

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – December 2, 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**

Open Space Committee (OSC) Chair Jeanne Thieme and OSC member Victoria Reck Ames, Stratton Free Library Treasurer Sue Ellis, Town Library Trustee Art Boufford, Richard Scaramelli who serves as both a Trustee of Trust Funds and Trustee of Mount Caesar Union Library, Fire Chief Norm Skantze and Conservation Commission member Wally Smith.

**MINUTES**

- The regular meeting Minutes of November 17, 2014 were considered. There was a **motion** by Hutwelker to accept the regular meeting minutes of November 17, 2014. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The regular meeting Minutes of November 18-19, 2014 were considered. There was a **motion** by Hutwelker to accept the regular meeting minutes of November 18-19, 2014. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The regular meeting Minutes of November 24, 2014 were considered. There was a **motion** by Hutwelker accept the regular meeting minutes of November 24, 2014. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The regular meeting Minutes of November 25, 2014 were considered. There was a **motion** by Hutwelker to accept the regular meeting minutes of November 25, 2014. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1 of November 25, 2014 were considered. There was a **motion** by Davis to accept the Non-Public meeting Minutes #1 of November 25, 2014. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #2 of November 25, 2014 were considered. There was a **motion** by Davis to accept the Non-Public meeting Minutes #2 of November 25, 2014. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #3 of November 25, 2014 were considered. There was a **motion** by Davis to accept the Non-Public meeting Minutes #3 of November 25, 2014. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #4 of November 25, 2014 were considered. There was a **motion** by Davis to accept the Non-Public meeting Minutes #4 of November 25, 2014. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***

## **FINANCIAL MATTERS**

Selectmen reviewed and approved accounts payable and payroll manifests.

## **OLD BUSINESS**

### **Illegal Dumping Ordinance**

This matter, which was generated by the Conservation Commission, was discussed on October 28, 2014 and November 25, 2014, and at the latter meeting the Board agreed to accept changes suggested by Town Attorney Sam Bradley. O'Keefe provided a proposed text for the Ordinance in the form of a resolution for adoption by the Board along with a proposed Town Meeting Warrant Article.

Hutwelker **moved** to approve the text of a proposed Illegal Dumping Ordinance for consideration at the 2015 Town Meeting, and the preliminary text of the Warrant Article related thereto. There was a second to the motion by Davis. No further discussion and all were in favor.  
***Motion passed.***

Smith was present and noted that he would like to seek consideration by the State of New Hampshire Legislature to change the present law such that fines generated by enforcement might be available to communities.

### **Discuss 2015 Budget**

O'Keefe presented to the Board the 7th draft of the 2015 Town Budget. He also presented the Board with a new budget review schedule. Those attending the meeting on 2015 budget matters:

#### **Open Space Committee (OSC)**

OSC Chairman Jeanne Thieme and member of the Committee Victoria Reck Ames were present to discuss the proposed 2015 OSC budget with the Board. There was a discussion about the funds within the Land Acquisition Account. Thieme noted that conservation easements are not always anticipated and therefore funding needs to continue at the \$50,000 per year level should an opportunity arise unexpectedly. Ames mentioned the Monadnock Conservancy could be asking for help from the Town to acquire properties in 2015 and said she also supported maintaining funding at \$50,000 per year for land acquisition. O'Keefe provided a projection of \$256,816 for the account total by the end of 2014. Colby noted that there was a reduction in the Land Acquisition Account last year at the Deliberative Session in the amount of \$25,000 which was allocated to Whitcomb Hall restoration efforts. He went on to say he felt that it would be best to return that \$25,000 back into the Land Acquisition Account for a total of \$50,000 in the proposed budget for 2015.

The Board had no further questions. Ames and Thieme left the meeting at 6:22 p.m.

### **Stratton Free Library**

Art Boufford & Treasurer Sue Ellis were present to discuss the proposed 2015 Stratton Free Library budget with the Board. Boufford mentioned there is a modest increase for computer expenses. He said that they tried to keep the budget request as low as they could and that they didn't want to cut the budget for books. Discussion was held regarding repairs needed for the facility. Boufford said the Equipment Repair & Maintenance line item was cut back a bit.

The Chair asked for questions from the Board. Davis said she thought the budget request for the Library was fairly lean. Hutwelker asked for a year by year comparison for next year's budget

request. A discussion was held regarding the limitations of available parking which might change if Whitcomb Hall were opened for public use. A brief discussion occurred regarding the large number of patrons using the library and how readily accessible it is to the homes in the immediate area.

Ellis left the meeting at 6:58 p.m.

#### **Mt. Caesar Union Library**

Boufford remained to discuss with the Board the Mt. Caesar Union Library proposed 2015 budget. Trustee of Mount Caesar Union Library Richard Scaramelli was also present to discuss the budget with the Board. Scaramelli identified an increase in Worker's Compensation insurance for the custodian such that Building Expenses – Insurance(s) line is up by more than \$1,000. He also identified a modest increase in salaries. He said the Trustees would like to add hours to Payroll - Assistants in order to have double coverage at all times, so that there is more than one person on duty. He noted that Saturdays are particularly busy and it can be a safety issue when there is only one person on duty. He also said that fund-raising revenue is dropping. Operations - Library Materials is holding steady, and he noted the library is getting better deals for the cataloguing service such that the funding request for Operations -Info Technology has been reduced.

Colby asked that the Stratton Library folks follow the Mt. Caesar Library format for presenting the budget requests for 2016. He asked that they have a spreadsheet showing prior year as well as present year requested numbers.

There was a discussion about the number of trustees for the libraries and what is required by statute and the length of time of service for each trustee.

Boufford left the meeting at 7:11 p.m.

#### **Cy Pres Request by Trustees of Trust Funds**

Trustee of Trust Funds Trustee Scaramelli met with the Board to discuss the Trustees of Trust Funds' request for application of *Cy Pres* related to funds left to the East Swanzey Community House. The Trustees of Trust Funds have requested that the Town Attorney petition the Probate Court to allow funds bequeathed in trust by the late Charles E. Carlton to the library in the East Swanzey Community House, which no longer exists, to be directed to the Mt. Caesar Union Library. The value of the trust fund is about \$7,674, and a copy of the Will of Mr. Carlton was reviewed by the Board.

Scaramelli noted that Town Counsel Sam Bradley asked that the Selectmen approve the *Cy Pres* requested by the Trustees. Scaramelli said that Chairman for the East Swanzey Community House Fred Peters changed his mind about contesting the distribution of the funds when he read the Will of Mr. Carlton in its entirety. Scaramelli said that Peters will no longer contest that the funds go to the Mt. Caesar Union Library. He also said Peters agreed with the judgment of the Trustees of Trust Funds that the money should stay with books since the East Swanzey Community House building was remembered in a separate article and the books had been transferred from the East Swanzey Community House to Mt. Caesar Union Library when the East Swanzey Community House Library closed. O'Keefe mentioned that that he had also spoken with Peters and confirmed that he had heard the same information as Scaramelli.

Scaramelli showed the Board an album of old photos of the Carlton family.

The Board agreed to support the *Cy Pres* request of the Trustees of Trust Funds for the funds to be transferred to the Mt. Caesar Union Library.

Davis **moved** to approve the filing of a petition for application of *Cy Pres* doctrine on behalf of the Town of Swanzey Trustees of Trust Funds so that the interest and principal of the Charles E. Carlton Community House Library Fund shall benefit the Mt. Caesar Union Library. There was a second to the motion by Hutwelker. Discussion followed regarding the amount of money involved and Scaramelli explained how the amount was derived. All were in favor. ***Motion passed.***

Scaramelli left at 7:24 p.m.

### **Bond Vote Process – Proposed Safford Drive Fire Station**

Following up on the November 24, 2014 & November 25, 2014 meetings, the Board considered how it wished to proceed toward the bond hearing and eventual Town Meeting vote for the proposed Safford Drive firehouse. O’Keefe mentioned that matters to be settled include: project definition and refinement, information gathering and dissemination, public education methodology, roles and responsibilities of consultants and key personnel. He provided a list of key dates as follows:

<b>DATE</b>	<b>MILESTONE</b>
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

Regarding the land acquisition for the proposed project, O’Keefe noted that both the Planning Board (on November 13, 2014) and the Conservation Commission (on December 1, 2014) voted to support the proposed land acquisition for the project per RSA 41:14-a. He also mentioned that the donation agreement being worked on by Town Counsel is contingent upon Town Meeting vote in 2015. Davis raised a question about the availability of federal funds for Fire Stations.

A discussion on scheduling the bond hearing followed: Hutwelker asked about scheduling the bond and whether there would be a strategic schedule to follow that would be best for the Town. Hutwelker recommended January 20, 2015 for the bond hearing. Davis agreed. She said the Board doesn’t want to rush the citizens in their review of the information that will be provided. Colby then noted that January 20, 2015 is the last date for the bond hearing based on the statutes and it cannot be postponed if need be because of weather. Given the time of year for the hearing, the Board decided to re-consider the dates for the bond hearing. Davis suggested renting the CLF Church, and Colby mentioned the possibility of using a room at the high school if more folks wanted to attend than could be

accommodated at Town Hall. Hutwelker suggested moving the bond hearing back to January 13, 2015 in order to make room for the possibility of another meeting. The Board agreed to schedule the bond hearing for January 13, 2015 at the high school. O'Keefe said he would contact the school to schedule the hearing.

Davis asked Skantze about the possibility of federal funding for Fire Stations. Skantze said that he wasn't aware of any grants available for building Fire Stations, but he would research. O'Keefe said that United States Department of Agriculture (USDA) has some public facility grants for rural development that Skantze might research.

Davis also asked Skantze about statistics on ambulance services and the financial reasons why the Town might consider having an ambulance for the Town in the future rather than contracting with an outside group.

Colby said that Skantze should be able to respond to questions that will be initiated by the citizens of the town. Smith suggested a Question and Answer (Q&A) document that could be provided to citizens. Skantze said he prepared something similar which he shared with the Board. Smith mentioned that there might be an insurance benefit to residents with a new Fire Station in town. Colby emphasized the importance of stressing that the East and West Stations will not be going away and voters should be made aware of that. There was discussion about how the town's demographic is changing, the population is aging and will require increased services over time, and citizens are concerned about having Emergency Medical Services (EMS) available when there is no guarantee for paramedic services.

Smith suggested a small focus group of citizens to learn about the reasons for a new Fire Station and who could assist in explaining the reasons for the need to other citizens. Skantze mentioned the need for privacy for patient care records and the need for a room for that activity. Hutwelker affirmed the idea of a focus group and asked Skantze to schedule it and also have general informational meetings in each of Center, East, and West Swanzey as soon as possible. Colby recommended that a cross-section of town be involved. There was a discussion about exposure on a radio or TV program talk show for Q&A from the public.

#### **Contract for Architectural services – Proposed Safford Drive fire station**

At the November 24, 2014 Board meeting with Bob Mitchell of Mitchell Associates Architects, the Board received a proposed contract for architectural services for the proposed Safford Drive fire station. The contract was forwarded on to Town Attorney Sam Bradley for review and comment, and at the November 25, 2014 meeting the Board received comments from Attorney Bradley. The Board decided to hold off on any action on the contract until now.

The proposed 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 noted that should the Board wish to proceed with the contract with Mitchell Associates with or without amendments, an exception to the Purchasing Policy requirements regarding formal solicitations would be in order.

Skantze said he spoke to Mitchell regarding some changes that could be made to the proposed contract as suggested the Town Attorney. Skantze suggested that Mitchell should speak directly to Town Counsel to discuss changes. There was discussion about contract Paragraph 8.4 as to it being in contention and Hutwelker said he would support the idea of having Mitchell speak to Town Counsel Bradley. Colby said

he would like a discussion to occur between Mitchell and Bradley to hammer out an agreement between the parties in regard to all the items listed in Bradley's contract review letter. He said the Board would then consider a revised version of the contract from Bradley. Hutwelker asked about the money issue pertinent to contract Paragraph 6.1.1. with regard to adjusting the contract dollars down as well as up based on the actual cost of construction.

The Board agreed to have Skantze coordinate a meeting between Mitchell and Bradley. Hutwelker asked for clarification on what the fees would be leading up to Town Meeting. Colby emphasized that the Board is looking to review a contract next week from Bradley with all the changes requested by Town Counsel and as agreed to by Mitchell.

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

## **OTHER BUSINESS**

### **Budget Expense Comparisons**

Following up on the previous meeting, O'Keefe passed out a spreadsheet showing ICMA Retirement funds as were unspent in prior years. He discovered the reason for unspent dollars is that of 21 eligible employees, 15 are contributing and only 13 get Town contributions currently, which is why there are unspent dollars. He said the Town should budget as though all employees are contributing so that the Town would not come up short should employees opt in at any time of the year. He noted that employees may opt in or out at any time. Discussion occurred about open enrollment.

He also provided information on health and dental insurance budget comparisons, which showed credits that the Town has received over the past two years from the legal settlement at HealthTrust.

### **Hiring of Assistant to the Town Administrator**

O'Keefe requested that the Board authorize him to begin the hiring process for an Administrative Assistant. This position has been in the budget since 2012 and he said that due to an ever-increasing workload of this office he strongly recommended this part-time position to ensure the efficiency, consistency and quality of the work expected of him and his office. Examples of assignments for this position are as follows:

- Back-up minute taker
- Make arrangements/notifications for BOS and other public meetings/hearings
- Assist with meeting setup and breakdown/follow-up
- Research; gather source material for preparation of reports, resolutions, etc.
- Prepare routine correspondence
- Assistance with records retention/organization
- Sort and distribute mail to appropriate departments and boards
- Answer and screen in-coming telephone calls, clients and visitors; route, respond to and keep track of citizen concerns and complaints.
- Support with office equipment and supplies, and other purchasing projects for Town departments and Town Hall
- Other projects/tasks as assigned

O'Keefe asked for approval from the Board to establish a job description for review and eventual approval by the Board. He reiterated that some of the work he is doing anyone else could be doing at a

lower pay rate such as collating paperwork, or scheduling meetings, which would free up time for him to do more research, prepare better for Board meetings, and better communicate with other Departments. O'Keefe noted that the Town has budgeted 25 hours per week for this position. Davis said that given the list of tasks noted above the Assistant would need to work more than 25 hours. Davis also said that she wasn't clear what O'Keefe would do since many of the tasks listed above are part of the Town Administrator position description. O'Keefe provided a list of additional tasks that he gets done that are not on the list above including oversight and management of Town Hall staff. Davis suggested that perhaps there is a need to review the Town Administrator's job description.

Hutwelker said that the focus should be on hiring an Assistant for the Bookkeeper and also on hiring for the Carpenter Home Administrator position. He also said that he believes that some employees at Town Hall have an unbalanced work load and that an analysis of needs should be done to better balance tasks. He said he doesn't think the time is right from a training perspective, for an Assistant to the Town Administrator to be pursued. Hutwelker said he would be more open to the idea of an Assistant for the Town Administrator after the Deliberative Session held in February 2015.

Davis said that separating out the tasks of the Town Administrator versus the Assistant's tasks is important to her. She said she needs clarity on the two positions. Colby recommended addressing the issue at the end of February or in March of 2015. O'Keefe said he would work on a job description for the Assistant over the next few months.

There was a brief discussion regarding issues with the postage meter and the handling of it by O'Keefe which took most of the morning. He explained that this is the type of work for an assistant, as he spent a lot of time on the phone waiting for responses from the postage meter company instead of addressing higher-level needs.

Smith left the meeting at 8:31 p.m.

#### **Non-public session(s) per RSA 91-A:3II(c), Reputation**

**Motion** by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation . The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 8:32 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 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, with all in favor. **Motion passed.** Non-public session ended at 8:45 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.**

#### **CONSENT AGENDA**

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

- Holiday and Paid Time Off schedules for 2015.
- Notice of Intent to Cut Wood or Timber. Mike Johnson, Cory Pond Road (Map 12, Lot 5).
- Certification of Yield Taxes Assessed and Yield Tax Levy. Kathleen Picotte (Map 27, Lot 4-1) \$1,140.27.
- Certification of Yield Taxes Assessed and Yield Tax Levy. Robert & Gail Ballou (Map 27, Lot 8) \$1,401.06.

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

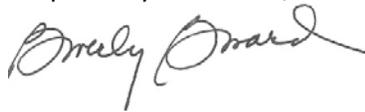
- Letter of November 25, 2014 from the Southwest Region Planning Commission forwarding a copy of the draft Regional Plan for Southwest New Hampshire.
- Letter of November 26, 2014 from the Cheshire County Board of Commissioners forwarding the Proposed County Budget for 2015.

**ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Davis. No further discussion. All were in favor.

**Motion passed.** Adjournment occurred at 8:50 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 9, 2014