

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – April 21, 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 Deborah J. Davis at 6:01 p.m. at the Swanzey Town Hall. Also present was Town Administrator Shane O’Keefe and Recording Secretary Beverly Bernard.

OTHERS PRESENT

Brown Field Committee representative Charles Beauregard, Jr., Human Services and Resources Coordinator Edna Coates, Planning and Community Development Director Sara Carbonneau, Police Chief Tom DeAngelis, Fire Chief Norm Skantze, Interim Carpenter Home Administrator Judy Bohannon, Interim Health Officer Bruce Bohannon, and Residents Wally Smith, Gus Lerandeanu, Rebecca Hays, Michael Goldschmidt, Linda Mattson, Neil and Cindy Livengood and Marshall Millwood.

CITIZEN CONCERNS

None were expressed.

MINUTES

- The regular meeting Minutes of April 7, 2015 were considered. There was a **motion** by Hutwelker to accept the regular meeting Minutes of April 7, 2015. The motion was seconded by Colby and there was no further discussion. All were in favor. ***Motion passed.***
- The regular meeting Minutes of April 14, 2015 were considered. There was a **motion** by Hutwelker to accept the regular meeting Minutes of April 14, 2015. The motion was seconded by Colby and there was no further discussion. All were in favor. ***Motion passed.***
- The Non-Public meeting Minutes #1, #2, and #3 of April 14, 2015 were considered. There was a **motion** by Colby to accept the Non-Public meeting Minutes #1, #2, and #3 of April 14, 2015. The motion was seconded by Hutwelker 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

Brown Field operations, maintenance and expenses

Charles Beauregard Jr., representing the Brown Field Committee, met with the Board to discuss several matters pertaining to Brown Field, such as the Town cleaning the bathrooms, the taking down of some pine trees, and construction of a pavilion. Beauregard said he is the new field manager. He said he met with Public Works Director Lee Dunham about taking down seven pines at the left field side. Beauregard said they have someone that will take the logs. He noted that the purpose of removing the trees is to open up the field to dry it out more quickly than it does today. He also asked about building a pavilion on the site. He said he would hope to get donations to help pay for a pavilion. Colby informed Beauregard that Dunham has a list of priorities that he needs to follow so he might not be able to remove the trees right away. Beauregard also mentioned needing help for cleaning of restrooms; he

said he would like to see the Town maintaining the restrooms weekly, during the sports season. He also mentioned some vandalism at the concession stand at Brown Field.

It was noted that Dunham would be attending the next meeting to discuss Department of Public Works matters in general, and the Board agreed that Brown Field would be part of that discussion.

Beauregard left at 6: 13 p.m.

OLD BUSINESS

Health Officer Position

Human Services and Resources Coordinator Edna Coates met with the Board to review a revised job description and proposed budgetary and pay figures developed by staff, including Planning and Community Development Director Sara Carbonneau and Interim Health Officer Bruce Bohannon. School inspections were added to the list of duties. Discussion occurred about who supervises the Health Officer. O'Keefe mentioned that the list of job responsibilities were reordered into those consider to be primary and those that are secondary. There was a discussion about the number of hours that would be needed from a part-time Health Officer and Coates said that the usage would need to be monitored because past years' information was not available. Coates said that based on discussion with staff a figure of \$20.00 per hour for about 5 hours per week is the estimate for the job. Bohannon said that some weeks might require more time, for example to do research, and other weeks not as much so that it would average out. He said there may be permits that may require a Health Officer signature, and spending time to ensure what he is signing has to be taken into account. Discussion included working with the State of New Hampshire Health Officer liaison. Bohannon said that the Health Officer will need to attend Regional Coordinated Public Health meetings. Coates mentioned that it is recommended to pay for a Town phone so that the Health Officer is not using a personal phone for communication on the job.

Motion was made by Hutwelker to approve a new job description for a Health Officer as provided by Human Services and Resources Coordinator Coates with the position coordination under the Planning & Community Development office, Health Officer to be paid \$20.00 per hour for 5 hours per week on average, plus mileage expense, and also to approve a Town-owned phone and authorization to publically advertise for the position. There was a second by Colby, and no further discussion. All were in favor. ***Motion passed.***

Event Permit #2015-10 - Cheshire Fair Association/James Murdough – Motorcycle Swap on May 3, 2015 at the Cheshire Fairgrounds

Discussion was held regarding coverage for this event. Coates noted that the fall 2014 event bill, reduced at the previous meeting by the Board, was paid by the event organizers.

Hutwelker **moved** to grant Event Permit #2015-10 to the Cheshire Fairground and James Murdough with the following conditions: 1) that the application fee of \$100.00 shall be paid to the Town prior to issuance of the permit; 2) compliance with all requirements of Town emergency response personnel; 3) that the property owner/sponsor shall be responsible for all costs of emergency response personnel at special duty rates and equipment as determined by the Town, payable to the Town within 30 days after the event; and 4) that the Town reserves the right to amend the estimated costs for emergency response personnel and equipment at

any time prior to either event based on any changing circumstances of the events. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

Carbonneau and Coates left the meeting at 6:31 p.m.

Sale of tax deeded properties

On March 24, 2015 the Board reviewed the proposed advertisement for the sale and set the minimum bid prices on these following two properties acquired by the Town for non-payment of taxes:

Parcel #	Street Address	Tax Map, Lot #	Minimum Bid
1	147 Pine Street	Tax Map 57, Lot 119	\$20,000
2	160 Goodell Avenue	Tax Map 25, Lot 13-5	\$60,000

Formal advertising for the sale of these properties took place beginning on March 27, 2015. The Chair opened the sealed bids for each property at approximately 6:30 p.m., reviewed the bid form and announced the bidder's name and bid amount of each bid. The Board confirmed that the highest bid for a particular property included a bank treasurer's check in the amount of \$1,000 for the property (payable to the Town of Swanzey) as a bid deposit. The Board also confirmed that the bids provided adequate proof of funding or financing for the balance of the bid amount and pro-rated tax payments. The Board then voted to accept the bid from, and awarded the property to the highest qualified bidder.

The bid was \$5,000 for 147 Pine Street and a check for \$1,000 was included. Bidder was Dopeslap, LLC. O'Keefe noted that the minimum bid was \$20,000. That was the only bid received. Hutwelker suggested that that the bid be rejected due to being too low and to re-bid the property. The Board agreed.

Hutwelker recused himself from discussion and voting in regard to parcel #2, 160 Goodell Avenue, Tax Map 25, Lot 13-5.

Davis opened the bids for Parcel #2; the minimum advertised bid was \$60,000. Robert J. Smith's bid was for \$61,000 and he enclosed a personal check for \$1,000 plus a bank letter confirming proof of funding for the balance of the bid and pro-rated tax payments. The second bid was from Oscar and Linda Mattson, \$81,181.81 with an accompanying letter from a bank confirming proof of funding for the balance and a bank treasurer's check for \$1,000.

Colby **moved** to accept the bid for acquisition of Town-owned property located at 160 Goodell Avenue, Tax Map 25, Lot 13-5 from Oscar and Linda Mattson in the amount of \$81,181.81, subject to the addition of payment of a pro-rata share of 2015 real estate taxes computed as if the property were privately owned on April 1, 2015, and to authorize the Selectboard Chair or the Town Administrator to execute any documents necessary to complete the sale of the property. There was a second to the motion by Davis and no further discussion. Colby and Davis were in favor. **Motion passed.**

O'Keefe said he would contact the bidders as appropriate.

Payment arrangement – Marshall Millwood, 710 Old Homestead HWY (Map 33, Lot 9)

Mr. Millwood met with the Board to discuss a delinquent tax payment agreement. His agreement was approved by the Board on August 28, 2012 and calls for monthly payments of \$400. His balance to avoid tax sale is \$12,165, with total owed to the Town of about \$22,500. Millwood asked for more time. He said he spent seven and half weeks in the hospital. He said he has been in the home for thirty years and had paid his taxes regularly in the past.

Davis asked him what he could pay. O’Keefe noted that the assessed value of the house is \$190,800 including land and building. Millwood estimate his yearly tax at about \$4,800. Colby noted that \$400 per month won’t make up any of the balance due. Davis noted interest is accruing on the past due taxes at the 18% required by State statute. Colby stressed playing catch-up is difficult at \$400 per month. Hutwelker asked when he would be able to start making payments at \$400 per month again and Millwood said he hoped to be able to start next month. Millwood said Social Security is his only income. Hutwelker said he would like see Millwood begin paying \$400 a month regularly starting May 15, 2015 (with a 5 day grace period) and revisit this payment arrangement in the middle of August (August 18, 2015) to see what more can be paid in addition to that in order to reduce the unpaid taxes. Millwood agreed. It was agreed by the Board that O’Keefe will put together a new payment agreement for Millwood to sign.

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

A brief discussion was held regarding interest mandated by the State of New Hampshire on unpaid taxes.

Lerandeau left the meeting at 6:59 p.m.

Payment arrangement – Neil & Cindy Livengood, 84 Joslin RD (Map 18, Lot 1)

Mr. & Mrs. Livengood met with the Board to discuss a delinquent tax payment agreement. Their agreement was approved by the Board on April 10, 2012 and calls for monthly payments of \$300. Their balance to avoid tax sale is \$2,675, with total owed to the Town of about \$6,140.

O’Keefe provided background information: On October 21, 2014, the Livengoods met with the Board 6 months after a previous sit-down and at the time of the meeting they had been continuing to make payments but in fact missed the October payment and have only made one payment since then, on April 16, 2015. Previous to that, on April 1, 2014, the Board voted to allow for nonpayment of a March 2014 installment.

Mr. Livengood said he had just gotten a job so that will help with making payments and that he planned to start making payments on a regular basis. The Board asked the Livengoods to meet with the Board again on August 18, 2015 to revisit their situation.

The Livengoods left at 7:03 p.m.

Authorize Expenditure – Police Department

Police Chief Tom DeAngelis met with the Board to discuss a proposal to hire GDS Landmark Group to complete roof work at the Police Station at a cost of \$8,200. DeAngelis proposed using the balance of

the Police Facilities Expendable Trust Fund (balance is \$10,025, with \$4,000 more to be added by action of Town Meeting).

Hutwelker recused himself from this discussion and the vote.

DeAngelis said GDS Landmark Group did a good job with the earlier work on the roof and he would like to use them again.

Colby **moved** to 1) waive the solicitation requirements of the Purchasing Policy and allow sole source selection of GDS Landmark Group for roof replacement services at the Police Station; 2) accept the proposal from GDS Landmark Group for replacement of a portion of the Police Department roof in the amount of \$8,200; 2) authorize expenditure of up to \$8,500 for this purchase, to be paid from the Police Facilities Expendable Trust Fund; and, 3) authorize the Police Chief to sign any documents necessary to obtain the approved product and services. There was a second to the motion by Davis and no further discussion. Colby and Davis were in favor. **Motion passed.**

Options for Police Department detail pay

Police Chief Tom DeAngelis said he does not want to change the detail rate – because the concern is that if it is changed now, in two years we will have to revisit the retirement rate for law enforcement. The rate is going up this July and it is an unknown quantity as to the amount it will go up in the future. Also if we raise the detail rate, we will price ourselves out of work, he said. He noted that there has been a raise for the fuel for the cruisers. DeAngelis said he discussed the issues with Bookkeeper Theresa Louder and she agreed.

Discussion briefly occurred about ways to reduce the fuel consumption of cruisers with purchase of equipment which will allow the cruiser lights to be running when parked without running the engine and using fuel. It was estimated that the cost for each battery unit and installation would be \$350.00. The Board agreed that such units would be helpful to reduce fuel costs for the cruisers.

Motion was made by Colby to purchase two cruiser fuel savers for up to \$1,000 to be funded from Police Special Detail Revolving Fund, second by Hutwelker, and no further discussion. All were in favor. **Motion passed.**

Policing of Monadnock Regional Middle/High School

Chief DeAngelis discussed the matter of policing in the high school/middle school with the Board. DeAngelis brought to the Board a report/call list on school situations needing police interaction. The School Security Officer (SSO) has resigned according to DeAngelis. He said that his Police Department is working closely with school staff. DeAngelis said the Department is back up to full strength so being at the high school is not causing undue stress on the Department. Colby pointed out the school officials need to come to the Board in September or October to discuss budgeting for a School Resource officer (SRO) if that is what is desired. Clarification was made regarding the role of SSO versus an SRO. An SRO is an actual municipal police officer who can make an arrest if needed, which an SSO cannot. Goldschmidt contributed to the discussion.

DeAngelis and Mattson left the meeting at 7:31 p.m.

General discussion of Fire Department matters

Fire Chief Norm Skantze updated the Board on several Fire Department matters. At the previous meeting the Board raised fire ponds and acceptance of gifts as matters to also be discussed with the Chief. The Chief first spoke about the ice pond that is created by the NH Route 10 California Brook Dam. He said he worked with Engineer Bruce Lewis to develop a plan to lower the pond which is scheduled for later in 2015, according to Skantze. Skantze then said that Lewis has gone out of business and therefore Skantze contacted Dave Bergeron with Brickstone Land Consultants to develop a plan. He passed out an estimate of \$32,065 from Bergeron for the work to be done. Skantze proposed a different solution to get a plan that would cost less. Colby mentioned the original estimate for work to be done was between \$10,000 and \$15,000. Discussion was held about the cost of a plan and asking Bergeron to revisit the site and come back with another estimate. The Fire Chief agreed to do so.

Fire Pond on Old Richmond Road

Davis began a discussion about All Terrain Vehicles (ATVs) running about on the property, making significant noise to the distress of neighbors, and accumulating much trash. Davis said there had been one death in the area and Skantze noted there have been injuries as well. Davis proposed a gate on the property. Skantze discussed law enforcement patrols on the property. Skantze said the issue is that there are many access points and not just the access at Old Richmond Road where the fire pond is. He suggested New Hampshire Department of Fish and Game and the New Hampshire Bureau of Trails be consulted for ways to alleviate some of the concerns. Colby stressed that by installing a gate a message is being conveyed to users of the area.

Just before leaving the meeting Skantze said that he will be return at a later date to discuss with the Board the purchase of protective clothing.

Skantze left the meeting at 7:44 p.m.

Recreation Department rates – summer camp & swim lessons

Recreation Board member Judy Bohannon met with the Board to propose to raise rates for recreational activities for this coming summer. Camp for residents will go up by \$5.00 from \$80.00 per week to \$85.00, and for non-residents up by \$5.00 from \$100.00 per week to \$105.00; Day Rates will be \$20.00 for residents and \$25.000 for non-residents. Swim lessons for residents would increase from \$35.00 to \$40.000 per week, and increase from \$45.00 to \$50.00 per week for non-residents. The Board agreed.

Carpenter Home Update

A brief discussion was held about the new bathroom at the Carpenter Home, which Bohannon said looks very good. She said the builder did a good job, and didn't disrupt the residents.

Goldschmidt, Hays, and Smith left the meeting at 7:52 p.m.

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

Motion by Colby 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 7:52 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 Colby, with all in favor. **Motion passed.** Non-public session ended at 7:57 p.m.

Motion was made by Hutwelker to seal the minutes of the non-public session. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Goldschmidt and Hays returned to the meeting at 7:57 p.m.

Full-time Open Position

Bohannon told the Board that she recently became aware that there is a full-time position still open at the Carpenter Home and asked the Board about hiring an Licensed Practical Nurse (LPN) in that position. The full-time position now is for a Caregiver at a lower salary than for an LPN. Discussion was held regarding paying \$18.00 an hour for an LPN. Discussion was held about fitting the payroll into the budget. Some part-time positions might be cutback in order to accommodate an LPN salary rate and Bohannon said she would be okay with that. Bohannon asked for approval for advertising the position for an LPN. O'Keefe offered to put together a budget projection. Bohannon agreed to be scheduled on the Board's agenda for next week along with Bookkeeper Theresa Louder to discuss payroll in addition to other financial matters for the Carpenter Home.

Securing Private Information at the Carpenter Home

Bohannon asked about a safe place/cabinet to store license materials like LPN licenses, driving records, and social security numbers. Bohannon said that she is not comfortable with having the information at the Carpenter Home since it is possible for someone other than herself to access the locked cabinet where the documents are kept. She asked that the information be stored with Human Resources at Town Hall. O'Keefe said that his understanding is that applicable State of New Hampshire Licensing regulations and staff want the information to be accessible at the facility where they work. He noted that Fire Department and Police Department licensing is kept at those facilities. A brief discussion was held about the possibility of using a different cabinet for storage of the files.

Bohannon left the meeting at 8:13 p.m.

Fire Station and Municipal Facilities Study

A discussion occurred regarding whether to establish a Municipal Facilities Study Committee. O'Keefe noted this matter was last discussed April 7, 2015, at which time the Board considered whether to establish an appointed advisory committee to determine next steps given the recent defeat of the bond vote for the proposed Safford Drive Fire Station.

Hutwelker asked for an advisory committee to provide a 5 and 10 year plan based on the results from the work of the Capital Improvements Program Committee (CIP). He said that a Municipal Facilities Study Committee would be anticipated to compress the information laid out in the CIP's Municipal Facilities Study and provide a report within three months. Hays asked how this would be different from the determinations of the CIP. Hutwelker explained that the new Committee would report to the

Selectmen and go into the information already achieved more deeply. This Committee would focus on short and long range plan – order and time frame on how to do them – and provide advance planning. He used the Swanzey Water Study Committee report as an example of what he would like to see come out of this committee.

Hutwelker addressed some past questions of Hays in regard to performing studies to ensure that any land being considered could support a proposed building. He spoke about how doing due diligence to write an appropriate real estate contract takes this sort of thing into consideration. He said contracts can be written to be contingent on the land studies Hays had suggested; but the studies on land would be done after an agreement would be reached, not prior to it. Hays said she believes that studies regarding weight of a building and equipment should be done first. She suggested asking the owner of the Safford Drive property for permission to assess the soil. Goldschmidt also contributed to the discussion suggesting a de-briefing type of group be organized. Davis and Colby spoke to the insufficiencies on the Town Hall structure and the liabilities involved.

Hays expressed frustration with the inability of the Town to come up with a “Plan B” regarding the Fire Station and the issue of what the Town can afford to pay for a new Fire Station.

Hutwelker said he would prepare an outline for a Fire Station and Municipal Facilities Study Committee to present to the Board next week.

Hays left the meeting at 8:35 p.m.

Request of Homestead Woolen Mill Owners for Tax Deed Delay

Hutwelker recused himself from discussion and vote.

A discussion was held regarding a letter received from Town Attorney Homer S. Bradley, Jr. which referred to a request from the owners of the Homestead Woolen Mill premises in West Swanzey to delay taking the property under tax deed until at least July 1, 2015. Bradley stated in the letter that a 60 day delay would not prejudice the Town in any respect.

Motion was made by Colby to delay collectors’ deed of the Homestead Woolen Mill premises in West Swanzey until July 1, 2015. There was a second by Davis, and both were in favor. **Motion passed.**

Cheshire Fair and Tax Agreement

Davis recused herself from discussion and vote.

O’Keefe asked the Board how long a tax agreement with the Cheshire Fair should be considered. He proposed ten years which would be the same as for Pilgrim Pines. It was noted that there will no longer be an ice arena at the Fairgrounds. The Board agreed with the ten year length for the tax agreement with the Cheshire Fair.

Property-Liability & Workers Compensation insurance

O’Keefe informed the Board that the Property-Liability Trust will be going out of business effective June 30, 2016 due to regulatory constraints, which is the end date to the Town’s extended coverage

agreement. He noted that at this time, there is only one other public insurer – Primex – in New Hampshire, which creates a non-competitive market for municipal insurance. The Board decided to discuss this matter. Nothing is to be done at the moment, but at budget time, the Town should look for bids. O’Keefe noted that he understands that the private sector has caps on liability. It is expected that rates would go up since Primex will have no competition. Colby suggested that Primex be invited in to meet with the Board to discuss their services. Davis suggested O’Keefe do some research as to what other towns are going to do now that Property-Liability Trust will no longer be providing workers compensation insurance.

Department Head compensation

The Board considered a spreadsheet developed by the Town Administrator to assist the Board with discussion regarding the possibility of changes to salaries of department heads.

Goldschmidt left the meeting at 8:47 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 Colby. The Selectmen voted unanimously by roll call to go into non-public session at 8:47 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.

O’Keefe and Bernard left the meeting at 8:50 p.m.

Motion was made by Hutwelker to leave non-public session and return to public session. The motion was seconded by Colby, with all in favor. **Motion passed.** Non-public session ended at 9:16 p.m.

Motion was made by Hutwelker to seal the minutes of the non-public session. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

CONSENT AGENDA

Motion was made by Hutwelker to approve the Consent Agenda. There was a second by Colby, and no further discussion. All were in favor. **Motion passed.**

- Event Permit #2015-11. Old Homestead Garden Club – Garden Club Plant Sale on 5/16/2015 at the SAU/Town Hall gazebo. Note: No permit requirements.
- Thank you letter to the Garden Club for their efforts
- Personnel Action Report(s)

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

- Copy balance sheet for the Carpenter Home through 3/31/2015
- Treasurer’s monthly report for March 29015
- Expenditure Report of March 2015

ADJOURNMENT

Motion to adjourn was made by Colby, second by Hutwelker. No further discussion. All were in favor.
Motion passed. Adjournment occurred at 9:18 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Beverly Bernard".

Beverly Bernard, Recording Secretary

Approved on April 28, 2015