was no further discussion. All were in favor. ***Motion passed.***

### **Healthcare Flexible Spending Account policy**

O'Keefe informed the Board that an IRS decision last year modified the "use-it-or-lose-it" provisions of the Healthcare Flexible Spending Account provisions. Under the previous "use-or-lose" rule, any unused amounts remaining at the end of the 2 ½ month grace period following the plan year were forfeited by the employee.

He said the modification of the "use-or-lose" rule permits Health FSAs to be amended to allow participants to carryover up to \$500 of unused amounts remaining at the end of a plan year to the following plan year. He also noted that:

- The maximum carryover amount must be the same for all participants and cannot exceed \$500
- The carryover amount can be used at any time during the following plan year
- Any unused amount in excess of the \$500 must be forfeited
- The carryover amount does not affect the current \$2,500 cap that applies to employee salary reduction contributions to Health FSAs
- The carryover amount can be used only for Health FSA eligible expenses and cannot be cashed out or converted to any other taxable or non-taxable benefit
- The carryover feature does not apply to Dependent Care Reimbursement Accounts

O'Keefe said staff believes that the existing Town program, which provides a 2 ½ month grace period, works well and does not need to be altered. Last year the Board decided to let it remain. Action is only needed if the Board wishes to make a change. There was a brief discussion about the few employees who take advantage of this benefit. The Board agreed to continue the program as is.

Davis made a **motion** to maintain the **Healthcare Flexible Spending Account** provisions as currently in place; there was a second by Hutwelker, and no further discussion. All were in favor. ***Motion passed.***

Goldschmidt asked what the Board was referencing when it referred to "475". Davis confirmed that the reference was to the cost to the Town of \$4.75 per participating person per month for the program.

Fire Chief Skantze joined the meeting at 7:10 p.m.

### **Employee Health Insurance options**

The Board was asked to consider whether it wishes to make changes to the health insurance benefit provided to Regular full-time employees. O'Keefe provided comparative tables and documents for the Board to review.

Discussion was held comparing the various plans. O'Keefe explained the changes in cost of plans, which is an increase of .1% for one plan and a decrease of 3% for the other. He noted that only one employee has BlueCross/BlueShield (BC/BS). One option for the Board would be to only offer Matthew Thornton Insurance rather than both Matthew Thornton and BC/BS. O'Keefe noted that BC/BS allows an individual to more easily go out of network for medical care. Coates noted that BC/BS is a good plan to have if you hire someone from outside the state. Discussion continued regarding another option which would be to increase the contribution of employees. Discussion was held regarding savings to the Town by selecting different plans. Hutwelker asked about the costs associated with administering the BC/BS

program and O'Keefe said it doesn't take much additional time to do. O'Keefe said the Town would be receiving over \$40,000 of HealthTrust settlement funds in 2015 which will be a credit off the bill. Davis noted that the Town has raised the employee contribution in the past. O'Keefe said that the benefits are good, in comparison to private industry, which may balance out the salary scale. O'Keefe recommended keeping the plans as is and not make any change and possibly reducing the contribution made by any employee with the BC/BS plan.

**Motion** was made by Davis to remain with the same plans and at the same contribution levels, second by Hutwelker, no further discussion, and all were in favor. **Motion passed.**

### **Contract for Architectural services**

At the November 24, 2014 Board meeting with Bob Mitchell of Mitchell Associates Architects, the Board received a proposed contract for architectural services, which was forwarded on to Town Attorney Sam Bradley for review and comment. The contract calls for a fee of 10% of all construction costs, with a minimum contract cost of \$379,500, adjustable upward depending on construction bids. O'Keefe handed out the comments from Attorney Bradley, which were not available for review by the Board before the meeting.

O'Keefe stated that should the Board wish to proceed with the contract with Mitchell Associates, an exception to the Purchasing Policy requirements regarding formal solicitations would be in order. Section 3.D. and Section 5 of the Purchasing Policy was provided to the Board for their consideration. Colby noted he didn't have time to review the information provided by Bradley, and Davis agreed.

Hutwelker spoke about a perceived lack of agreement within the firefighters as to moving forward with the Fire Station on Safford Drive. Hutwelker said it might be worth having a meeting to get input from the firefighters. Skantze explained why some of the firefighters said they were not supportive about moving away from Town Hall. Skantze said he was also in favor of having a meeting so that the firefighters can voice their opinions. Davis said she was concerned about the perception that the Board is rushing into building a new station. Skantze pointed out the Department has been waiting for years for a replacement station. Hutwelker said he was comfortable with moving ahead with Mr. Mitchell but he would like to take the time to read Bradley's letter.

Skantze said he is more excited about the location on Safford Drive than ever. Skantze also said he felt the contract suggested by Mitchell is boilerplate and Skantze said he thought Mitchell would be open to modification. Discussion continued regarding the level of support for the project from Fire Department firefighters. Davis emphasized that the Board does not want to force the issue on the voters. The Board agreed to table further discussion until the next meeting so that Attorney Bradley's letter could be thoroughly reviewed by Board members.

### **Update on Safford Drive site**

O'Keefe gave a very brief summary of on-going activity at the Safford Drive site such as surveying the site.

### **Proposed Safford Drive fire station**

Skantze proposed setting up Question and Answer meetings about the proposed Fire Station site.

O'Keefe provided key dates as follows for possible acquisition and proposed build out of a Fire Station:

DATE	MILESTONE
12/9/2014	RSA 41:14-a public hearing #1 on acquisition of Safford Drive property
12/23/2014	RSA 41:14-a public hearing #2 on acquisition of Safford Drive property
12/30/2014	Earliest date for decision on acquisition of Safford Drive property*
1/6/2015	Last date for decision on acquisition of Safford Drive property*
1/9/2015	Earliest date for <u>bond</u> hearing
1/13/2015	Proposed date for <u>budget</u> hearing. Possible date for <u>bond</u> hearing.
1/20/2015	Last date for <u>bond</u> hearing
2/3/2015	Deliberative session
3/10/2015	Town Meeting

\* Upon the written petition of 50 registered voters presented to the Board prior to its vote, the proposed acquisition shall be inserted as an article in the warrant for the Town Meeting.

Skantze, Tilton, and Smith left the meeting at 7:50 p.m.

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

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(b) , Hiring of a Public Employee(s) . The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:51 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Shane O’Keefe, Interim Carpenter Home Administrator 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 no further discussion. All were in favor. **Motion passed.** Non-public session ended at 7:56 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.**

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

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) Personnel Matter(s). The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:56 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Shane O’Keefe, Interim Carpenter Home Administrator Judy Bohannon and Recording Secretary Beverly Bernard.

**Motion** was made by Hutwelker to leave non-public session and return to public session. The motion was seconded by Davis, and no further discussion. All were in favor. **Motion passed.** Non-public session ended at 7:58 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**

Colby mentioned to Bohannon that she would be involved in interviewing candidates for Carpenter Home Administrator.

Bohannon left the meeting at 8:00 p.m.

## **OTHER BUSINESS**

### **Discuss Proposed 2015 Budget**

O'Keefe presented to the Board the 6th draft of the 2015 Town Budget at the meeting. He also distributed medical and dental insurance alternatives for consideration by the Board.

O'Keefe began with a review of the Executive-Selectmen Account line items; Elections and Registrations Account line items and Financial Administration Account line items– he noted some expense to deal with FA Tax Deeded Property Expense (which is a new item and which would be offset at sale of the property). Also considered were Accounts Reappraisal of Property and Legal & Professional Services. It was noted that he increased IT Systems Support & Maintenance line item by \$1,000. Hutwelker asked about going out to bid for these services in 2015. O'Keefe said the service we get now is excellent, but it would be wise to go out to bid. Hutwelker asked about the budgeted amount for legal services since the actual expense for year 2013 and anticipated for year 2014 will be well below the budgeted amount. Hutwelker recommended reducing line item LE Legal Expenses to \$25,000 and after some discussion it was agreed by the Board to reduce the item to \$30,000 as suggested by Davis (from \$35,000).

Discussion was held regarding IT improvements line item Tec Block/Projects.

Next item covered was the Social Security & Retirement Account. O'Keefe spoke about the ICMA Retirement Contributions line item which is calculated at 7% contribution by the Town. Discussion was held about why the amount in the budget (\$71,020 for 2014) is much higher than the actual expense which is expected to be about \$40,000. There was a discussion about reducing the budgeted amount to \$55,000. O'Keefe said that he would discuss with the Bookkeeper why there is a consistent delta, when looking at both 2013 and 2014 figures, between the budgeted amount and the actual figures and report back to the Board next week.

Land Use Boards Account was briefly discussed. O'Keefe noted that the Code Enforcement Officer is now included in this Account under LU Full-time Salaries as well as health and dental insurance. For the General Government Buildings Account there were no changes; O'Keefe said he did not recommend any changes in this Account but West Swanzey Athletic Association site was added as a new line item. Colby said that most of the funds for the park have come from a variety of capital and expendable trust sources.

Insurance Account was reviewed. O'Keefe noted that Health Trust rates are going down for a savings of \$30,300. Colby suggested reducing the IN Health Trust Line item to \$400,000 or \$425,000. Actual credit will be \$47,847.00 in February. Hutwelker suggested \$415,000. The Board agreed to lower the number to \$415,000 (from a proposed \$459,000). IN NHMA Dental was considered. Hutwelker asked if the item could be reduced by \$5,000. O'Keefe suggested \$25,000 instead of \$27,700 for the budgeted amount. The Board agreed. There was discussion about why budgeted values for these insurance contributions are higher than the amount actually expensed each year. O'Keefe noted that the Town budgets as though those receiving the insurance buyout are plan participants due to their ability to get onto the plan in case of a change to family status, and also the Board has chosen to apply HealthTrust settlement funds as credits or "contribution holidays" to the account.

O'Keefe noted there was a significant rate change in Workers' Compensation due to injuries sustained by employees and it will impact the Town's rate for several years. The final Account discussed was General Government Expenses. O'Keefe explained that the postage meter and copier are under contract. Hutwelker said that GOE Office Supplies line item should be \$5,000. The Board agreed. Davis asked about GOE Miscellaneous Expenses; the line item was suggested to reduce to \$3,000 and the Board agreed.

Debt Service was discussed very briefly, with no action taken due to the lateness of the hour.

O'Keefe said that next week, Libraries and Open Space representatives will be present. He noted the Health Officer has been also invited but she has not yet responded to the invitation to be present.

Goldschmidt mentioned the agenda wasn't posted in a timely fashion.

The Board voiced a wish that the citizens of the town a Happy Thanksgiving.

### **CONSENT AGENDA**

**Motion** was made by Hutwelker, second by Davis, no further discussion. All were in favor. **Motion passed.**

- Revision to Special Events Policy
- Raffle Permit #2014-31. Monadnock Marching Band – Money Calendar raffle on February 1, 2015 at Monadnock Regional High School
- Event Permit #2104-31. Monadnock Humane Society – Handcrafted for the Holidays Craft Fair on 12/6/2014 at 101 West Swanzey Road
- Personnel longevity pay letters
- 2015 tax payment schedule for the Monadnock Regional School District
- Accounts payable check register #2323-01 (from 10/14/2014)
- Personnel Action Report(s)

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

- Letter dated November 11, 2014 from Robert Furlone indicating plan to no longer pursue Payment in Lieu of Taxes Agreement for commercial solar array. (see minutes of July 8, 2014 meeting)
- Copy of November 12, 2014 memo to Planning Board and Conservation Commission regarding RSA 41:14-a process for acquisition of land on Safford Drive.
- Copy of November 17, 2014 email from Cheshire TV regarding Channel 10 community bulletin board

### **ADJOURNMENT**

**Motion** to adjourn was made by Davis, second by Hutwelker. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:55 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 2, 2014

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Non-Public Meeting Minutes #3 – November 25, 2014

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

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(b) , Hiring of a Public Employee(s) . The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:51 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Shane O'Keefe, Interim Carpenter Home Administrator Judy Bohannon and Recording Secretary Bernard.

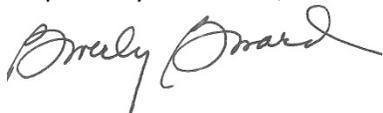
Bohannon recommended the hiring of Colleen Harper as part-time Caregiver I, Stormy LaRoche as a part-time Licensed Practical Nurse (LPN), and Cindy Rondeau as a part-time Licensed Nursing Assistant (LNA) at the Carpenter Home. Their applications were provided to the Board for review. Discussion was held regarding the qualifications of the candidates.

Hutwelker **moved** to extend a conditional offer of probationary employment to Cindy L. Rondeau as a Licensed Nursing Assistant (LNA) at the Carpenter Home as a regular part-time position at a pay rate of \$12.35 per hour, subject to satisfactory criminal and motor vehicle record checks, maintenance of current Nursing License, and passing the required Tuberculosis (TB) test and physical, and to extend a conditional offer of probationary employment to Stormy LaRoche as a Licensed Practical Nurse (LPN) at the Carpenter Home as a regular part-time position at a pay rate of \$15.00 per hour, subject to satisfactory criminal and motor vehicle record checks, maintenance of current Nursing License and passing the required TB test and physical, and to extend a conditional offer of probationary employment to Colleen Harper as a Caregiver I at the Carpenter Home as a regular part-time position at a pay rate of \$10.50 per hour subject to satisfactory criminal background check and motor vehicle record check and to authorize the Town Administrator to sign the offer letters and the Personnel Action Reports. There was a second by Davis and no further discussion. All were in favor. **Motion passed.**

**Motion** was made by Hutwelker to leave non-public session and return to public session. The motion was seconded by Davis, and there was no further discussion. All were in favor. **Motion passed.** Non-public session ended at 7:56 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.**

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 2, 2014

**These Minutes unsealed by the Board of Selectmen on April 14, 2015.**