

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – September 15, 2015  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

The meeting was called to order by Chair Deborah J. Davis at 6:00 p.m. at the Swanzey Town Hall. Present were Kenneth P. Colby, Jr. and Deborah J. Davis. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard. W. William Hutwelker III joined the meeting at 6:02 p.m.

**OTHERS PRESENT**

Resident Nicole Joslyn, Fire Chief Norm Skantze, Police Chief Tom DeAngelis, Chair of the Municipal Facilities Review Committee (MFRC) Don Skiba, Director of Public Works Lee Dunham, Resident Bruce Bohannon, MFRC member Glenn Page, MFRC member Scott Self, State Representative Ben Tilton, Planning and Community Development Director Sara Carbonneau, and Code Enforcement Officer Mike Jasmin.

**MINUTES**

- The regular meeting Minutes of September 1, 2015 were considered. There was a **motion** by Colby to accept the regular meeting Minutes of September 1, 2015. The motion was seconded by Davis with no further discussion. All were in favor. **Motion passed.**
- The non-public meeting Minutes #1 and #2 of September 1, 2015 were considered. There was a **motion** by Colby to accept the non-public meeting Minutes #1 and #2 of September 1, 2015. The motion was seconded by Davis with no further discussion. All were in favor. **Motion passed.**

**CONSENT AGENDA**

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

- Payroll Manifest
- Payables Manifest
- Notice of Public Assistance Lien
- Release of Public Assistance Lien
- Notice of Intent-to-cut Map 83 Lots 5 & 6 and Map 84 Lot 10
- Raffle Permit #2015-23 – Monadnock High School Equestrian
- Raffle Permit #2015-22 – Monadnock Football Boosters
- Event Permit #2015-29 – Monadnock Regional High School Home Coming Events & Parade
- Request for Abatement of Sewer Fees – This is a request that the Sewer Commissioners abate the sewer fees for the tax deeded property at 27 Aylward Ave
- Letter of Support From Board of Selectmen to NHDOT regarding Project 10309-P “South Bridge” over NH Route 101 – This is a letter drafted by Director of Planning & Community Development Sara Carbonneau
- Personnel Action Report(s) – Acceptance of the resignation of patrol officer Andrew K. Lippincott

**APPOINTMENTS**

**Police Chief Thomas De Angelis**

The Chief’s Quarterly Department Report and the police services provided to Monadnock Regional High School (MRHS) were discussed. Davis said she wanted to know the costs to Swanzey for the services provided to the MRHS. DeAngelis said the School Security Officer (SSO) for last year departed before the end of the school year. Discussion was about the number of calls during the period of time the SSO was working at the high school. He

said patrol police needed to respond 108 times. DeAngelis said that when the School Resource Officer (SRO) was present, the calls were such that only 25 times did patrol officers need to respond. DeAngelis spoke about mandated reporting by the school of certain types of criminal behavior.

DeAngelis spoke about the recently hired SSO who knows police procedures. He said the school board is interested in having a travelling SSO going to all the schools in the district. Davis said she wanted to make sure that the patrol police are not at the school every day and the Town's citizens paying for that kind of service without reimbursement. Discussion was held about getting a report from the new SSO regarding the incidents he is dealing with and calls to the police department with required response. Hutwelker spoke about the costs incurred by the Town if the SSO is not effective, which cannot be allowed to continue without compensation of some kind. DeAngelis spoke about tracking the pay for officers who respond to school incidents to determine cost to the Town. DeAngelis said it is unsustainable for a patrol car to be at the high school every day. DeAngelis said behavior issues should be dealt with by staff, not the police. DeAngelis said the new SSO has police experience and can be good for the high school. He said that he has a good rapport with the new SSO and with the staff at the high school.

### **Nicole Joslyn**

Joslyn revisited with the Board regarding giving her another opportunity to retake ownership of the property. The Board asked Carbonneau about the ownership of the property and she verified that the land is owned by Joslyn's husband, and the manufactured unit on the land is owned by both Nicole Joslyn and her husband. Branley said additional notice has been provided to the Joslyns in regard to the Town taking the property under tax deed. A lien on the property was discussed. Branley summarized the prior discussion with Joslyn in regard to the property. Joslyn said she was confused and didn't know what steps she should take. Branley explained the Town has taken over the property and a payment plan of \$400 a month would not make enough progress on the balance. Joslyn said she could do an \$800 per month payment to the Town. Colby said payments have to be consistent every month. Branley said if a payment isn't made, the property will be deeded over to the Town and the Board agreed. Branley will prepare a motion for the Board to consider next week and work with Joslyn to work out the details.

### **Director of Public Works Lee Dunham**

Dunham provided an update on the status of Swanzey Lake Dam and the Falls Brook Project. Dunham spoke about a leak at the Swanzey Lake dam. He explained they found the source of the leak and solved the problem for the short term. He spoke about notifications to abutters and to the State Department of Fish and Game to do any additional work on the dam for a more long term fix. He asked for authorization to send letters to abutters.

**Motion** was made by Colby to approve lowering the level of Swanzey Lake in order to repair a leak in the dam and to authorize the Director of Public Works to send notification letter to abutters and the State Department of Fish and Game that the work will occur. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Dunham noted that generally a construction easement is completed to allow for the Town to access land to perform required work, but he asked the Board for approval for a letter of permission to be signed by abutters instead for the Falls Brook project.

**Motion** was made by Colby to approve permission letters to abutters for work to be done on Falls Brook. There was a second by Hutwelker, and no further discussion. All were in favor. **Motion passed.**

Colby asked Dunham to lower the boards for California Brook. Dunham agreed to do so. Colby asked about paving Main Street in West Swanzey and Dunham said it hasn't been done yet, and the sidewalk needs just a few pieces to be finished. There was a brief discussion about plants at the West Swanzey Park; in particular that cutting vegetation on the bank must be left at three feet or higher according to the State of New Hampshire Department of Environmental Services (DES). A brief discussion was also held regarding the granite steps at the river park. Dunham left the meeting at 6:36 p.m.

### **Don Skiba**

Skiba provided the Board with a report from the Municipal Facilities Review Committee (MFRC). Skiba said the committee is at the stage where they need architectural drawings. He said all the facilities would be taken care of for five to ten years. Skiba said Mitchell Architects are willing to draw up a new fire station design at a price of not-to-exceed \$10,000. He said that Town Hall trusses can be addressed right away. He spoke about a new roof for the Recycling Center, and OSHA compliance could be taken care of with a modular unit. He said that they have enough in capital reserves to pay for what needs to be done. He noted that the Department of Public Works (DPW) needs OSHA compliance as well and can also be addressed with a modular unit. He spoke about a salt shed needed for DPW and about a foundation for a clear-span cover. A new clear-span cover for salt would provide enough salt for a full year. He spoke about the Police Station, adding 750 square feet squaring off the rear of the present building and renovating the interior and mentioned the need for an architectural plan. Skiba spoke about the fire station being a steel building of 10,000 square feet with five single bays. The other space would include empty rooms and existing furniture and equipment would be utilized to fill the rooms. He said the goal of the Committee was to lower the cost for a new fire station to \$2 to 2.5 million. Skiba said that Mitchell said he would be willing to speak to Ingram who built Nanotech, which is also a steel building. He spoke about Town Hall needs, which would be addressed in three phases. Phase 1 would be repair of roof trusses, Phase 2 renovations to include an Americans with Disabilities Act (ADA) elevator to use both floors. Skiba said there has to be two exits and need for an architect to design renovations. He spoke about the possibility of moving the public space out of Town Hall and to Whitcomb Hall in order to re-design office space in Town Hall.

Skiba said that the Committee believes getting cost figures can be completed by March 2016. If the Board doesn't approve moving ahead with an architect for Town Hall, Police, and Fire then it would be 2017 when going to the voters.

Committee member Page said that concrete work for a base for a salt shed needs engineering work and recommended speaking with Carroll Concrete who may be able to provide the plan. Colby suggested that the Committee move ahead to cite the funds available to address the immediate needs for DPW, the Recycling Center, and Town Hall's roof trusses.

Skiba spoke about the engineering and architectural work needed for Town Hall, Police Station, and Fire Station. Fire Chief Skantze said there is a trust fund that could be accessed. Page referred to the fact that the Committee agreed that the slate on the roof should not be replaced. Page spoke about a tunnel/culvert for adding a door to the building on the north side of Town Hall under the driveway. There was a brief discussion about a leak into the current Fire Station and how to repair it. Hutwelker asked for the Committee to attend the Board meeting next week to provide fund numbers for DPW salt shed and Recycling work. Self suggested speaking to Dunham so it doesn't disrupt his plans for this winter. Self said there should be dollars in various funds for paying for architectural drawings.

Carbonneau reminded the Board that there would have to be competitive bids and to be careful to approach vendors without assuring they would receive the business. Bohannon asked about public hearings. Colby said if we have the capital reserve funds to do the work, he didn't think a public hearing was required in accordance with

how the fund was set up. Colby said if there is to be a bond hearing, then that would include public hearings. There was a discussion about when bids are required. Page pointed out details are needed before bids can be published for competitive bidding.

Skiba, Page, Self, Bohannon, DeAngelis, Skantze and Carbonneau left the meeting at 7:13 p.m.

## **OLD BUSINESS**

### **Affordable Care Act (ACA) Compliance**

Bookkeeper Theresa Louder provided documentation for the Board to review to discuss and make a tentative policy decision. Branley said there are only two or three people employed by the Town that qualify for ACA compliance and he recommended the Town do everything possible to avoid having employees fall in the window where the Town may be subject to ACA penalties. Branley said that Louder has recommended a model similar to what the City of Keene is using. Branley asked for a general consensus from the Board to move forward with the Keene model for health insurance and the Board agreed.

### **Carpenter Home Update**

There was a discussion about obtaining a consultant with regard to the Carpenter Home. Representative Tilton spoke about legislative changes to the law regarding Medicaid assessments and not needing a Registered Nurse (RN) to take the assessments for Medicaid reimbursement to the towns. He said there is a class for folks to be trained to do the assessments, which would decrease the time for payment to the towns in New Hampshire for these clients.

There was a brief discussion about the possibility of closing the facility and what that would entail. Davis pointed out that the heirs would be involved because of the type of trust involved with the Carpenter Home and property. Hutwelker noted that the facility is currently operating in the red. Jasmin spoke briefly about the age of the building and the repairs needed at the facility which could become costly. Tilton said he is working on how to determine how much money is available to the Town from the State to help with the facility. Tilton and McConnell set up a meeting between Town and State officials to determine if the Town is receiving all possible revenue next Tuesday. Tilton left the meeting at 7:29 p.m.

### **Tax Deeded Properties**

Branley provided an update on several properties previously discussed:

- On Friday the sale of the Homestead Woolen Mill closed and on Monday the new owners paid the deeding balance on the property (roughly \$40,000). The outstanding balance on this property for 2013, 2014, and 2015 taxes is roughly \$79,000. He informed the Board that he spoke to the new owners about the possibility of a payment arrangement to deal with the remaining balance. Interest will apply. Colby asked Branley to confirm why the taxes were not paid up since the Board anticipated full payment.
- Branley said that Loretta Wright communicated with Branley regarding the situation with Ms. Landry. Hutwelker referred to Town Counsel's letter indicating that the Board should not be involved with a third party purchase of the property. The Board agreed that the Town needs to remove themselves from the situation and put the property up for sale.
- Branley noted that the occupants of 8 Old Lake Street have requested that the Town allow them to remain in the property for additional time past the impending eviction deadline. Hutwelker asked if they have been paying the water and sewer bill.

Colby **moved** to authorize the Town Administrator to negotiate the terms and enter into an agreement with the current occupants of the Town-owned property at 8 Old Lake Street whereby they are allowed to stay in the property until mid-October with the condition that they voluntarily

vacate the property at that time. There was a second to the motion by Hutwelker. Discussion: Branley to discuss with them the payment of utilities during the extension period. All were in favor. **Motion passed.**

### **NEW BUSINESS**

#### **Discussion of Economic Development Advisory Committee (EDAC) Terms**

Discussion was held regarding the terms for the EDAC members, which expire at the end of September, while all other standing Town Committee appointments expire at Town Meeting.

**Motion** was made by Colby to extend the terms for current members of the EDAC to March at Town Meeting, followed by a 3 year term, second by Davis. All were in favor. **Motion passed.**

#### **Review of Application for Town Committee**

Branley provided an application from Beverly Bernard for membership to EDAC.

Colby **moved** to appoint Beverly Bernard to the Economic Development Advisory Committee as a Regular Member for a term extending to Town Meeting 2017. There was a second to the motion by Davis and no further discussion. All were in favor. **Motion passed.**

#### **Review of Request for Reappointment for one year term**

Branley asked the Selectmen to consider reappointing Sue Castriotta as the Swanzev Representative to the Cheshire TV Board of Directors for another 1 year term.

Colby **moved** to appoint Sue Castriotta as the Swanzev Representative to the Cheshire TV Board of Directors for a one year term pursuant to Section 7.04(c)c. of the Cheshire TV Bylaws, as amended on April 21, 2015. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

#### **Issue of Projected 2015 Tax Rate**

There was a discussion regarding how tax increase estimates impact on voters and the fact that some of the estimates were incorrect. Discussion occurred about using fund balance to keep the tax rate as low as possible. Various options were discussed for fixing the problem. Branley presented four different options for the Board to consider. The Board agreed to approve Option 4 – setting revenues roughly level to 2014 which would give a tax rate increase of 3.6% to \$5.65/\$1,000 (from \$5.45/\$1,000).

#### **Pondview Property**

Jasmin briefly mentioned property at 28 Pondview Drive and that it is in fairly good shape. He said the carpet needs to be ripped up. Jasmin asked for funds to get some help to make minor improvements to fix up the property so as to get better value when attempting to sell it. The Board agreed.

#### **Non-public session(s) per RSA 91-A3II(e) Pending Claims or Litigation**

**Motion** was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(e) Pending Claims or Litigation. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 8:13 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Code Enforcement Officer Mike Jasmin, Town Administrator Michael Branley 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 8:26 p.m.

**Motion** was made by Hutwelker to seal the minutes of the non-public session because it was determined that the minutes could render a proposed action ineffective. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

#### **Non-public session(s) per RSA 91-A3II(b) Hiring of Public Employee(s)**

**Motion** by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 8:27 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

**Motion** was made by Colby to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 8:28 p.m.

**Motion** was made by Colby to seal the minutes of the non-public session because it was determined that the minutes could render a proposed action ineffective. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

#### **State Route 12 Study**

Colby spoke briefly about the Route 12 Study documents that were included in the Board meeting packet, saying that the intersections of State Route 12 and Flat Roof Mill Road and State Route 12 and Page Homestead driveway need to be addressed by the State Department of Transportation (DOT).

#### **ADJOURNMENT**

**Motion** to adjourn was made by Colby, second by Hutwelker. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:29 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on September 22, 2015