

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – December 9, 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

Fire Chief Norm Skantze, Interim Carpenter Home Administrator & Recreation Board member Judy Bohannon, Residents Wally Smith, Judy and Bill Gallausesi, and Capital Improvements Program (CIP) Committee Chair Dave Osgood. Keene Sentinel Reporter Meghan Foley joined the meeting briefly.

MINUTES

- The regular meeting Minutes of December 2, 2014 were considered. There was a **motion** by Hutwelker to accept the regular meeting minutes of December 2, 2014 as amended. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1 of December 2, 2014 were considered. There was a **motion** by Davis to accept the Non-Public meeting Minutes #1 of December 2, 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.

CITIZENS CONCERNS

Bill Gallausesi suggested that the Public Hearing slated for tonight needed to be posted in a newspaper pursuant to RSA 675.7. O’Keefe said RSA 675.7 lies within the Zoning Ordinance section of State of New Hampshire statutes and refers only to land use, not land acquisition. O’Keefe added that the hearing later in the meeting is to be held pursuant to RSA 41:14-a, and this statute does not prescribe how notice must be given, but added that it had been posted in several locations and on the Town web site.

NEW BUSINESS

Authorize Expenditure – Police Department

O’Keefe informed the Board that Police Chief Tom DeAngelis called in to state that he would be delayed in making the meeting due to an emergency call, but that he wishes to purchase Police Department radios, the total cost of which is \$6,162. The proposed vendor is Beliveau Communications & Consulting, LLC and the pricing is under the State of New Hampshire bid.

O’Keefe said the Chief proposed using the Police Department New Equipment budget line, which is budgeted at \$2,500 and so far this year expenditures of \$6,299 have been made. According to O’Keefe there are enough unspent funds in other Department budget lines to make up for these expenditures.

Hutwelker **moved** to 1) accept the State Bid proposal from Beliveau Communications & Consulting, LLC for the purchase of two new portable radios for the Police Department in the amount of \$6,162 to be expended from the Police Department New Equipment budget line (01-

4210-5-730); and, 2) authorize the Police Chief to sign any documents necessary to obtain the approved product and services. There was a second by Davis. No further discussion and all were in favor. ***Motion passed.***

OLD BUSINESS

Discuss 2015 Budget

O'Keefe presented to the Board the 8th draft of the 2015 Town Budget at the meeting. He asked the Board if they wanted the Health Agencies to meet with the Board. O'Keefe said there were several community agencies receiving help from the Town. O'Keefe noted that several of the agencies are requesting more funds. The Board agreed to invite several of the agencies to meet with the Board.

Health Officer BethAnne Tatro was scheduled to meet with the Board to discuss the Health Officer budget but did not attend the meeting, nor communicate her inability to be present. O'Keefe noted that a proposed budget was not received from the Health Officer.

Contract for Architectural services – Proposed Safford Drive Fire Station

O'Keefe summarized the status of discussions between Bob Mitchell of Mitchell Associates Architects and Town Attorney Sam Bradley to iron out the terms of the proposed contract. O'Keefe said the two met over the phone and resolved all issues except those subject to the Board's discretion. O'Keefe summarized Bradley's comments: With respect to Paragraph 6.1.1, Mitchell says he can't agree to a fee of less than \$379,500 regardless of the amount of the bid, and with respect to Paragraph 8.4 he wants his liability limited to the amount of his errors and omissions liability insurance of one million dollars. O'Keefe said that the latter seemed reasonable and he recommended agreement, noting it is ultimately a decision for the Selectmen.

Chief Skantze opined that the cost proposal is the minimum fee in which Mitchell can produce the quality of work expected and that it is unlikely that the project would come in lower than the Ingram Construction Corporation budget which was stated in the Municipal Facilities Study produced by Daniel V. Scully Architects.

Hutwelker said that since Mitchell is unwilling to negotiate his fee in the contract, then the Board should agree to issue a Request For Proposal (RFP). Skantze said that he recommended that someone from the Board should speak to Mitchell personally to further discuss. Skantze said the contract fees were pertinent to the specific design, and Davis and Hutwelker said that they were unaware of that. Hutwelker pointed out that Town Counsel emphasized the lack of flexibility on the contract fee. Colby suggested that Mitchell be present at the next meeting to discuss further. The Board agreed.

Bond Vote Process – Proposed Safford Drive Fire Station

O'Keefe introduced the subject of the bonding process and updated the Board on the availability of facilities for public hearing for the proposal. He said the Monadnock Regional High School annex is not available for the January 13, 2015 budget/bond hearing, but other alternatives at the High School, including the auditorium and the Discovery Center at the high school are available for the hearing. The Board agreed to have O'Keefe make arrangements for the Discovery Center space for the hearing and also agreed to start the budget hearing at 6:30 p.m. with the bond hearing beginning at 7:30 p.m.

O'Keefe also noted he received a Letter of Engagement from Bond Counsel David H. Barnes with Devine, Millimet & Branch, Professional Association, to assist with the legal and technical requirements for the

proposed bond. O’Keefe recommended the Board hire Bond Counsel Barnes and surveyor SVE Associates, who provided an estimate of Lump Sum Fee of \$2,500 for their surveying work and plat preparation in a letter to the Town Administrator. O’Keefe suggested that the Board limit initial outlay to \$10,000 until Town Meeting. Further discussion was delayed until the end of the meeting.

Purchase Requests

- Fire Department – O’Keefe reported to the Board a request from the Fire Department for cardiac monitors whose costs will be under \$5,000 but over \$3,000.
- Police Department – O’Keefe reported the Police Department will purchase a trailer for \$2,395.

Public Education Focus Group Sessions for Proposed Fire Station bond

Skantze said that he thought December is too busy a month for a focus group, but he is hopeful about having the focus group beginning in January and he asked for agreement from the Board. He said he was pleasantly surprised at the response of several townspeople to the possibility of being in the focus group. Skantze suggested following up the January 13, 2015 meeting with the first focus group. The Board was agreeable to this suggestion.

PUBLIC HEARINGS

Pursuant to RSA 41:14-a, the acquisition by the Town of land and any other property interests related to the possible location of a fire station on Safford Drive (Map 19, Lot 97-5).

Public Hearing opened at 7:00 p.m.

This first of two Public Hearings required for the acquisition of land and other property interests related to the possible location of a fire station on Safford Drive was held. Colby read aloud the text of the Notice of Public Hearing Pursuant to RSA 41:14-a. Colby also read aloud the locations where notices were published on November 26, 2014: Swanzy Town Hall, Swanzy Post Office, West Swanzy Post Office, and the Swanzy Town Website. Colby asked O’Keefe if there were any persons with special needs who asked for reasonable accommodations and O’Keefe said there were none.

O’Keefe summarized for the hearing that John Burk offered to donate, on behalf of the property owner 234 Old Homestead Highway Realty, LLC, an approximately 3-acre portion of land shown on Tax Map 19, Lot 97-5, for a fire station. O’Keefe also noted that delineation of the exact property boundaries is in process, and a conveyance agreement between donor and recipient is in final draft.

O’Keefe also noted that on November 13, 2014 the Planning Board considered the proposal and voted “to support the idea of accepting the donation of a 2 +/- acre lot which is shown on Tax Map 19, Lot 97-5 for use for a future Fire Station” and on November 1, 2014 the Conservation Commission considered the proposal and voted “to support the Selectmen’s intention to acquire property located on Safford Drive at Tax Map 19, Lot 97-5, contingent on getting a positive bond vote”.

Bill Gallaresi asked what other property interests might be involved. O’Keefe said that any appropriate or necessary easements, but that there were none of note at this time. O’Keefe added that the Town would pay the costs for surveying work and closing expenses.

Osgood said he urged the Selectmen not to accept this land for a Fire Station saying he did not think that this is a good location for a Fire Station. He showed the Board a map of call responses from a report by

the Southwest Region Planning Commission which showed a proposed Safford Drive Fire Station response times versus the Swanzy Center Fire Station response times and in many cases the central location performed better. Osgood also noted that there are many calls from North Swanzy, but he said that sometime in the future all help will come from a manned Fire Department which if located on Safford Drive will be slower to respond to calls from other areas of town south, east, and west of Swanzy Center.

Smith asked about the value of the property – and the Board said they didn't know. Smith noted that another piece of property would cost some money. He said to consider the economic factors, a reasonable cost in exchange for a reasonable call response time.

Colby stated that other locations in Swanzy Center were considered and each time a roadblock arose for each property considered. Colby said that this property (Safford Drive) seemed the best location given the economics and the alternatives the Town has.

Bill Gallauresi said he likes the location because it is in an industrial park. He said that residents do not want a Fire Station near their homes.

Colby noted also that Safford Drive, when opened for through traffic this year, will have better access to State Route 12, where there are elderly housing and car dealerships. Colby also acknowledged that the Fire Department has to move out of Town Hall for safety reasons.

Skantze praised the Capital Improvements Program Committee's work and stressed that many locations were considered but none were available. Skantze said he believes Safford Drive is a good location, but he acknowledged that a Fire Station there cannot cover the entire town. Skantze stressed the necessity of keeping all three stations open to cover the whole community. Skantze also noted the land has sewer and water connections and this means that water from laundering turnout gear, which carries hazardous materials, is safer going into a sewer system for treatment than into a septic system.

Public Hearing closed at 7:17 p.m. and the Chair made everyone aware of the next Public Hearing which will be December 23, 2014 at 7:00 p.m.

Gallauresi asked why the Board would not consider posting the notice for the next land acquisition Public Hearing in the newspaper. O'Keefe said that it costs money to post a notice in the newspaper and it isn't mandated by law to do so. He also noted that the Bond Hearing will be posted to the newspaper as required by law.

Smith, Skantze, Osgood, and the Gallauresis left at 7:19 p.m.

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 7:20 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 7:28 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.**

Meghan Foley joined the meeting at 7:29 p.m.

Use of Recreation Department funds for Ashuelot Rail Trail project

Recreation Director Judy Bohannon met with the Board to request that \$3,000 of unspent surplus funds from the Recreation Department be directed to the Ashuelot Rail Trail project. O'Keefe noted that it is not clear from what budget line(s) these funds would come. Bohannon referred to the state of a bridge on the trail which needs repairs. A discussion was held regarding transferring funds, and O'Keefe stated that he had spoken with the Town's auditor and the Town's contact at the Department of Revenue Administration, and it appears that the Town cannot move General Fund budgeted funds to capital funds to avoid their lapsing. He said that if the budgeted funds are spent this year, it isn't an issue. The Board asked O'Keefe to confirm the matter of transferring funds. The Board agreed that Bohannon can spend the money that is in the budget for recreational purposes assuming she will take delivery of materials and sign off on the invoice before January 1, 2015.

Foley left at 7:41 p.m.

Spring softball program

Bohannon discussed with the Board a proposed spring softball program. She mentioned that the Cal Ripken League took over some of the ball fields at Lane Field on South Road which is owned by the Town. She said she would like to take back at least one field for use for girls softball. Bohannon suggested that when it is time to renew the next contract for baseball fields, at least one of the two softball fields be reserved for play by the Allison Barden League, without a raised mound. She said she has folks who are willing to have teams play at the field. She provided a contract sample that could be used by the Allison Barden League and by Carl Ripken League, which also uses Lane Field. O'Keefe asked Bohannon to have the Allison Barden League forward a copy of their proposed agreement so that it can be compared with that used by the Town with the Cal Ripken League. There was discussion about having a single agreement between all three interested parties.

Status of Open Carpenter Home Administrator Position –

O'Keefe said that both applicants for the position of Carpenter Home Administrator have withdrawn their applications.

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

Motion by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 7:55 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, with all in favor. **Motion passed.** Non-public session ended at 8:05 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 Davis 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 8:05 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, with all in favor. **Motion passed.** Non-public session ended at 8:11 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 8:12 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, with all in favor. **Motion passed.** Non-public session ended at 8:16 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.**

There was a brief Carpenter Home update by Bohannon. Bohannon left the meeting at 8:17 p.m.

Discuss 2015 Budget

O'Keefe presented to the Board the 8th draft of the 2015 Town Budget at the meeting. He said that basically the budget has no changes since last week. He mentioned the Personnel Policy Committee which has been discussing the 37.5 regular hours per week of four employees at Town Hall with the idea that those four might be moved to 40 regular hours per week which would make for more efficient bookkeeping. He said there is an impact on the budget of about \$8,000, but that there would be an additional 520 hours of work productivity. He said he would provide refined numbers at a later date.

Finance Office Assistant Open Position

Colby asked about progress in finding a Finance Office Assistant. O'Keefe said interviews are planned for next week and that at least seven applications have been received.

Town Administrator Time Off

O'Keefe noted that he will be taking a few days off during the week of February 17, 2015.

CONSENT AGENDA

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

- Notice of Intent to Cut Wood or Timber (Supplemental). Lane Construction Corp., Map 22, Lot(s) 1
- Notice of Intent to Cut Wood or Timber. Lane Construction Corp., Map 34, Lot(s) 55
- Abatement #2014-32 – Brown Swanzey Lake Family, LLC (Map 45, Lot 17 & 18) of \$20,144 of taxes. Corrected bill to be issued under Supplementary Warrant 2014-02, below.
- Property Tax Levy – Warrant #2014-02, Supplemental, \$13,032.
- Abatement #2014-33 through #2104-60. Corrected amounts for refunds, due to first tax payment being higher than revised annual total tax payment caused by reassessment.
- Abatement #2014-61 – Denise & Jason Dragon (Map 72, Lot 63), \$3,074 of taxes. Taxes have already been paid for this formerly Town-owned tax deed property as part of closing.
- Abatement #2014-62 – Town of Swanzey (Map 57, Lot 114). \$500 of taxes. Town-owned property.
- 2014 Equalization Municipal Assessment Data Certificate
- Other documents as necessary

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Davis. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:26 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 16, 2014

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting Minutes #4 – December 9, 2014

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 8:12 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.

Bohannon spoke to the Board about Caregiver Donna Allen in regard to 48 hours of paid-time-off which Allen hasn't been able to use due to the staffing overhaul over the past several months. Bohannon said that Allen has worked hard at the Home, filling in when needed. Bohannon asked the Board to find a way for Allen to be able to keep the 48 hours. Bohannon said she cannot afford to have Allen take an entire week off right now. Davis noted that to allow an employee to roll over paid-time-off is a one-time deal and not to be repeated. Colby said that the 48 hours have to be extended past January or February. Bohannon suggested possibly paying her for the hours. O'Keefe suggested paying Allen for 24 hours, and allowing 24 hours to be rolled-over to 2015. The Board agreed.

Motion was made by Davis to pay Caregiver Donna Allen for 24 hours (earned paid-time-off), and permit a roll-over of 24 hours paid-time-off to be used during year 2015, second by Hutwelker, 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, with all in favor. **Motion passed.** Non-public session ended at 8:16 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 16, 2014

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