

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – September 29, 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 Deborah J. Davis, Kenneth P. Colby, Jr., and W. William Hutwelker III. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

OTHERS PRESENT

Director of Public Works Lee Dunham, Resident Rebecca Hays, Resident Wally Smith, Resident Andrea Fisher and two residents from the Swanzey Lake area.

MINUTES

- The regular meeting Minutes of September 22, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of September 22, 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. There was no further discussion. All were in favor. ***Motion passed.***

- Payroll Manifest
- Payables Manifest
- Intent-to-cut for Map 80 Lots 2 & 3-2
- Raffle Permit #2015-24 – Jack and Jill Nursery School
- Personnel Action Reports (PAR)

Raffle Discussion

A brief discussion was held regarding raffles. Branley said that there is not much to review for many raffles unlike permits, and recently we have had people applying for raffle permits at the last minute that cannot be approved because there is not a Board meeting scheduled. Branley suggested the possibility to delegate staff to approve certain types of raffles. The Board said they would be open to the idea. Branley will research further and report back to the Selectmen with his recommendation in this regard.

APPOINTMENTS

Director of Public Works (DPW) Director Lee Dunham

Dunham said he met with engineering firm Dubois & King in regard to repairs to the Swanzey Lake dam. He said the New Hampshire Department of Environmental Services (NH DES) prefers an engineering plan of action. Dubois & King has a suggested plan of action which would require a fair amount of concrete involved. Dunham said it could be done with internal staff, but needs an engineered plan. He said a survey of the dam was also suggested as being a good idea. He said that \$2,000 is the approximate cost for a survey of the dam. Dunham asked the Board for their approval to hire SVE Associates for the survey and Dubois & King for the engineering plan which could cost about \$8,000. Dunham also referred to dealing with New Hampshire Department of Fish and Game and needing to seek approval from NH DES.

Dunham requested authorization to expend \$10,000 from the Town-owned Dam Capital Reserve Fund to have Swanzey Lake Dam surveyed so repairs to the leak can be identified and to complete engineering work. As of July 31, 2015 this fund had a balance of roughly \$288,000. Hutwelker asked if Dunham might try to find a most cost effective solution with the technical ability to do the work and Dunham agreed to look at other options.

Hutwelker **moved** to authorize the expenditure of up to \$10,000 from the Town-owned Dam Capital Reserve Fund for the purpose of surveying Swanzey Lake Dam and include an engineering plan for repairs of the Dam. There was a second to the motion by Colby and no further discussion. All were in favor.
Motion passed.

Public Informational meeting pursuant to RSA 482:13

Branley stated the informational meeting is required to be in the newspaper and it was advertised however he failed to list it on the agenda. Branley recommended having Lee present tonight and then provide information again next week when the item has been listed on the agenda.

Dunham spoke about the leak at the Swanzey Lake Dam, which is quite old. The Town acquired the dam in 1988 or 1989 from the Brown family and at that time there was an overhaul done including the building of a concrete wall. He said that in 1998 the face of the dam was covered and other work was completed. There is now a leak that needs to be addressed. He said in order for repair work to be done the pond will need to be dropped to low pond level. In addition, workers will need to pull the low gate which will bring the lake down another few feet. Intent is to perform a fix to the leak and pour another wall by extending the wall put in place in 1989. Dunham said he expects the work will take two to three weeks in late October, and he expects to bring the pond back up to its low winter level before freezing takes place.

Dunham also noted that the California Brook work will be a four to five day event which won't interfere with the repair work on the Swanzey Lake Dam. It was suggested that a Code Red be conveyed so that residents are aware of the work to be done.

Motion was made by Hutwelker to continue the public informational meeting to October 6, 2015. There was a second by Colby, and no further discussion. All were in favor. **Motion passed.**

Resident Rebecca Hayes

Ms. Hayes told the Board that she was upset that the Town spent money to cut trees on Carlton Road. The Town received written permission to remove the trees from the Duplissie family and the trees were cut down last week. Hayes read a letter to the Board that she wrote about the taking of the trees. She noted that the trees taken down were not responsible for shading Carlton Road and causing icy travel conditions. She noted that the trees were on the north side of the road and icy conditions were more likely caused by trees on the south side of the road. She spoke about the day when the trees were removed and the personnel involved. She spoke about the large size of the trees. She asked when the Board approved Town funds for this project and what was the Board's justification for removal of the trees. Colby said that the Department Head has expenditure approval for these kinds of situations so there is no need for the Board's approval.

Hays asked Dunham why the trees were removed. Dunham responded that the trees were in the right of way for the Town. Dunham said trees near the road can do damage to trucks. He said the Department Head is responsible for making the decision on spending the money in situations like this. He said trees that are in the right of way can damage trucks and possibly cars passing by with broken limbs. Hays said from her observations there were no marks on the trees from cars. She challenged the idea that the trees are an obstacle to traffic and

she challenged idea of taking whole trees down instead of limbs. Hays said that this is Town money that should not have been spent. Hays repeated that she objected to taking down of these very large trees at Town expense. Dunham said that trees within the Town's right of way will be taken down in the future when they impede road work or present a potential hazard to traffic, when they can get permission from land owners to remove such trees. The Board thanked Hays for her comments and said they would take them under advisement. Hays left copies of her comments with members of the Board.

Andrea Fisher

Ms. Fisher requested that the Board grant her permission to construct a new dwelling prior to demolition of the existing dwelling on her property located at 98 South Road. The supporting documentation outlined a proposed timeframe for the construction of the new house and the demolition of the existing house. There was a brief discussion about Hutwelker's role as Chair of the Zoning Board of Adjustment (ZBA) and whether he needed to recuse himself so he could be part of that decision-making process should this issue go to the ZBA. Branley opined that since there were only three members of the Board of Selectmen and no alternates and the ZBA has alternates, he thought that Hutwelker should be part of the Board's decision and if needed, recuse himself from ZBA deliberations. Hutwelker agreed and remained seated as a Board member.

Discussion occurred about the presence of the old building on April 2016 and the taxes that might be involved because the old home would not have a certificate of occupancy. Hutwelker asked Fisher why she thought the value would change and Branley said the Assessor would have to visit the site for assessing the new home and could assess the old house at that time.

Hutwelker said he wants to make sure the old house comes down. Fisher said that she could destroy the house by flattening the roof or sides of the building if the Board wished. Hutwelker said he would not want to see a pile of debris on the site. Hutwelker suggested May or June 1, 2016 should be the deadline for removal of the old building rather than July 1, 2016. Colby agreed with Hutwelker to move the date to June 1, 2015. Fisher said she needs enough time to move shrubs and agreed that June would be reasonable.

Colby **moved** to waive Section III A 4 of the Swanzev Zoning Ordinance which states "No more than 'one-family dwelling' may be permitted on a lot" and to authorize the Code Enforcement Officer to grant a building permit for a new home on the property identified as Map 24 Lot 1 prior to the demolition of the existing home on the condition that the existing home will be demolished no later than June 1, 2016. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Fisher and Hays left the meeting at 6:43 p.m.

NEW BUSINESS

The Town received the following donations during the 3rd quarter and Branley asked the Board vote to accept & expend the funds under RSA 31-95b.

Accept unanticipated funds per RSA 31:95-b.

The Board was asked to accept moneys as follows, totaling \$3,625.00, as a donation to Whitcomb Hall:

- \$2,830.00 cash and checks from the annual BBQ
- \$10.00 from Curtis & Joanne Mead
- \$20.00 from S.M. & W.G. Zimmerman
- \$20.00 from Dean Turner
- \$30.00 from Louise H Bill Revocable Trust of 2010

- \$40.00 from John C. Traynor
- \$30.00 from Jane B. Johnson
- \$20.00 from Deborah Davis
- \$75.00 from Carol Roof (silent auction)
- \$500.00 from DeMoulas Super Markets Inc.
- \$50.00 from Marion Bedard (for barbecue)

Colby **moved** to accept the funds as listed and to remit them to the custody of the Trustees of Trust Funds to be held in the Whitcomb Hall Non-Restricted trust account established on March 19, 2013. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Accept unanticipated funds per RSA 31:95-b.

The Board was asked to accept moneys as follows, totaling \$25.00, as a donation in memory of Gerald Bell:

- \$25.00 from Frederick I. & Barbara B. Fountain, Jr.

Colby **moved** to accept the funds as listed and to remit them to the custody of the Trustees of Trust Funds to be held in the Fire Tools & Equip Non-Restricted trust account. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Accept unanticipated funds per RSA 31:95-b.

The Board was asked to accept moneys as follows, totaling \$400.00, as a donation in memory of Ernest Batchelder:

- \$50.00 from Eleanor & Kenneth Batchelder
- \$100.00 from Daniel S. & Mazal Mariaschin
- \$100.00 from Lutie J. & John R. Bradeen
- \$25.00 from Malcolm E. & Patrice M. Andrews
- \$100.00 from Maryann F. Lunniss
- \$25.00 from Bruce A. & Tammie F. Putnam

Colby **moved** to accept the funds as listed and to remit them to the custody of the Trustees of Trust Funds to be held in the Fire Tools & Equip Non-Restricted trust account. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

OLD BUSINESS

Tax Deeded Properties Update

- 8 Old Lake Street – Branley said Town Counsel has not heard back from the occupants so Counsel and Branley are planning to attend the court hearing in this matter Wednesday morning.
- 556 Swanzy Lake Road - Discussion was held about review of the current agreements the Town has to determine if the properties are covered by insurance and to require them to secure insurance if they do not have it. Branley noted that he and Counsel feel the Joslyn family needs to obtain insurance for this property to have it deeded back to them and the Board agreed. Discussion was held about the ease of acquiring insurance and to give her a deadline to acquire it by October 6, 2015. Discussion continued regarding older agreements and the need for insurance for all valuable properties involved. Branley agreed to investigate these older agreements to determine whether the owners have insurance on the properties.
- 52 Mountainview Road – Branley noted that he sent a letter to the Lefebvre family and directed that they become current with their September and October payments by October 5, 2015 or face tax deeding.

- 12 North Pine Street – Branley informed the Board that a letter was sent to Ms. Landry with notice of impending sale of the property.
- 27 North Winchester Street – During Branley’s review of agreements with the Tax Collector this property was found to be delinquent, having missed their payment due on September 1st. Branley said the Town Tax Collector called Ms. Rumrill on Friday and was advised that she planned to make the September payment on October 9th and the October payment on October 23rd. Branley asked the Board if this was acceptable. The Board agreed.

Whitcomb Hall Furnace

Branley said that at the Whitcomb Hall Committee meeting on September 23, 2015 the Committee moved to recommend to the Board of Selectmen that the Town solicit proposals for an oil boiler to compare to the pellet boiler originally included in the specifications. Colby suggested that the Town go out to bid for an oil burner option but also ask for bids for the pellet option. Hutwelker asked why this hadn’t been fully discussed before a decision was made. Hutwelker suggested also looking at propane fuel for heating. Branley noted that Adrian Pinney Plumbing refuted the advisability of propane. Branley said that they said in terms of maintenance, not many folks in the area have the knowledge base to work on them. Branley noted that in his experience propane has been cost effective for towns because they can get such a low price on propane. Hutwelker suggested opening up to bids for both propane and oil. Branley referred to Cheshire Builders and how to include them. Hutwelker said to focus on heating systems. Also Colby noted that the boiler would be big enough to take care of the second story, but the infrastructure would not be put in place for the second story as part of this phase. There was a discussion about the costs not being close to what had been originally estimated. Branley said because the Town’s intent had been to make the building usable as soon as possible the project is being done in piecemeal fashion, which can be a challenge financially. Colby said he thought there were enough funds to do the work, but apparently there are not enough funds. The Board agreed that perhaps not enough due diligence was done in the effort to move ahead as quickly as possible.

Davis pointed out that residents are making donations and it is important to know which alternatives are most cost effective and most efficient. Hutwelker asked if a greater overview might be in order at this point in time. Branley said there is no clear direction at the moment and perhaps the Committee needs refocusing. Discussion continued about the need to follow through with putting the heating system out to bid, whatever the fuel might be. There was discussion about various types of power sources. Branley said that it doesn’t make sense to ask the Committee to research the heating options because it is not their expertise. Hutwelker suggested that Branley speak to Architect Katie Sutherland about helping out with ideas for heating the building. Branley agreed to talk to her. It was suggested that the present Committee focus on fund-raising and perhaps other folks can lead on the engineering and planning for the building.

NEW BUSINESS

Communication with the City of Keene

Colby asked Branley to send a letter to the City of Keene announcing that Michael Branley is the Town Administrator so that communications are directed to the right person and not to the former Administrator. He noted that Branley has been on the job for several months, which should have been officially noted by now.

Colby left the meeting at 7:15 p.m.

October Schedule – Upcoming appointments:

There was a brief discussion about the possibility of no Board meeting on October 20, 2015. Branley suggested that given the extra meeting to be held on October 31, 2015, having the 20th free would enable him to get more work done on the budget. Hutwelker and Davis decided to take a wait-and-see attitude given the continuing work

of the Water Study Committee, the Municipal Facilities Review Committee, and the Whitcomb Hall Project which might require Board action.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Davis. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 7:17 p.m.

Respectfully Submitted,

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

Beverly Bernard, Recording Secretary

Approved on October 6, 2015