

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – October 13, 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 Planning and Community Development Sara Carbonneau, Rick Skarinka from New Hampshire Department of Environmental Services (NH DES), State Senator Molly Kelly, Water Study Committee Chair Don Skiba, Conservation Commission Chair Wally Smith, State Representative Jim McConnell, Representative Bruce Tatro, Planning Board Chair Glen Page, Water Study Committee member Scott Self, State Representative Ben Tilton, Resident Mike Gomarlo, Superintendent North Swanzey Water and Fire Precinct Sylvester Karasinski, Meghan Foley from the Keene Sentinel newspaper, Dan Corley representing a group of Swanzey residents and various other residents including Gus Lerandean, and Emergency Management Director Bruce Bohannon.

MINUTES

- The regular meeting Minutes of October 6, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of October 6, 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
- Raffle Permit #2015-25 – Northern Lights Parents Association

APPOINTMENTS

GeoInsight and the Potential Expansion of West Swanzey Water Company

The Chair informed the gathering that the Selectmen would be listening to the presentation and there would be no decision made tonight. GeoInsight representatives Licensed Engineer Andrew Sharp and Licensed Geologist Dave McClain led the presentation and introduced representatives from the MtBE Remediation Fund bureau who were also present. Sharp said that the purpose of this meeting was to provide information to the Selectmen.

Sharp pointed to a drawing of the properties in the ground water management permit area. He said ground water monitoring is being conducted in the area and has been going on for over a decade. McClain spoke about the possibility of extending the West Swanzey Water Company water main to the area. He compared water monitoring for 30 years versus the cost of extending the water main. He said that they are preparing a report to be released at the end of December. The current system supports an average demand of 55-65,000 gallons per day. During peak month is about 100,000 gallons per day. If the properties under the ground water management permit area were added to the system, it would increase demand by 5,000 gallons per day. Sharp spoke about adding other properties to the main, which could add 45 – 50,000 gallons per day. Other properties along State Route 10 would add another 3,000 gallons per day. He spoke about looping the system as a possibility to improve the reliability of the system. His assessment was that with the addition of properties on the system it would

double the flow to 120,000 gallons per day. He also said two wells are capable of producing 1,000,000 gallons per day. Sharp complimented the Water Study Committee in their Performa of the economic impact on the Town of acquiring the West Swanzey Water Company. Sharp spoke about why the Town should consider acquiring the water system – he said it could leverage the funding from the MtBE Remediation Fund bureau to get additional funding, improve the water system reliability, protect the aquifer, provide for fire protection, and other benefits.

Skrinka spoke about having met with the Water Study Committee. He said that from the drinking water perspective, NH DES would look to confirm sufficient storage capacity. He also said that NH DES does not today recognize fire protection for this system, because it cannot meet fire protection requirements. Sharp spoke about storage. He said 4,000 – 5,000 gallon tank is the only storage currently used by the West Swanzey Water Company. Sharp recommended reinstating the Water Study Committee based on the new potential funding available. Sharp spoke about sources of funds for this kind of project. He said he spoke to USDA Rural Development staff who said that Swanzey is eligible for a pre-planning grant up to \$30,000 total cost, 25% of which is paid by the Town.

Skinka said Swanzey is sitting over a tremendous resource with the aquifer beneath the ground. He spoke about nearly doubling the size of the water system and the future of such a system. Gary Lynn noted that the MtBE settlement funds are restricted to MBTE related cleanup. He said the Department of Justice actually has approval over the MtBE funds. He suggested the Selectmen think about changes to impact on the future of the West Swanzey Water Company.

Sharp spoke about the wells and storage. He noted the current storage is a hydrometric tank which is not large enough for fire suppression purposes. He noted an atmospheric storage tank on the hillside would provide enough pressure for fire suppression. McClain repeated that the MtBE money is prioritized for the water main. The other questions are fire suppression and providing water for other businesses in the area which might be able to leverage the MtBE funds.

The Chair opened the meeting for Discussion:

Dan Corley who represents residents in the MtBE impacted properties asked about the possibility of spreading the distribution of MtBE beyond the immediate area of the gas station. McClain spoke about the three properties which have MtBE at greater than 13 parts per billion. Sharp said it is too early to identify anything further – but to have an analysis as to what will happen if we double the draw from these wells. Corley asked about the existing test levels. Maximum contaminant level (MCL) was discussed. No detection since 2011. 1.2 micrograms per liter of MtBE was found in the water in 2010.

Resident Gary Bashaw asked a question about how the contaminants are determined and their acceptable levels. He said that he has MtBE in his water.

State Representative Bruce Tatro spoke about water mains having no impact on the existing the MtBE. He suggested remediating what's there. McClain said the soil removal remediation has been done. McClain said that what is left is a very low level. He said that there isn't much that can be done once the chemical is down into the bedrock. There is a chance that given 30 years from now Mother Nature will take care of the problem. However, he said that for three wells being monitored, not much is changing.

State Representative Jim McConnell spoke about the idea of connecting to the City of Keene water supply as a possibility. Currently the water supply goes to the Market Basket property on State Route 10 with a 12 inch main. McConnell asked if an estimate was made to tie in to the Keene water which has a surface water treatment plant. McConnell spoke about the possible costs of a filtration system. Sharp said the water being provided by West

Swanzy Water Company meets all the water supplier requirements by the State of New Hampshire. McClain noted that they looked at the closest source of high quality water and if the source could meet doubling the demand. He said that the demand can be met by the West Swanzy Water Company according to their calculations.

Skiba asked a question about when the report for the remediation would be ready and McClain said it will be available by the end of this year.

The Geolnsight representative, NH DES representatives, Senator Kelly, State Representatives Tilton and McConnell, Corley, and several residents left the meeting at 6:50 p.m.

Director of Planning & Community Development Sara Carbonneau – Complete Streets Policy & Design Guidelines

Carbonneau spoke about the guidelines which would come into effect when roads are being re-built to make roads safer, especially for non-vehicular users of the road like bikers and walkers. The policy does not apply to rural streets. She mentioned that the Town has no authority over State roads however the Town can encourage the State to consider the guidelines. There was a discussion about compact road communities not needing sidewalks. Colby pointed out that these guidelines would be strictly advisory. Hutwelker noted that the guidelines could be applied to zoning ordinances for compact communities in the future and he hopes the guidelines stay in the forefront.

Colby **moved** to approve the proposed Complete Streets Policy and associated Swanzy Complete Streets Planning & Design Guidelines as recommended by the Planning Board. There was a second to the motion by Hutwelker and further discussion ensued. Hutwelker said the Town should take a firm position and go further to embrace pedestrian walkways and bikeways. All were in favor. **Motion passed.**

Tenley Callaghan on behalf of Route 10 Heights, LLC – Request for approval of confirmatory sewer easement from the Town of Swanzy to Route 10 Heights, LLC

Callaghan was present to represent Route 10 Heights, LLC, also known as the Haley Heights property. She said there was a proposed sewer easement which was never documented in the record. The Town needs to give the property owners the easement. Back in 2002 the Planning Board approved the plan for the project which required the easement, but execution never occurred. Carbonneau stated she felt that to grant the easement the Town had to go through the process outlined in RSA 41-14-a and Town Counsel Gary Kinyon agreed. The process requires that the Board solicit comment from the Planning Board and the Conservation Commission before holding two public hearings. She spoke about the possibility of bringing the issue before both the Conservation Commission and the Planning Board within the next week and then holding the hearings. Smith spoke about the possibility of not having a quorum next Monday at the Conservation Commission site visit. Branley stated that he is okay with going through the 41-14-a process in this case, however does not agree with Counsel that it is necessary for easements since the statute only talks about selling or acquiring land or buildings. Carbonneau stated she disagreed. When asked about the urgency of obtaining the easement Callaghan said there is a re-finance going on. Davis said the Town would do its best to get input from the Conservation Commission and the Planning Board and then go through the process as quickly as possible. Callaghan left the meeting at 7:11 p.m.

Municipal Facilities Update

Skiba spoke about the Board approving expense for architects and engineers and having received a plan from Mitchell which Page showed to the Board.

- **Fire Station** – Branley reported that the Town has received a design from architect Bob Mitchell for the scaled down new fire station of about 10,000 square feet. He noted that Fire Chief Skantze, Glenn Page, Don Skiba, and he all agree that it meets the criteria crafted by the Municipal Facilities Review Committee. Mr. Mitchell recommended the Town engage Ingram Construction directly for a construction estimate and SVE Associates or another firm for site design. Skiba has received an estimate from Ingram to provide a construction estimate for not-to-exceed \$1,500. He said he needs an estimate for the cost of constructing the building.

Hutwelker **moved** to authorize the Town Administrator to engage Ingram Construction to provide a cost estimate for the proposed new fire station for a cost not-to-exceed \$1,500 with funds coming from the Future Fire Station Capital Reserve Fund. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

Branley noted that the Town has received estimates for site engineering and surveying from Brickstone Land Use Consultants an estimate not to exceed \$7,000 and from SVE Associates a lump sum proposal of \$11,500.

Hutwelker **moved** to authorize the Town Administrator to engage Brickstone Land Use Consultants to provide a survey and site engineering services for the proposed new fire station for a cost not-to-exceed \$7,000 with funds coming from the Future Fire Station Capital Reserve Fund. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

Hutwelker stated with the public relations effort the Town is going to need to make to promote the new fire station design the time frame is getting tight for the coming Town Meeting. Skiba said marketing could occur in January and February. Sylvester Karasinski asked about whether the design is for a central fire station versus a satellite fire station. Skiba said it is a satellite fire station but the Fire Chief wanted an office in the station. Karasinski suggested speaking to Rob Hitchcock who may have more information on the site work necessary.

- **Police Station** – Branley reported that on Thursday architect Katie Sutherland and her police station specialist, MFRC members Wally Smith and Charlie Sheaff, Chief De Angelis, and Branley met to discuss the proposed addition. Ms. Sutherland will work on putting together a design for review and discussion at our next meeting.
- **Town Hall** – Skiba spoke about meeting with Sutherland and Ted Fellows. Branley briefly outlined the status of plans for Town Hall. Branley said Ted Fellows estimate is up to \$2,500 from the Town Hall Expendable Trust Fund for the design of truss repairs at the Town Hall. Skiba said that the trusses would be strengthened so that walls won't be bearing the load and therefore the interior can be renovated for the greatest efficiency of space.

Colby **moved** to authorize the Town Administrator to engage Ted Fellows for up to \$2,500 from the Town Hall Expendable Trust Fund for the design of truss repairs, there was a second by Hutwelker, and no further discussion. All were in favor. **Motion passed.**

Branley stated he was still optimistic that the Town would receive existing condition plans from Dan Scully and Tom Wellers however to keep the project moving if he is unable to get them he suggested the Board could authorize him to engage Ms. Sutherland to put together the existing condition plans if necessary.

Colby **moved** to authorize the Town Administrator to engage Katie Sutherland to complete existing condition plans for the Town Hall and Police Station and expend up to \$2,000, with up to \$1,000 to be expended from the Town Hall Expansion Capital Reserve Fund and with up to \$1,000 to be expended from the Police Station Expendable Trust Fund. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Skiba spoke about including the Recycling Center roof in the estimate by Ted Fellows.

OLD BUSINESS

California Brook Dam / NH Route 10

Branley said that the expectation is an Expedited Application fee of \$2,500 to \$3,000 plus State fees of approximately \$400. Colby suggested negotiating with NH DES to save some of costs. Colby suggested sending a copy of the email from Brickstone Land Use Consultants regarding costs to State Senator Molly Kelly and Branley agreed to do so. Hutwelker asked Tatro if he could help out with the costs as well.

Colby **moved** to authorize the Fire Chief to expend an amount not to exceed \$3,300 for permitting and related expenses for the work generally outlined as constructing a 30,000 gallon retention pond to replace the existing Ice Pond on NH Route 10, funds to come from the Fire Pond Expendable Trust fund. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

OLD BUSINESS

Tax Deeded Properties

- **52 Mountainview Road** – Branley informed the Board that Michael Blair, one of the members of the View Point Cooperative board of directors, indicated he thought the Coop would be willing to work with the Town. He said he left a message for Mr. Lefebvre about bringing in financial data to support his inability to meet his tax agreement obligation but Lefebvre did not ultimately get the documentation to Human Services Coordinator Edna Coates. Branley suggested that Code Enforcement Officer Mike Jasmin take a look at the property to detect any environmental hazards before moving ahead with acquiring the property.

Motion was made by Hutwelker to accept the tax deed for 52 Mountainview Road contingent on Code Enforcement inspection, second by Colby, and no further discussion. All were in favor. **Motion passed.**

- **Auction of tax deed properties through St. Jean Auctioneers**– Discussion was held regarding the decision last week for higher reserves to be set. Hutwelker said he wasn't aware that the Town would not recoup the taxes owed unless they were covered by the auction proceeds and therefore wanted to try to sell the properties at maximum value. He also said that he thought the Town should get \$25,000 for 8 Old Lake Street. There was a discussion about the public process for properties in tax deed. Branley said it has to be a public auction, sealed bids, or as justice may require. Branley assured St. Jean Auctioneers will do well for the Town because they get paid based on the auction price, and Colby agreed to give them a chance. The Board agreed to set the reserve for 8 Old Lake Street at \$15,000 and have no reserve for 27 Aylward Ave.

NEW BUSINESS

Town Hall Postage Meter Lease

Branley informed the Board that the staff requests non-renewal of the current lease with FP Mailing Solutions with a subsequent recommendation for a new vendor to be forthcoming. The Board agreed.

Hutwelker **moved** to direct the Town Administrator to notify FP Mailing Solutions that the Town has not renewed the current postage meter lease and related agreement. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

2016 Holiday Schedules for Town Employees

The Board made their annual review of holidays for 2016. There was a discussion regarding the hours of compensation being 80 hours which includes floating holiday time. The Board agreed on the dates set forth.

Colby **moved** to set for 2016 the holiday schedules for Regular Full Time Town Hall, Sewer Commission, Fire, DPW, and non-certified and salary Police employees, the Police Sworn Hourly Personnel Paid Time Off (PTO) Overtime Rate Days, Carpenter Home Hourly Personnel Holiday Differential Days, and Regular Full Time Recycling Center Employees Designated Paid Days Off as presented. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

DPW Director Job Description

Branley informed the Board that Human Services & Resources Coordinator Edna Coates has drafted a job description for review and asked for approval. Change encompassed adding Cemetery Sexton. The Board agreed.

Colby **moved** to approve the job description for the Director of Public Works as presented. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Use of the Christian Life Fellowship building for Elections

Branley said he heard from Dr. Berman and he wanted to confirm that the Town was going to continue to use the church for voting. The Board said the Town is gratefully planning to continue to use the church for election purposes.

Carpenter Home Issues

Branley spoke about the possibility of reviewing life safety and code issues at the Home by Property Liability Trust and Town Officials, who would create a report. The Board agreed.

The Board reviewed a proposal from Strategic Care Solutions, LLC for Operational and Financial Management Assessment at a cost of \$20,000. Davis said there isn't funding for this kind of assessment. The Board agreed.

Natural Gas for Swanzey – Informational session by Liberty Utilities

Branley stated he was informed last week the Liberty Utilities has applied for franchise rights to distribute natural gas to commercial and residential customers in Swanzey. Branley asked if the Board was interested in the informational session regarding the proposal offered by Liberty Utilities. He said that the initial plan is to bring natural gas south on State Route 10 to Market Basket, and south on State Route 12 to Salvation Army and possibly continuing to Safford Drive. Skiba said that making natural gas available to the SW EZ district would be a benefit to the district. The Board agreed.

Addressing for Emergencies

Branley said he has been discussing the topic of similar and confusing street names with Emergency Management Director Bruce Bohannon. There was a discussion about what occurred in the past regarding how the road signs

were going to be changed to enable emergency personnel to find correct addresses. Bohannon said he came up with suggested names of streets to change. Bohannon said that information was taken to the Board of Selectmen at that time. There was discussion about litigation that occurred in the past. Davis asked Branley to put the topic on the agenda for consideration by the Board. Bohannon said that the State 911 folks would be willing to come to Swanzey to help with the discussion.

Anti-Litter Ordinance

Smith asked that Smith and Bernard be put on the agenda for discussion of this topic with the Board.

Safford Drive site work

A brief discussion was held regarding test borings for potential location for the Safford Drive Fire Station. There was reference to Bergeron who has done the site work engineering in the past.

Cameras for Town Meeting

There was a brief discussion about the State of New Hampshire providing cameras for Town meetings.

Skiba, Smith, Bohannon, Tatro, and Foley left the meeting at 8:17 p.m.

Non-public session(s) per RSA 91-A3II(a) - Personnel Matter(s)

Motion 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 8:18 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Michael Branley, Interim Carpenter Home Administrator Judith 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 8:23 p.m.

The Board approved the PAR to accept the resignation of Carpenter Home employee Louise Britton.

Motion was made by Hutwelker to seal the minutes of the non-public session because it was determined that the minutes could adversely affect an individual's reputation other than the Board. 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(a) – Personnel Matter(s)

Motion Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of a Public Employee(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 8:23 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 Interim Carpenter Home Administrator Bohannon 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.

Bohannon left the meeting at 8:31 p.m.

Non-public session(s) per RSA 91-A3II(a) – Personnel Matter(s)

Motion 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 8:31 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 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 8:35 p.m.

Motion was made by Hutwelker to seal the minutes of the non-public session because it was determined that the minutes could adversely affect an individual's reputation other than the Board. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Cheshire Fair Grounds Tax Value

Branley spoke about being approached regarding the tax value of the Cheshire Fair Association (CFA) for 2015. The ice arena has become fully non-taxable, reverting back to agricultural use, however based on how the original tax agreement from 2004 was crafted making the arena tax exempt did not impact the amount of tax to be paid. He said he and Coleen met with CFA officials on Friday and they were under the impression that as part of the sale of land to the Town for Safford Drive their tax bill would be reduced significantly.

Davis recused herself from this discussion.

Colby said that he acknowledged that the building was going to revert to agricultural use but the reclassifying the land/acreage was never discussed. Branley said that the CFA folks aver there has been an agreement for an additional reduction in their taxes, even though there is no record of it. According to Colby the building was coming off the tax rolls and nothing else. There was discussion about the value of the land. Discussion was held about 64 acres that were somehow associated with the arena. Hutwelker asked how the property was taxed prior to the 2004 settlement. Branley agreed to discuss the situation with the former Town Administrator Beth Fox to report back to the Board.

ADJOURNMENT

Motion to adjourn was made by Colby, second by Hutwelker. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:55 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary
Approved on October 27, 2015