

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – September 22, 2015
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

The meeting was called to order by Vice Chair W. William Hutwelker III at 6:00 p.m. at the Swanzey Town Hall. Present were Kenneth P. Colby, Jr., and W. William Hutwelker III. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard. Deborah J. Davis joined the meeting at 6:22 p.m.

OTHERS PRESENT

Chair of the Municipal Facilities Review Committee (MFRC) Don Skiba and members Steve Bittel, Wally Smith, and Glenn Page, Planning and Community Development Director Sara Carbonneau, Residents, Bruce Bohannon, Gus Lerandeau, Sylvester Karasinski, and Representative from the Monadnock Conservancy Anne McBride.

MINUTES

- The regular meeting Minutes of September 15, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of September 15, 2015 with change on first paragraph of page 4 to reflect that public hearings are held in accordance with how the capital reserve funds were set up originally. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The non-public meeting Minutes #1 and #2 of September 15, 2015 were considered. There was a **motion** by Colby to accept the non-public meeting Minutes #1 and #2 of September 15, 2015. The motion was seconded by Hutwelker 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 Hutwelker and Colby noted the firearm license has been approved by both the Police Chief and Federal authorities. There was no further discussion. All were in favor. ***Motion passed.***

- Payroll Manifest
- Payables Manifest
- License to Sell Pistols & Revolvers

NEW BUSINESS

Consideration of Partial Waiver of Recycling Center Fees

Branley informed the Board that Human Services Director Edna Coates requested that the Board consider a partial waiver of Recycling Center fees for an elderly resident who would like to clean up his rental property at 26 Fox Run Rd. in Swanzey. The Manager of the Recycling Center estimated cost of the cleanup is \$385.00 based on Code Enforcement Officer Mike Jasmin's inventory of the debris in need of removal. Coates recommended that the renter pay \$50-80 of the expense and the Town waive the balance. Colby said he didn't want to get into a situation with a resident paying nothing for such services. Colby suggested that Coates engage in negotiation for payment by the renter for up to \$100 toward cleanup costs.

Motion was made by Colby to authorize the Human Services Director to engage in negotiation with the renter of 26 Fox Run Road in Swanzey for payment of up to \$100 towards the cost of cleaning up the property and removing debris to the Recycling Center. There was a second by Hutwelker and all were in favor. ***Motion passed.***

APPOINTMENTS

Don Skiba & Steve Bittel, Municipal Facilities Review Committee.

Bittel presented a spreadsheet of the numbers generated for expenditures for the facilities as provided by the Committee. He said they are "guestimates." He said there will be a need to verify the numbers with bids or quotes. He referred to the second page where total spending is estimated at just over \$5,000,000, and bonding would be about \$3.7 million. He said the cost to tax payers would be under \$50 for a house assessed at \$200,000. He spoke about a ten year fixed rate of 2.35%. A lot will depend on how much the Board wants to do this year. He said there are more than enough funds to get started with Town Hall, the Department of Public Works (DPW) and the Recycling Center. Bittel recommended acquiring the maximum amount of bonding while rates are very low. Bittel spoke about Architectural and Engineering (A&E) work and he said that he analyzed all the expendable trust funds as of July 2015. He said the Committee is trying to solve for facility needs for the next 5 years as a 5 year plan. Bittel noted that the Mitchell Architects are willing to redesign a fire station at a cost not to exceed \$10,000. He noted that Architect Katie Sutherland, who had done previous work for the Town with the Scully group, has agreed to charge about \$7,500 for the Police Station architectural work, and \$7,500 for the Town Hall architectural work. Bittel said there are adequate funds in every area, except for the Police Station, which has the leanest reserves. He spoke about the possibility of purchasing land for the Recycling Center which would be a Selectmen decision.

The plan for DPW calls for clear-span salt storage that cannot be done this year because Director of DPW Lee Dunham will be receiving salt in October in preparation for this winter. He spoke about the modular office space being recommended for both Recycling and DPW. Bittel noted that DPW does not have adequate funds for both a modular building AND salt storage. He suggested that the shortfall could be managed with a large contribution to the capital reserve this year to provide sufficient funds for the work to be done next year. The shortfall is approximately \$65,000. He then spoke about the need for about \$350,000 for Police Department work including a small addition and renovation of the interior, with some site work included. Bittel said that the funds are not currently in reserves for these tasks.

Skiba said that what is needed now is approval from the Selectmen for Professional Engineering work, and Architectural and Engineering work for Town Hall, Fire Station, and Police Station. He also mentioned insulating Town Hall this winter if the trusses can be addressed. He said architectural work could be done today, with the idea of moving the Fire Station in 2016, and renovating Town Hall in 2017.

Hutwelker asked if the Department Heads are okay with the plan. Skiba said that engineering is needed for design work for the foundation, and Skiba said Lee Dunham agreed that it was needed.

Sara Carbonneau said that the committee has good ideas for immediate repairs. And she said the financing is as cheap as it can be, but she said that trying to get a bond issue for the March warrant is pushing it. Carbonneau said that the committee wants to keep moving forward, but she felt there wasn't enough time to be ready for a Warrant Article for March 2016. Discussion continued on bond issues and when they would be best asked for from the public.

Page spoke about the need for structural engineers for a variety of the projects under consideration. He spoke about the load on the Recycling Center roof and the need for a structural engineer to determine loads once you have insulation that would permit for snow to remain on the roof. He also spoke about the electrical situation at the Recycling Center and that there is plenty of money to pay for what is needed to be done. Page spoke about the Fire Station and Mitchell's agreement to do another design not to exceed \$10,000. He spoke about how the original design included a total fit-out, while the new design would not do so. He said you can out-fit the new station with furniture and equipment from existing stations. Skiba said the point is to start talking to Mitchell now for plans that will be built down the road. That also goes for the Town Hall. Page recommended moving ahead

with what can be done today with the funds on hand. Hutwelker mentioned Professional Engineer Ted Fellows who has experience with Town facilities.

Skiba said there are written proposals for A&E from Architect Katie Sutherland for Town Hall and the Police Station and verbal agreement from Mitchell for the Fire Station. Colby agreed with Bittel that it made no sense to bond for \$65,000 for DPW. Bittel said the alternative is for the Board to add \$65,000 to the Capital Reserve instead of asking for a bond. Skiba spoke about restructuring the interior as part of the cost with the addition for the Police Station. Bittel said the Police came up with the design for what they want to do with the interior.

Motion was made by Hutwelker to authorize the Town Administrator to waive the bid process and engage the services of Professional Engineer Ted Fellows, who is familiar with Town facilities, to prepare reports for repair of the roof trusses of Town Hall, design for the salt storage foundation, load analysis of the Recycling Center building, and determine adding R-15 insulation and new roof for that building. There was a second by Colby, and all were in favor. **Motion passed.**

Motion was made by Hutwelker to authorize the Town Administrator to work with Code Enforcement Officer Mike Jasmin, Glenn Page, and Scott Self to put forth bid specifications to correct the electrical problems at the Recycling Center. There was a second to the motion by Colby, and all were in favor. **Motion passed.**

Motion was made by Colby to authorize the Town Administrator to expend up to \$10,000 to engage Mitchell Architects for architectural drawings for an approximately 10,000 square foot Fire Station. There was a second by Hutwelker, and all were in favor. **Motion passed.**

Discussion was held regarding going out to bid or not. Branley said the bid policy can be waived if it is in the Town's interest. Colby mentioned that while the Police Station is important, it isn't as important as Town Hall and the Fire Station and perhaps the Police Station can wait for its improvements. Bittel and Skiba said Sutherland did all the work for Scully Architects on Town Hall and the Police Station and probably has the original designs in her possession.

Motion was made by Colby to waive the bidding process to authorize the Town Administrator to engage Architect Katie Sutherland's services for A&E for Town Hall and Police Station because she has previous experience with these facilities. There was a second by Hutwelker, and all were in favor. **Motion passed.** Skiba will get the police station drawing to Branley.

There is a brief discussion about a non-compete between Scully and Sutherland. Hutwelker thanked the Committee for their work. Karasinski and Bohannon left at 6:48 p.m.

Anne McBride from Monadnock Conservancy West Hill Project

McBride was present to discuss with the Board if the Town is interested in acquiring a third party right of enforcement in the West Hill easements located in Swanzey. She said the State will have a third party right of enforcement if the Monadnock Conservancy fails to enforce the easement. She mentioned that the Town of Chesterfield will also be holding a legal interest/right of enforcement. She noted a signature page would be needed if the Town were to hold a legal interest. The Board agreed that the Town would not hold an interest in the right of enforcement. McBride asked if the Town would want to review the easement when it is written. Carbonneau said sometimes there is concern by the Conservation Commission about wording of the easement and suggested a draft of the easement be prepared for the Conservation Commission in the name of transparency by the Monadnock Conservancy. The Board agreed. McBride will send the drafts to Carbonneau.

Skiba left at 6:50 p.m. McBride left the meeting at 6:53 p.m.

West Swanzey Water Company and GeoInsight

Carbonneau spoke about GeoInsight which is an environmental firm that has been monitoring the MtBE exposure on State Route 10. She said that someone at the New Hampshire Department of Environmental Services (NH DES) thought it might be a good project for the MtBE remediation fund which has money from the Federal government. She spoke about the possibility to extend West Swanzey Water Company line to serve homes and business in the area down to Westport Village Road. She said the State would only be interested in the project if the Town would ultimately own the Water Company. GeoInsight is doing a preliminary report and they would like to do a presentation to the Town in October. She said there is a potential for looping the system, which would make it more reliable. She suggested that the Board could reinstate the Water Study Committee in order to move forward. She recommended that the Board agree to meet with GeoInsight and include the members of the Water Study Committee and possibly NH DES. She said that there is a time crunch while the money is available.

Davis asked about any liability impact for the Town with this course of action. Branley and Carbonneau suggested that it would not, and by extending a water system it would deliver a dependable water supply to residents and businesses. Page asked about putting the Town in position for taking over the West Swanzey Water Company and whether that would incur further responsibilities with regard to other issues with the water supply. He asked, "Would the funding include upgrading existing pump houses?" Page asked how much funding would be available for not only acquiring such a system but maintaining it as well. He said it would serve the Town well to have in writing that funds would be available to address all the problems with the West Swanzey Water Company system. According to the memorandum provided by Carbonneau, the Town would take over responsibility of the Water Company because the Browns are not interested in doing so. Carbonneau said a dependable water supply would be helpful to encourage business for State Route 10.

Hutwelker said he agreed with Carbonneau that the Board should meet with GeoInsight. Colby said that he did not want to politicize the MtBE issue and turn a meeting into a complaint session. Branley suggested that this meeting could be held at a regular Board meeting. Carbonneau suggested limiting the presentation to 30 to 40 minutes and Q&A to 15 minutes or so. She said she believes that it is an unusual opportunity that may not come up again for a long time but acknowledged that it could present challenges. Colby spoke about the amount of money involved, and what the Town's exposure would be after the water system was established. Colby suggested any meeting be confined to the Board, the Water Study Committee, and the GeoInsight folks and NH DES. Carbonneau said the positive side is enhancing the public water supply which would allow for more development because of better fire suppression capability. Carbonneau mentioned that DPW Director Lee Dunham gets calls when the water goes out, not the Browns who own the system. She said it is important to listen to what GeoInsight has to say. Branley said he agreed with Carbonneau. The Board agreed to schedule the meeting for early October.

Messages on the Town Website

Carbonneau offered suggestions to offer warm and friendly messages from the Board of Selectmen on the Town website. She asked the Board for their concurrence. Carbonneau said the focus should be Town-sponsored events only and not be offering free advertisement for private businesses. The Board agreed.

Gus Lerandeau arrived at 7:18 p.m. Page left at 7:28 p.m.

Whitcomb Hall Committee Budget Request

Carbonneau noted that there will be operational expenses once Whitcomb Hall is opened to the public. She also mentioned how much more would be needed in Capital Reserves to provide funding for future work. The Memorandum also summarized achievements by the Whitcomb Hall Committee in restoration work for Whitcomb Hall over the past several years. Hutwelker asked what the role of the Committee is now. Carbonneau said the Whitcomb Hall Committee is only advisory and they do not have the authority to expend funds or manage the building. Carbonneau said she feels the Committee is sort of spinning their wheels at this point of time – what the committee can contribute has been done – Carbonneau said the committee could be made inactive until a later date. There is no task before them at this point in time. Carbonneau asked the Board how they wish to proceed with the Committee and to consider operational expenses for Whitcomb Hall and how to allocate funds for sustaining operations there.

OLD BUSINESS

Tax Deeded Properties Update

- 8 Old Lake Street – Branley said that Town Counsel, the occupants, and Branley are working out the terms of their extension to remain in the property, to include a payment arrangement for the backed water and sewer fees on the property (roughly \$785). Proposed auction date would be November 7, 2015. Hutwelker asked if the property needed to be winterized and Branley said, most likely “yes” since the closing wouldn’t be until later.
- 556 Swanzey Lake Road – Branley said that Nicole Joslyn provided a copy of the lien release previously recorded at the registry encumbering the property. He said Town Counsel has confirmed that the Town is now free to deed the property back to the Joslyns and enter into a tax payment agreement as was discussed last week. Town Counsel recommends deeding both the land and the buildings back to both Mr. & Mrs. Joslyn.

Hutwelker **moved** to deed the property and structures located at 556 Swanzey Lake Road to Nicholas E. Joslyn and Nicole Joslyn, whereas the land was owned by Nicholas E. Joslyn and the building thereon was owned by Nicholas E. Joslyn and Nicole Joslyn, and further to authorize the Town Administrator to determine terms and enter into a tax payment arrangement with the property owners requiring no less than \$800 per month be paid to the Town and further that upon default of this agreement the Board shall accept ownership of the property through tax deed and the Town staff shall be directed to evict the occupants. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

- 52 Mountainview Road – Branley said that property owner Gary Lefebvre missed his September payment which was \$200 due on September 5th. He said Lefebvre left a voicemail stating that he has been in the hospital for three weeks so he has not been working and that he will be back in touch this week. Branley asked the Board how they wanted to handle the situation. Davis suggested sending a letter that default of agreement payments will initiate the property going into tax deed. He needs to be current as of October 5, 2015.
- 12 North Pine Street – Branley said that Loretta Wright has inquired about what terms Ms. Landry would be able to repurchase the home (essentially, would the Board require her to pay the interest and penalties). The Board decided all interest and penalties are required to be paid. Notice of impending sale was agreed upon.

Motion was made by Hutwelker to provide statutory notice to Ms. Landry that the Board intends to offer for sale her former property at 12 North Pine Street. Second by Colby and all were in favor. **Motion passed.**

Kinder-Morgan Pipeline Update

A brief discussion was held about a Kinder-Morgan meeting to be held on September 29, 2016 at 6:00 p.m. in regard to a proposed pipeline. Hutwelker stated he cannot attend.

State of New Hampshire Street Paving

Gus Lerandeau informed the Board that it appears the State of New Hampshire is doing extra paving in Swanzey, including State Route 10 and Sawyer's Crossing this year. He suggested a "thank you" letter to the district engineer for the State for looking after Swanzey this year. Branley suggested copying the local State Representatives on the letter and the Board agreed to have Branley do so.

Carpenter Home Meeting with State of New Hampshire

Branley said at a meeting with officials from the State of New Hampshire he learned there are some funds to help bridge the gap in payments to the Town for some of the Medicaid clients. He said there is money that goes to individuals that could be provided to the Town on their behalf.

Correspondence

- Letter from Fire Chief regarding honoring fire-fighters who are died while in the line of duty and award ceremony for Justin Tracy
- Franchise Renewal Notice from Time Warner Cable which will expire on 6/29/2018.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 7:45 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on September 29, 2015