

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – December 16, 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 6:01 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 6:15 p.m.

OTHERS PRESENT

Fire Chief Norm Skantze, Swanzey Water Study Committee Chair Don Skiba, Keith Thibault representing Southwestern Community Service, Susan Ashworth representing Home Healthcare Hospice & Community Services, Phoebe Bray representing The Community Kitchen, Inc., Emergency Management Director Bruce Bohannon, New Hampshire State Representative Ben Tilton, *Keene Sentinel* Meghan Foley, Residents Ruth and Bill Snyder, Michael Goldschmidt, Michael McGrath, Judy Gallauresi, Rebecca Hays, Richard Scaramelli, John Bridges, Water Study Committee members Sylvester Karasinski, Scott Self, Steven Bittel and Glenn Page.

MINUTES

- The regular meeting Minutes of December 9, 2014 were considered. There was a **motion** by Hutwelker to accept the regular meeting minutes of December 9, 2014 as amended to remove Police Chief DeAngelis name from the list of those present since he was unable to attend the meeting. The motion was seconded by Colby with no further discussion. All were in favor.
Motion passed.
- The Non-Public meeting Minutes #1 of December 9, 2014 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #1 of December 9, 2014. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #2 of December 9, 2014 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #2 of December 9, 2014. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #3 of December 9, 2014 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #3 of December 9, 2014. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #4 of December 9, 2014 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #4 of December 9, 2014. The motion was seconded by Colby with no further discussion. All were in favor. ***Motion passed.***

FINANCIAL MATTERS

Selectmen reviewed and approved accounts payable and payroll manifests.

CITIZENS CONCERNS

Gallauresi asked that Board member Bill Hutwelker be recused in the discussion regarding the West Swanzey Water Company since the water company is owned by the Homestead Woolen Mills and Hutwelker represents the mill and the Brown family that owns the mill as a real estate agent. She said she felt that Hutwelker should be recused. Colby ruled that Hutwelker remain at the table until the

Board considers making a decision. He noted that no decision was to be made tonight and that the Water Study Committee was simply reporting its results.

OLD BUSINESS

West Swanzey Park Update

Colby noted that the fence has been installed at the park, and that it look great.

Report from the Swanzey Water Study Committee

On June 3, 2014 the Board voted to establish the Swanzey Water Study Committee with members Glenn Page, Scott Self, Don Skiba, Sylvester Karasinski and Steve Bittel. Formation of the Committee was at the recommendation of the Planning Board and it was tasked with exploring the possibility of purchasing the West Swanzey Water Company and determining whether or not purchasing the company makes good business sense. Chair Don Skiba, Steven Bittel, and Scott Self were present to report Committee findings and recommendations to the Board.

Skiba pointed to a drawing of the water system which was posted on the wall for reference. He said the report sets in writing the Committee's recommendation to do nothing further at this point in time insofar as acquisition of the water system is concerned. He said that if an opportunity presents itself in the future, the Town could easily move forward because of the information in the report. He said that the Committee learned in discussions with the Public Utilities Commission (PUC) that the PUC would take over an abandoned water system and it would not be the responsibility of the Town unless the Town chose to pursue that option. Skiba said the Committee did all of the ground work on the legal issues and from an economic point of view. He pointed out that Bittel provided an assessment of the operating and revenue numbers. He also said that all the small privately utilities operate with no profit in the state of New Hampshire. He noted the rate for water from the West Swanzey Water Company is too low to make a profit, and is one of the lowest in the state of New Hampshire. Skiba said that the Committee also spent time with the New Hampshire Department of Environmental Services (DES). He noted that the PUC doesn't like the small privately-owned utilities and discourages them with regulations but if the Town opted for taking over the water system at some future time, the Town could set rates to be profitable and could add reserves to cover the costs for maintaining the system. Given the rules of the PUC, the present owners are not permitted to keep reserves. Bittel said it is a break-even organization, and it does not make a profit. Skiba said the Browns are constrained from raising the water service rates; if the Browns wanted to request a raise in rates, they would have to borrow the money first to show an investment in the water system and then once the money was borrowed they can ask for a rate raise. But once a municipality takes over ownership of a water system, the PUC allows more flexibility in making a profit and providing funds for maintaining the system.

Bittel said that the Committee found out a lot more about the system, should the Town elect to move forward. He also said there is a lot of knowledge in town, and the Town could take it over without an operational risk.

Hutwelker asked about capacity – and whether the Committee determined water capacity. Skiba said there is potential for more capacity – there is plenty of water – and in fact the Town could sell water to Keene. It's distribution that would require a business case. Bittel mentioned that additional funds would be needed for a water tank to increase pressure. That would cost in the millions, which would make for adequate hydrants for fire suppression. Bittel went on to say that the system is adequate today for

adding some services and providing sprinklers for fire suppression but not adequate for hydrants. Some modest growth can happen according to Bittel.

Carbonneau mentioned that the study found three wells present in the system but that well number three has not been permitted, at least the paperwork cannot be found, and it would be costly to go through the permit process should anyone want to bring well number three online.

All left the meeting at 6:31 p.m. except for Skantze, Tilton, Bohannon, Goldschmidt, Thibault, Ashworth, and Bray.

Discuss 2015 Budget

O'Keefe presented to the Board the 9th draft of the 2015 Town Budget at the meeting. Individuals representing organizations receiving or requesting funding from the Town met with the Board. Keith Thibault was the first to meet with the Board to discuss the Southwestern Community Services (SCS) outreach to residents. He noted 1772 residents of Swanzey were assisted in 2014 for such things as fuel assistance (wood, coal, oil, and pellets, for any heating source) and electric assistance. \$8,232 is request from this group from the Town, down from \$8,521 in 2014.

There was a brief discussion regarding the possibility of recreational use of land on the Ashuelot River near to the new West Swanzey Park which is owned by SCS. Thibault said that while project funders would not allow for a sale of the land until a later date, the group might consider a long-term lease to the Town for use of the land at very low cost. The Board suggested that a discussion take place to follow up on the potential for a lease. Thibault was thanked by the Board and left at 6:32 p.m.

Susan Ashworth representing Home Healthcare Hospice & Community Services met with the Board. They provide home health services and meals on wheels for those who need chronic care, in particular those elderly who are near to needing a nursing home setting. Ashworth said Cheshire County has decreased funding over the past several years to \$50,000. The need is for 10,000 – 11,000 hours each year for home support services. They have been trying to fund-raise to minimize impact on the Towns but they cannot raise enough funds to meet all of the needs. Ashworth said that hours for home support, particularly for those over 85, decreases the need to be in a nursing home which is more costly. They also provide transportation. The payer of last resort is the Town, she explained, and her request is \$18,000 for home care services, up from \$17,000 in 2014, and \$7,846 for meals on wheels, up from \$7,500 in 2014. There was a brief discussion regarding the current bills and the amount being substantially higher than the budgeted amount for this year. Ashworth said that applicants for their services must apply for all possible funding from other services such as Medicaid. The Board thanked Ashworth. She left at 6:45 p.m.

Phoebe Bray representing The Community Kitchen was present. She said they have 400 Swanzey residents registered at the Community Kitchen. They ask for proof of residency, income, and the number of folks in a family. The request from the Town is for \$16,000 for 2015, up from \$15,000 in 2014. Bray said a meal costs about \$1.30 in 2014 so that it costs \$66,000+ serving the 400 residents, but with donations for food, the amount for Swanzey residents is closer to \$20,000. Bray said that a complete Christmas dinner will be available for all who need it due to the donations from citizens of the area. She also spoke about fresh produce being made available to the needy due to the Gleaning Project. The Board thanked Bray for her work and taking the time to meet with the Board. Bray invited the Board to come to the Kitchen for a meal some time. She left at 6:58 p.m.

There was a discussion about the other agencies requesting funding from the Town and the Board agreed that they did not need to meet with the other health agencies. A representative from the Monadnock Region Child Advocacy Center was not represented this evening but the Board agreed to grant the request for \$1,000 to the organization.

Discussion occurred regarding Appropriation for Capital Reserve & Expendable Trust Accounts. O'Keefe mentioned that \$25,000 has been returned back into the budget to Land Acquisition (from Whitcomb Hall Rehabilitation Expendable Trust). O'Keefe said that he will have actual numbers for the Board to review next week. Davis mentioned that none of the Department Heads discussed these accounts in their budget requests.

Following up from the previous meeting, O'Keefe passed out a spreadsheet with numbers comparing various implementations for replacing the 37.5 hour work week with a 40 hour work week and the impact on the budget. There was a discussion about over-time hours. O'Keefe explained the logic for going to 40 hours per week is to make bookkeeping more efficient so that only one set of calculations need be made for paid time off, and that it would provide more hours for which to handle job responsibilities. Hutwelker asked if there is a need for additional hours to handle tasks. Colby said he thought the purpose of the Wednesday afternoon closure of Town Hall was to handle tasks that can't get done when the public is present. Hutwelker said he was comfortable about having a consistent 40 hours for all staff, but he said he thought that Town Hall should be open five days a week including Wednesday afternoons. Colby suggested the debate be deferred and pointed out that he would like to see a set of numbers for 37.5 hours per week with 3.0% raise. When asked by Hutwelker how raises were determined, O'Keefe said that individual merit raises are based on the annual evaluation from the Department Head.

Ash Hill Road Escrow Account

Hutwelker briefly noted that the Town has yet to deal with the Market Basket /Ash Hill Road Escrow Account regarding trees and funding will need to be returned if not dealt with soon.

Contract for Architectural services – Proposed Safford Drive fire station

O'Keefe noted that at the previous meeting the Board had issues with some of the financial terms of the proposed contract, in particular the minimum contract fee for services, and asked to have Mr. Mitchell attend the Board meeting of December 16, 2014 to further discuss this matter. O'Keefe said that Mr. Mitchell was unable to attend the meeting due to a previously scheduled event, but agreed that he would be willing to drop the minimum fee as long as he had the ability to terminate the contract if the bond amount was lowered to a point where he would not be able to design the building as presently proposed. O'Keefe said the contract has been amended accordingly, with review and input from Town Counsel Attorney Sam Bradley, and it was presented to the Board. O'Keefe noted the proposed contract calls for a fee of 10% of all construction costs. O'Keefe also referred to an email from Attorney Bradley regarding a new Section 8.13 to Article 8 as follows:

“Section 8.13 Either party may terminate this agreement by giving the other party written notice of termination within 10 days from the date of the first session of the 2015 town meeting if the amount of the bond required to fund this project [insert the amount of the bond suggested by the selectmen] is materially reduced by the voters of the town of Swanzey during the first session of the 2015 Town Meeting.”

Colby noted Mitchell is looking for an opt-out term should he need it. Skantzé said that he believes Mitchell would come up with a reduced design should the bond be reduced and not necessarily opt out.

O'Keefe asked the Board if they wished to proceed with the contract with Mitchell Associates with or without amendments, and noted that if so, an exception to the Purchasing Policy requirements regarding formal solicitations was in order. He went on to recommend approving the hiring of Mitchell and authorizing up to \$10,000 for architectural; services prior to the Town Meeting vote, to come from the Future Fire Station Capital Reserve Fund, which is expected to have a year-end balance of \$389,372.

Hutwelker **moved** to 1) waive the solicitation requirements of the Purchasing Policy and allow sole source selection of Mitchell Associates Architects for design services for the proposed fire station on Safford Drive; 2) accept the design services contract, with any changes as recommended by the Town Attorney; 3) authorize the Selectboard Chair to execute the design services contract with this firm on behalf of the Board; and, 4) authorize expenditure of up to \$10,000 upon execution of the design services contract for professional services up through the Deliberative Session to be paid from the Future Fire Station Capital Reserve Fund. After some discussion about which date Hutwelker was referring to, Hutwelker withdrew the motion. Davis seconded the motion to redraw. All were in favor. **Motion was withdrawn.**

Hutwelker **moved** to 1) waive the solicitation requirements of the Purchasing Policy and allow sole source selection of Mitchell Associates Architects for design services for the proposed fire station on Safford Drive; 2) accept the design services contract, with any changes as recommended by the Town Attorney; 3) authorize the Selectboard Chair to execute the design services contract with this firm on behalf of the Board; and, 4) authorize expenditure of up to \$10,000 upon execution of the design services contract for professional services up through the Town Meeting to be paid from the Future Fire Station Capital Reserve Fund. Davis seconded the motion, and there was no further discussion. All were in favor. **Motion passed.**

Contract for Surveying services – Proposed Safford Drive fire station

O'Keefe noted that at the December 9, 2014 meeting, he provided to the Board a proposed scope of services received that day from SVE Associates for surveying services necessary to delineate and subdivide the parcel to be donated by 234 Old Homestead Highway Realty, LLC at a cost of \$2,500. At this time he asked that the Board authorize the expenditure of funds from the Future Fire Station Capital Reserve Fund for this service.

Davis **moved** to 1) waive the solicitation requirements of the Purchasing Policy and allow sole source selection of SVE Associates for survey services for the proposed fire station on Safford Drive; 2) authorize the Town Administrator to execute any documents necessary to secure the desired services with this firm on behalf of the Board; and, 3) authorize expenditure of up to \$2,500 for these services to be paid from the Future Fire Station Capital Reserve Fund. There was a second to the motion by Hutwelker. There was no further discussion, and all were in favor. **Motion passed.**

Contract for Bond Counsel services – Proposed Safford Drive fire station

O'Keefe noted that at the December 9, 2014 meeting, he provided to the Board a proposed engagement letter received that day from Devine Millimet & Branch, PC for bond counsel services necessary to guide

the Town through the bonding process, at a cost ranging from \$5,000 to \$7,000. At this time he asked that the Board authorize the sole source hiring of this firm, and expenditure of funds from the Future Fire Station Capital Reserve Fund for this service. He also noted the Town has used Attorney David Barnes of Devine Millimet as bond counsel for over a dozen years, most recently with the Safford Drive extension project, and he is expert in this field.

Hutwelker **moved** to 1) waive the solicitation requirements of the Purchasing Policy and allow sole source selection of Devine Millimet & Branch, PC for bond counsel services; 2) authorize the Town Administrator to execute the bond counsel engagement letter with this firm on behalf of the Board; and, 3) authorize expenditure of up to \$7,500 for these services to be paid from the Future Fire Station Capital Reserve Fund. There was a second to the motion by Davis and no further discussion. All were in favor. **Motion passed.**

Bond Vote Process – Proposed Safford Drive fire station

A discussion was held regarding where to hold the required bond hearing, scheduled for January 14, 2015. O’Keefe stated that a basketball game scheduled for the same evening at the Monadnock Regional High School (MRHS) would make holding the hearing in the Discovery Center difficult as previously discussed. He therefore suggested holding the hearing in the Library at the High School. He noted that the Auditorium would also be available that evening as an alternative. There was a discussion regarding the number of folks who might show up. Colby said he prefers the Auditorium and noted that it is easier to get to from the parking lot. Bohannon suggested that the seats be blocked off so as to keep folks near to the front of the room. There was a discussion about having the Moderator present for the budget hearing and whether or not there is a voter checklist.

Chief Skantze updated the Board on some of his efforts since the last meeting. He suggested making an effort to invite the participation of some of the key players in planning the Fire Station like members of the Capital Improvements Program Committee. He pointed out that the Safford Drive is 1.9 miles from the present location and the other sites that were considered should be included in a presentation. Colby spoke about the size of the proposed building and noted that the building has to serve the Town for many years into the future and the size addresses future growth. Skantze said the Town owns a lot of equipment and the size of the building also addresses where that equipment can be stored and maintained. Skantze also said that he has a PowerPoint presentation that can be used at the hearing. Davis said the Police Station is a good example of a building that is already too small not many years after it was built. Skantze referred to the Southwest Region Planning Commission which provides a source of demographics for growth in Swanzey and it is predicted to grow faster than the City of Keene.

The Board agreed to reserve the MRHS Auditorium for the Public Hearing.

NEW BUSINESS

Location of Emergency Management Services

Emergency Management Director Bruce Bohannon met with the Board to discuss the location of Emergency Management Office facilities. Bohannon mentioned that Police Chief Tom DeAngelis needs the space Bohannon is currently using at the Police Department. Bohannon asked the Board if they were interested in locating Emergency Management in the proposed new Fire Station plans. Colby pointed out that Town Hall will need to be renovated eventually and Bohannon could have access to space at Town Hall. Hutwelker said that the Board has to wait until plans are firmed up; things are in a state of flux until the voters make a decision. Bohannon asked for consideration for emergency

management space to be part of the conceptual plan. Colby suggested that Skantze and Bohannon get together to include Emergency Management which would broaden the appeal of the proposal to the voters.

Establishment of Rail Trail donation trust account

Rail Trail Project Manager Bruce Bohannon met with the Board to discuss the establishment of a trust account to handle donations to the rail project. O'Keefe said that he drew up some verbiage for a non-restricted fund for donations to the Rail Trail and passed the document to the Board for review, not to be moved on at this point in time. There was discussion about adding language to permit the fund to be used for land acquisition for access to the Rail Trail. O'Keefe said that the Trustees of Trust Funds will be consulted on establishing a trust account for the Rail Trail.

Transfer of funds between the General Fund and Capital Funds was briefly discussed as being improper.

Skantze left the meeting at 7:48 p.m. Bohannon left at 7:49 p.m.

Update on State Legislature Affairs

Representative Ben Tilton stated that he attended a meeting about the proposed gas pipeline in Fitzwilliam and the discussion included the idea that the water table beneath Swanzey might be impacted by the pipeline. He also mentioned legislation regarding the Northern Pass and the economic plus for the Towns on the route. Colby mentioned that it would be beneficial if Tilton kept in mind the New Hampshire State Route 12 roundabout planning and construction contract so that it goes smoothly. Tilton said he has been to Cheshire County budget meetings which include the topic of a greenhouse model for the proposed nursing home to replace Maplewood. He said it could be referred to as cluster housing, which is designed to be more home-like for residents than a typical nursing home.

Safford Drive Completion Update

O'Keefe said he still hasn't received any response from Fairpoint on re-setting poles in the area of the intersection of Safford Drive and NH Route 12.

Bohannon, Tilton, Skantze, and Goldschmidt left the meeting at 8:30 p.m.

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 8:30 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 8:40 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.**

Purchasing Policy

Colby said he would like to see a meeting of the Department Heads regarding the Town's purchasing policy, and what goes out to bids. He said the policy has been circumnavigated in one way or other over the past year. Colby said he realizes that there are not always three vendors to go out to for bids. But he would like to see more specifics detailed in the bid process so that negotiations don't have to occur between the Town and the contractor. He would like to address this after the budget season – perhaps just before the Deliberative Session.

CONSENT AGENDA

Motion was made by Hutwelker, second by Colby, and there was further discussion. Discussion was held regarding the abatement requested for CB98, LLC. Hutwelker said he believed the calculation need to be re-calculated based on the dates covered. The Chair called for the vote on the Consent Agenda and all were in favor. **Motion passed.**

- Notice of Intent to Cut Wood or Timber. Gregory Willett, Map 86, Lot(s) 7
- Abatement #2014-63 – CB98, LLC (Map 82, Lot 8), \$2,719 of taxes. Taxes have already been paid for this formerly Town-owned tax deed property as part of closing.
- Authorization of transfer of funds from the General Fund to the Conservation Fund (1/2 of LUCT)
- Authorization of transfer of funds from the Conservation Fund to the General Fund as reimbursement of Conservation Commission expenses

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

- Copy of Monthly Treasurer's Report for November 2014

ADJOURNMENT

Motion to adjourn was made by Davis, second by Hutwelker. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:44 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 23, 2014