

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – February 10, 2015
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

Present were Selectmen W. William Hutwelker III, Deborah J. Davis, 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 Human Services and Resources Coordinator Edna Coates.

OTHERS PRESENT

State Representative Ben Tilton, Emergency Management Director Bruce Bohannon, Eversource (formerly PSNH) representatives Laurel Boivin and Steve Fuller, Town Clerk Donna Munson (6:45 p.m.), Interim Carpenter Home Administrator Judy Bohannon (7:32 p.m.),and residents Wally Smith, Michelle Colbert, Michael Goldschmidt and Rebecca Hays.

MINUTES

- The regular meeting Minutes of February 3, 2015 were considered. There was a **motion** by Hutwelker to accept the regular meeting Minutes of February 3, 2015. The motion was seconded by Davis and no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1 of January 20, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #1 of January 20, 2015. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #2 of January 20, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #2 of January 20, 2015. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #3 of January 20, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #3 of January 20, 2015. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #4 of January 20, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #4 of January 20, 2015. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #5 of January 20, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #5 of January 20, 2015. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1 of January 29, 2015 were considered. There was a **motion** by Hutwelker to accept the Non-Public meeting Minutes #1 of January 29, 2015. The motion was seconded by Davis with no further discussion. All were in favor. ***Motion passed.***

FINANCIAL MATTERS

The Board of Selectmen reviewed and approved accounts payable and payroll manifests.

NEW BUSINESS

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 a Public Employee(s). The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 6:03 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 Human Services and Resources Coordinator Edna Coates.

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 6:04 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.**

OLD BUSINESS

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 6:05 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, and Human Services and Resources Coordinator Edna Coates.

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 6:08 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.**

NEW BUSINESS

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 6:09 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 Human Services and Resources Coordinator Edna Coates.

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 6:13 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.**

[Coates left the meeting at 6:13 p.m.]

Eversource power restoration process

The Board met with Community Relations Manager Laurel Boivin and Western Region Operations Manager Steve Fuller of Eversource (formerly PSNH), as well as Swanzey Emergency Management Director Bruce Bohannon, to discuss how the company addresses restoration of power after an outage.

Boivin mentioned that she works to assist communities for the utility, including during power emergencies, and that Swanzey is considered a priority community due to its size and critical facilities. She stated that during outages affected circuits serving medically sensitive customers and critical facilities are addressed first. She distributed a list of critical facilities in the community. It was noted by Colby and Bohannon that there were some inaccuracies in the descriptions of the facilities, and Bohannon said that he would work with Boivin to make corrections.

Boivin stressed the importance of communications between the utility and its communities during emergencies. Fuller said that Swanzey is served out of the Keene operations office, which serves 36 towns. He noted that there have been positive changes over the past year or so, including a new service operations center (SOC) for dispatching, and added that there are four people on call at all times in the service area, with two trucks.

Eversource is working on a new outage management system, scheduled for implementation in June 2015, and are installing new switches and this new distribution automation system will help minimize outages and their impact.

[Town Clerk Donna Munson Arrived at 6:45 p.m.]

Fuller stated that there were 1,000 outages in the western service region last year, but that the response time in the region was reduced by 40 minutes, which is the largest reduction in the state. It was noted by Boivin that the electric power industry is a performance-based industry and is pushing toward improved response times. She said that energy supply is problematic, and that Eversource is the only utility in the area that still generates its own power. She noted that with the new company and merger comes greater access to resources for the company and its customers.

The Board thanked the Eversource representatives for meeting to discuss outage operations.

[Boivin, Fuller, Mr. Bohannon and Hayes left the meeting at 6:51 p.m.]

Raffle Permit #2015-02

Michele Colbert of the Swanzey Parent Teacher Organization asked the Board to approve a raffle permit that she had submitted that day. She said that she had been told that she had missed the deadline for the matter to be included on this week's meeting agenda. She said that the raffle would be a calendar raffle of various items drawn throughout the month of March 2015 at the Mt. Caesar School.

Motion was made by Davis to approve and execute Raffle Permit #2015-02. Second was made by Hutwelker. All were in favor. **Motion passed.**

[Colbert left the meeting at 6:54 p.m.]

Temporary full-time status for Deputy Town Clerk

Town Clerk Donna Munson asked the Board to authorize changing the status of Deputy Town Clerk Karen Elliott from regular part-time status to temporary full-time status for several weeks while Donna recovers from a non-work related injury that prevents her from attending to some aspects of her job.

Motion was made by Davis to approve full-time status to Karen Elliott for up to four weeks, and to authorize the Town Administrator to execute a Personnel Action Report approving this decision. Second was made by Hutwelker. All were in favor. **Motion passed.**

[Munson left the meeting at 7:00 p.m.]

OTHER BUSINESS

Representative Tilton

Representative Ben Tilton discussed with the Board the legislative process, his legislative committee work and Cheshire County issues. Hutwelker suggested to Tilton that he and other Legislators hold a public forum on County matters.

Discuss 2014 Annual Report

The Board reviewed and approved by consensus the Town Meeting Warrant as amended at the Deliberative Session, the Selectboard report and dedications for inclusion in the annual Town Report.

Regarding the February 3, 2015 Deliberative Session, Colby noted his disappointment at the lack of attendance from the public. There was discussion about the enactment of the SB 2 form of government and how well attended Town Meeting was prior to its establishment.

Conservation Commission member Wally Smith spoke to the Board about the Illegal Dumping Ordinance proposed under Town Meeting Article 5, which was amended at the Deliberative Session. The Ordinance had been changed to include dumping on one's own property as being a type of littering that is not prohibited. He asked if the Board wanted anything done by the Conservation Commission related to the Article. He discussed the opposing opinions of those at the Deliberative Session.

Hutwelker said that there is not much to be done until after the Town Meeting vote to determine which way to go, but that there needs to be a resolution to the conflicts. Colby spoke of the efforts the Board has made to try to address when people trash their properties which in turn hurt the value and health conditions of neighboring properties. Davis suggested that the ordinance needs to be more specific and clear about what is and is not trash on someone's property.

Goldschmidt suggested civil action by neighbors if someone is causing damage to their land. He discussed cost of prosecuting violations and collecting fines by the Town. There are greater damages to be collected through civil court action than through Town ticketing offenders. Davis suggested that some residents are unable to afford taking civil actions and instead rely on the Town to take action steps in this area. There was discussion that there are properties where in years past people dumped on their properties and that mess is impacting values years later when discovered.

Smith spoke about the need to educate citizens to refrain from littering.

[Interim Carpenter Home Administrator Judy Bohannon arrived at 7:32 p.m. Tilton left the meeting at 7:33 p.m.]

OLD BUSINESS

Authorize use of Carpenter Home Trust Funds

Interim Carpenter Home Administrator Judy Bohannon discussed repair and maintenance expenses necessary at the Carpenter Home in response to a 2014 State inspection and subsequent report from a code compliance consultant. At the January 29, 2015 Board meeting there was discussion about her request to use Carpenter Home trust funds to pay for the bathroom remodel project, and it was agreed by the Board that the bills already submitted should be paid for from the Carpenter Home operating budget. Bohannon stated that she has had to spend \$1,000 on other repairs from the budget, and now additional costly rewiring of smoke and heat detectors was required in order to pass the next fire drill, which she estimated to be \$800, so she asked the Board to consider allowing the use of the trusts funds to pay recent bills totaling \$1,736.72.

O'Keefe provided a list of Carpenter Home trust funds with available balances as of December 31, 2014.

There was a discussion about the vendors doing inspection and repair work at the Carpenter Home. The vendor for fire inspection will change to New Hampshire Fire, and inspections will be increased to four times per year from once per year, which will cost \$1,100 annually, up from \$650. This will appease the State inspectors.

She mentioned that Code Enforcement Officer Mike Jasmin is arranging for estimates of cost of the other work specified by the code compliance consultant. The consultant is recommending a combination wet and dry sprinkler system for the facility, with the upper floor being a dry system, to replace the system put in 2002 or thereabouts. Plan preparation is estimated to cost about \$2,500, and project implementation is to take place over a few years.

There was also discussion about fixing the sprinkler water storage tank versus a new external cistern as recommended by the Fire Chief.

Bohannon stated that Jasmin would work with Public Works Director Lee Dunham, Fire Chief Norm Skantze and her to prioritize the list of repairs and safety repairs noted by the consultant. She added that the consultant had conducted four separate inspections and that she had asked for the life safety report only, at a cost of \$550. She estimated that the other reports would cost about the same. Colby asked for the subject matter of the other inspections.

Motion was made by Hutwelker to authorize expenditure of up to \$1,736.72 for repairs to the Carpenter Home, to be paid from the Edna C. Whitcomb Common Trust Income Fund. Second was made by Davis. All were in favor. **Motion passed.**

Bohannon gave an update on the bathroom improvement project, including that Jasmin is preparing bid paperwork. Colby said that Jasmin should attend the next meeting at which repair efforts are discussed.

Bohannon asked about trust funds already authorized for the bathroom projects. O'Keefe will look this up and contact Bohannon with the information.

OTHER BUSINESS

Discuss annual performance evaluations of Department Heads. The Board discussed meeting to conduct Department Head evaluations. It was decided to push out the discussion on the recreational use of Lane Fields for two weeks, and to dedicate the next meeting to a brief discussion about Ash Hill Road with Public Works Director Lee Dunham, with the balance to be spent on evaluations and no other business except review of manifests and consent agenda matters.

O'Keefe reminded the Board that he would be out of the office most of the following week. He also noted that the auditors were at Town Hall this week preparing the 2014 audit.

NEW BUSINESS

Non-public session(s) per RSA 91-A:3II(e), Consideration or negotiation of pending claims or litigation.

Motion by Davis to enter Non-public session pursuant to RSA 91-A:3II(e) Consideration or negotiation of pending claims or litigation. The motion was seconded by Davis.

Goldschmidt asked why the Board is going into non-public session. O'Keefe stated that there is a claim against the Town related to a contractual matter, and it also involves both reputational and hiring matters as well. In response to Goldschmidt asking about when such a matter becomes public, O'Keefe responded that it would be public within 72 hours if the Board does not seal the minutes, otherwise the minutes become public when the Board unseals the minutes when the reason for the non-public session no longer exists. He also confirmed that the matter relates to a demand from a contractor and that nothing related to this claim has been filed in Court.

[Goldschmidt and Smith left the meeting at 7:59 p.m.]

The Selectmen voted unanimously by roll call to go into non-public session at 7:59 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 Interim Carpenter Home Administrator Judy Bohannon.

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 8:30 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.**

[Mrs. Bohannon left the meeting at 8:30 p.m.]

CONSENT AGENDA

Motion was made by Hutwelker to approve the Consent Agenda, authorizing the chair to sign where necessary. Second was made by Davis. All were in favor. **Motion passed.**

- Personnel Action Form(s)

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

- Notice of Intention to Foreclose, 30 Perry Lane, Unit #9
- Copy of Health Officer Appointment by the NH Department of Health and Human Services, dated February 6, 2015
- Letter of February 9, 2015 from Fire Department Intern Justin Tracy

ADJOURNMENT

Motion to adjourn the meeting was made by Hutwelker, second by Davis. No further discussion. All were in favor. ***Motion passed.*** Adjournment occurred at 8:31 p.m.

Respectfully Submitted,

Shane O'Keefe, Town Administrator

Approved on February 17, 2015.

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting Minutes #1 – February 10, 2015

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 a Public Employee(s). The motion was seconded by Davis. The Selectmen voted unanimously by roll call to go into non-public session at 6:03 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 Human Services and Resources Coordinator Edna Coates.

Coates discussed with the Board the recruitment process for the Finance Office Assistant position, noting that 7 candidates were interviewed and as a result it was felt that Jason Taylor was the best fit for the position. It was noted that at this time Taylor is opting out of Town health insurance due to an alternate coverage arrangement.

Motion was made by Davis to extend a conditional offer of probationary employment with the Town of Swanzey to Jason Taylor as Finance Office Assistant, a regular full-time position with pay rate of \$16.00 per hour, subject to satisfactory criminal and motor vehicle record checks, and to authorize the Town Administrator to execute a Conditional Offer and Personnel Action Report on behalf of the Board. The motion was seconded by Hutwelker. There was 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 6:04 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,

Shane O’Keefe, Town Administrator

Approved on February 17, 2015.

These Minutes unsealed by the Board of Selectmen on April 28, 2015.