

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – October 27, 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 6:10 p.m.

OTHERS PRESENT

Emergency Management Director Bruce Bohannon, Conservation Commission Chair Wally Smith, Director of Public Works Lee Dunham, Keene Housing Representative Linda Mangones, Keene Housing Executive Director Joshua Meehan, State Representative Ben Tilton, Municipal Facilities Review Committee Chair Don Skiba, Open Space Committee Chair Victoria Ames, Planning Board Chair Glenn Page, SAU 93 Business Administrator Jane Fortson and Resident Michael Goldschmidt.

MINUTES

- The regular meeting Minutes of October 13, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of October 13, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. **Motion passed.**
- The non-public meeting Minutes #1, #2, and #3 of October 13, 2015 were considered. There was a **motion** by Colby to approve the non-public Minutes #1, #2, and #3 of October 13, 2015. The motion was seconded 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 #2015-26 – New England Diamond Devils / MRHS Softball
- Intent-to-cut for Map 21 Lot 5
- Intent-to-cut for Map 32 Lot 20-2
- Personnel Actions Reports
 - Stormy Laroche (Carpenter Home) – Increase to 32 hours per week & \$17.25 per hour as approved by Board on 10/13/15
 - Linda Orner (Carpenter Home) – Accept resignation dated 10/19/15
 - Paul Fassett (Director of Public Works) – Rehire seasonal employee

APPOINTMENTS

Conservation Commission Members Wally Smith & Beverly Bernard – Antidumping Ordinance

The Board considered the request of Conservation Chair Smith and Conservation Commission member Bernard that the proposed language for the warrant article be (with the changes from what was recommended to Town Meeting last year in bold):

“To see if the Town will vote, pursuant to the applicable provisions of RSA 31:39 and **RSA 163-B**, to adopt an ordinance as proposed by the Selectmen as follows: A comprehensive ordinance making it illegal to

dump, deposit, place, throw or leave litter on any public or private property, **by unauthorized persons**, in the town of Swanzey, with enforcement by means including fines.”

Smith and Bernard presented the wording to the Board for approval before going to Town Counsel for review. Hutwelker asked about any possible conflict regarding the Health Officer needing to address property owners who degrade their properties. The Board agreed that the Commission can move forward.

Emergency Management Director Bruce Bohannon

- **Inter-municipal Agreement between the Town of Swanzey, the City of Keene, and Cheshire County** regarding Mount Caesar Hazard Beacon. – Bohannon spoke about the agreement Memorandum of Understanding (MOU) and noted there will be an emergency generator located on Town property which will be given to the Town by the County after a year. The County and the Town of Swanzey will be sharing operational expenses. Another repeater will be placed on Talbot Hill in the future to increase DPW radio coverage.

Colby **moved** to approve the inter-municipal agreement between the City of Keene, the Town of Swanzey, and Cheshire County Regarding the Mount Caesar Hazard Beacon. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

- **Emergency Management Update**

Bohannon updated the Board on general emergency management matters. The Board received a certificate of appreciation from Homeland Security that was handed out by Bohannon. Bohannon spoke about Vermont Yankee exercises that were done in the spring with satisfactory results. He said the budget will be winding down during the next two years, 2016 and 2017. He noted the hazard mitigation planning team will be meeting soon with the goal of sending the report to FEMA by December 15, 2015. Once approved by the committee, the Board will need to hold a public hearing and then vote to approve the plan.

Bohannon spoke about meeting with the Monadnock Regional School District School Administrative Unit (SAU) safety folks and emergency manager and reviewing with them the MOU. He noted the MOU states that the High School can be used as a shelter if needed in an emergency, as well as the Mt. Caesar and Cutler schools. There was discussion about the emergency generator not being sufficient for needs of the school. Bohannon spoke about the Safety Assessment requested by the State of New Hampshire. He said the SAU will be involved in that assessment. He said the assessment will be conducted while school is in session. A report is generated and recommendations made to the school based on the report.

An Emergency Operations class was conducted on the Internet which Bohannon participated in. He spoke about a written survey that was sent to residents in the past and that could be conducted once again on the Town website, using Code Red to inform residents about the survey. Ames said some older people might not be using the internet and noted that the last survey was mailed out with the Voter Guide. Branley suggested that the Town could mail out a postcard which could tell residents to go to the website to complete the survey or come to Town Hall for a hard copy. Sending the postcard would be much less expensive than mailing out the survey, but would reach residents who do not check the website regularly. The Board agreed to have Branley and Bohannon work on this.

Bohannon also informed the Board that he would like to apply for a \$30,000 grant through the New Hampshire Bureau of Trails for the next phase of the rehabilitation of the Rail Trail. The Board encouraged Bohannon to do so.

Director of Department of Public Works (DPW) – Lee Dunham

- **Christian Hill Road Bridge #098/122 Plan of Repair**

It was noted that NH law does not permit for the permanent closure of a road without a vote of the legislative body, which means it would have to be done at Town Meeting. Christian Hill Road Bridge was closed in 2013 and without a plan for repair a case could be made that the Town had discontinued the road so Dunham recommended adopting a plan of repair.

The Board considered a request from the DPW Director to consider proposed plans for repair:

- Replace the bridge using State Bridge Aid Funds with an NHDOT approved design – the preliminary estimate of costs was over \$1,000,000 in 2008 for a bridge with two lanes and two sidewalks.
- Replace the bridge using Town funds with a concrete box culvert or CMP culvert which has to be large enough to accommodate horseback riders and other users of the rail trail.
- Replace the bridge using Town funds with a timber frame bridge.
- Remove the bridge and regrade to pre-railroad condition.
- Recommend that Town Meeting vote to discontinue the section of Christian Hill Road.

Dunham said the idea is to bring a proposed solution to the 2017 Town Meeting (if Town Meeting vote is needed). Dunham said that there are 30,000 volts going down the rail-line that means only small equipment can be used when working in the area. Hutwelker asked if a Committee should be involved, and Dunham agreed that might be best. Davis asked if Dunham had people in mind, but he said he had not. Branley said the activity involved is mostly talking to contractors. Colby suggested someone from the neighborhood should be included. Davis suggested two folks from among the neighbors. Hutwelker asked Dunham to return to the Board with a suggested list of names for the Committee and he agreed to do so.

- **Speed Limits for Safford Drive**

Dunham spoke about a traffic study completed by the Southwest Region Planning Commission and a second study planned for the near future. Dunham recommended the Board approve a speed limit of 35 MPH for the upper portion of Safford Drive. He said he spoke to a police officer about the subject and agreed that 25 MPH on the curved section of Safford Drive was appropriate, but not for the section from State Route 12. Dunham asked the Board to approve posting of the speed limit. Hutwelker said he would like to consider a limit of 30 MPH especially with the idea that the possible location of a future fire station on Safford Drive might generate more traffic. The Board agreed to have Dunham continue to investigate this and report back.

- **Petition from Page Homestead Residents**

Dunham said a petition was received from some of the residents of Page Homestead asking that a street light be installed at the entrance of their driveway and that bushes that are impacting their line of sight coming out of the driveway be trimmed. The Board discussed this with Dunham. Dunham said the access road is a private driveway and therefore the driveway is the responsibility of Page Homestead. He also noted that State Route 12 is the responsibility of the State of New Hampshire. Dunham said in regard to a streetlight it would be up to the Board as to whether or not they wished to finance it. Hutwelker said Page Homestead is a private development and he would prefer not to set a precedent by allocating funds for lighting on land that is not owned by the Town. The Board agreed and directed Branley to notify the residents.

Linda Mangones & Joshua Meehan – Keene Housing Proposed Community Development Block Grant (CDBG) Grant Application

The Board considered the request of Keene Housing that the Town consider applying for \$500,000 in CDBG funds for improvements to Riverbend Apartments to be submitted in January 2016. Branley noted that the maximum in non-emergency CDBG funds a Town can accept in one year in \$500,000 so this would preclude the Town from receiving other CDBG grants in 2016. Meehan introduced himself as Executive Director of Keene Housing and noted that Mangones has been administering the CDBG grants in Keene. He said that Riverbend Apartments was developed in 1997 and \$1.3 million is needed to do all the rehabilitation work needed over a ten year timeframe. Meehan said that Mangones would write the grant for the Town of Swanzey should the Selectmen agree to apply for the grant. Meehan also said that between \$150,000 and \$250,000 will be provided by the Keene Housing.

There was a discussion about the fact that Mangones said either public housing or public facility would be the focus of money awarded. While the award would be in 2016, construction would most likely be in 2017. The Town could apply in 2017 for another allocation. Discussion continued regarding the possible need to apply for grant money from CDBG for other Town projects and how applying for the full \$500,000 in 2016 would preclude any award in 2016 for other Town projects. Page mentioned renovations to the sewer plan, with a total obligation of \$850,000. Hutwelker asked if there was a possibility to apply for a grant for that project, and Page said it was possible. Page also noted that getting a bill from the City of Keene has not been easy so it has been difficult anticipating when funds would be needed. Hutwelker asked Skiba about any possibility of needing the grant for anything going on with the Municipal Facilities Review Committee and he said he did not know. A potential grant related to the West Swanzey Water Company was discussed.

The Board approved scheduling a public hearing – and Keene Housing will pay for the notice. Branley asked Mangones whether they had considered going through the County to apply for the grant instead of the Town. Mangones said that they wanted to approach the Town first before considering the County. Mangones and Meehan asked for the Town to give them a response as soon as possible, once the other Committees and departments have had a chance to assess their possible needs for a CDBG grant. The Board agreed. Mangones and Meehan thanked the Board for their time. They left at 7:02 p.m.

OLD BUSINESS

Potential Reactivation of Water Study Committee

After summarizing the potential for funding for a proposed expansion of the West Swanzey Water Study Committee, Branley said the he and Director of Planning & Community Development Carbonneau recommend the Board consider reactivating the Water Study Committee because of the change in circumstances. Hutwelker asked Skiba and Skiba noted that many of the same people are on both the West Swanzey Water Study Committee and the Municipal Facilities Review Committee with a deadline coming up soon. Skiba requested that the Board not re-institute the Water Study Committee until after January 1, 2016. He suggested that Branley and Carbonneau create a list of grants that might be available to the Water Study Committee and look into their availability in the meantime. Hutwelker suggested that Keith Thibault be contacted for help with the grants and that the Board hold off reauthorizing the committee until next week when Branley has a charge drafted.

Cheshire Fair Association (CFA) Taxable Value for 2015

The Board considered the request of the Cheshire Fair Association for a change in taxable value for a portion of their land. Davis recused herself from the discussion. Branley pointed out that he provided all the documentation that he could find regarding the agreement between the Town and the Cheshire Fair Association. He emphasized that he did not want to hold up the MS-1 and the tax rate setting process while a decision is being made and the Board agreed. Colby noted that after reading the paperwork, the only reference he could find was about the Ice Arena itself. He also noted that the attorneys from both the Town and the CFA had reviewed the purchase and

sales agreement for the land related to Safford Drive. Hutwelker asked about intended uses of the building. Branley said that he is not aware of how they are planning to use it. Page said that he was involved in negotiations with the Cheshire Fair Association, and the Home Show was to be the exception to the agricultural uses. Also he said his understanding was that the Arena and the parking lot would come off the tax rolls. Colby said that he read the agreement and nowhere does it refer to anything other than the ice arena itself which "shall be considered an agricultural use for assessment valuation purposes until such time as it used for non-agricultural purposes..." and there is no reference to land associated with the ice arena including parking lots. Colby pointed to the May 15, 2014 purchase and sales agreement where there is item 15 on page 4 entitled *Binding Agreement* that states "This Agreement (including the Exhibits referred to herein and attached hereto) constitutes the entire contract between the parties hereto with respect to the purchase and sale of the Property and no oral statements or promises or representations or any understanding not embodied in this writing shall be valid." Colby stated if the land value was so important it should have been written in the agreement. Hutwelker also agreed with Colby that reference to including the parking lot is not in the written agreement. Branley suggested having the Cheshire Fair Association representatives in to a Board meeting to discuss further. Branley will follow up to have them in.

The Board also agreed to release the MS-1 and not hold off for a definitive on the Fairgrounds tax.

Carpenter Home Building Upgrades

The Board considered the update from Code Enforcement Officer Jasmin regarding the continued progress on upgrades to the building and a request for approval for an authorization of up to \$1,350 to engage Beverly Kowalik of JCM Code Specialists, LLC for the remaining phases of her original proposal dated November 16, 2014, which could be funded from the Edna C. Whitcomb Common Trust Income Fund which had a balance of \$10,577.62 on June 30, 2015. Branley said it is important for the State to know that the Town is continuing to make the effort to move forward.

Hutwelker **moved** to authorize the expenditure of up to \$1,350 to engage JCM Code Specialists, LLC for the three remaining items in the proposal dated November 16, 2014, to be paid from the Edna C. Whitcomb Common Trust Income Fund. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

Carpenter Home Status

Hutwelker said that he would like to see the public engaged in the conversation about the status of the Carpenter Home and the economic realities facing the Town. He said it is important that the citizens of the Town understand what is being dealt with. Davis pointed out that losing the land if the Home is closed needs to be explained to residents. The Board also noted that the Home would have to stay open until the last client has found another place to live. Hutwelker suggested putting this topic as part of the budget hearing with Interim Carpenter Home Administrator Bohannon in a few weeks and giving her time to address the issues in public.

Whitcomb Hall Committee Status

The Board considered the future role of this Committee. Branley asked for clarification of direction of the Committee. Davis referred to the Committee Minutes and she noted they elected officers. Dunham said the Committee invited contractors to look at the building and provide input. He said the Committee wants to see the lower floor open sometime next year, hopefully by the barbecue in August 2016. Davis noted that Peter Johnson who was elected to Chair the Committee provided a list of donations for Whitcomb Hall including a six-burner gas stove with hood. She said also provided was information about pricing for renting space at the Claremont Community Center. Hutwelker stressed the need for the Board to be made aware of the total costs involved in getting the first floor open. Davis stressed the need to get some income from renting the first floor to help sustain continued rehabilitation of the building.

California Brook Dam / NH Route 10 Update

The Board considered a request to expend \$594.50 for Monadnock Archeological to survey the area which is being required by the State Division of Historical Resources who stated that an archaeological survey is needed for them to review the application and ultimately for the project to move forward. Branley said for the pre-permit filing requires an archaeological survey. Branley said Monadnock can be move quickly. If they find artifacts or anything significant, then the situation might change and he would report back. Branley said the funds should come from the Fire Department budget because all of the money in the Fire Pond Fund are committed. Bohannon said that he has spoken to Mr. Art Whipple to help in the past with such matters, and he has been extremely helpful in getting approval for similar projects in the past. Dunham agreed to send contact information for Whipple to Branley. The Board agreed to move forward with the archaeological survey.

Municipal Facilities Update –including Proposed Fire Station Update

The Board was updated by Branley on the status of the Municipal Facilities work underway. He reported that the documentation has been received. He noted that on Wednesday Town Hall re-design will be considered. Branley noted that the new owners of the Homestead Woolen Mill indicated to Jasmin that they are interested in having the Town consider the mill for municipal use. Hutwelker said that the Board will need to speak to the owners of the mill about what they might propose and the Board agreed.

Branley informed the Board that Brickstone Land Consultants recommended performing test pits on the lot for the proposed Fire Station so it can be confirmed sooner rather than later whether or not the site is suitable for a fire station. This will cost roughly \$1,500 and will be billed through Brickstone. He also referred to flipping the design to cut the cost for the site work. Bohannon asked for an elevation model, including what it would look like with an addition. Skiba said that the building design would not be expandable with an addition but instead have a second floor that would be initially used for storage, and which later could be utilized for additional work space. Dunham stated he will be assisting with digging the test pits on Friday and the Board agreed to move forward with this.

NEW BUSINESS

Monadnock Regional School District (MRSD) – Request to Discuss School Resource Officer

SAU 93 Business Administrator Jane Fortson was present to discuss with the Board the request by MRSD staff regarding having a School Resource Officer (SRO) for the 2016-17 schoolyear, which would need to be included in the Town's 2016 budget. Fortson said the School Board voted to put an SRO and an SSO in their budget. Fortson asked about setting up a discussion with the Town regarding costs. Davis said it would necessary to include Police Chief DeAngelis. Fortson said she has a place holder of \$75,000 for an SRO. She noted that the Budget Committee also voted for an SRO in the budget. Branley suggested that Chief DeAngelis and Fortson meet to discuss logistics. Fortson said she would be looking for possible grants to help finance the officer. Branley mentioned that some town hall staff feels strongly that the school district should pay back the money that was not paid to an SRO in the past. Hutwelker said the Town will be reimbursed for the past SRO, and future agreement will require regular payments. Fortson spoke about there being a number of issues in the past that need to be ironed out. Discussion was held regarding hiring and training for an SRO, which would be included in the costs. Fortson said that the school district is already in the budget process so they need to move ahead as quickly as possible. The Board agreed to have Branley and DeAngelis have the initial discussions and report back. Fortson left at 7:56 p.m.

Page left at 8:07 p.m.

OLD BUSINESS

Tax Deeded Properties

- **52 Mountainview Road**

The Board considered the status of this property. Last week the Board voted to accept the deed of this property however it was noted that Town Counsel informed Branley that too much time has elapsed since previous notice and therefore notice of impending tax deed must be completed once again. to the Board could accept the tax deed on November 23, 2015. Branley discussed options for the Board to either plan to accept the deed on November 23rd, move to evict the occupants, and dispose of the property or to give the owners a final chance by entering into a new tax payer agreement with a monthly payment around \$750.00 with a clear statement that failure to make a monthly payment for any reason would result in the Town accepting the deed and evicting the occupants. Branley stated based on Human Services Coordinator Coates's review of the occupants' finances she found roughly \$850 available in the budget. Hutwelker asked why the lender might not pay the taxes since there is a mortgage. Branley said he didn't know. Hutwelker said he would approve the second option, which would accept a new payment agreement for \$750 per month. Davis and Colby agreed. Hutwelker asked when first payment would be due – Branley said that at the latest, November 23, 2015.

Motion was made by Colby to authorize the Town Administrator to enter into a payment agreement with Gary Robert and Vincenza Lefebvre for taxes owed on property located at 52 Mountainview Road, Map 73, Lot 22/576 which will require a monthly payment of around \$750.00 until all taxes are paid, and with the understanding that upon missing a payment the property will go to tax deed, second by Hutwelker, and no further discussion. All were in favor.

Motion passed.

- **68 Diana Drive –**

Branley spoke briefly about meeting with the President of Pine Grove Mobile Park Kelly Denis to discuss tax deed properties generally and the upcoming auction of 68 Diana Drive.

- **28 Pondview and 52 Mountainview**

Branley said he was planning to attend the Viewpoint Coop Board of Directors meeting on Wednesday to discuss the two cited properties above.

NEW BUSINESS

HealthTrust 2016 Health, Dental, Short-term Disability, and Life Insurance Rates

The Board considered renewal rate information for the insurances listed. It was noted that overall health insurance rates are increasing 3.4% assuming no change in the plans, while the other rates are remaining the same. He spoke about getting officials in to speak about some of the Wellness programs. Branley also suggested working with staff to discuss insurance with other companies with the goal to lower costs next year.

Goldschmidt left at 8:08 pm.

2015 Budget Status at End of Quarter 3

The Board considered the new format and memo from Bookkeeper Louder for the third quarter budget report. Discussion was held about Altitude North having not paid the Town money owed for an event. Hutwelker asked about adding interest or penalties and Branley said that would need to be added to the event policy. Colby suggested moving ahead with changing the policy so it can be active in 2016. Branley also suggested that event planners could be asked to pay up front, before the event is held, if they had a history of payment problems.

Hutwelker said applications for events should not be considered until past invoices are paid and he would be in favor of changing the policy to require vendors to pay up front before the event occurs.

MOU with Cheshire County Department of Corrections regarding utilizing inmate labor

The Board considered a MOU with the Cheshire County Department of Corrections regarding utilizing inmate labor in the event the Town has an appropriate project and the County has available labor. Branley said there is no liability involved for the Town. There was a discussion about providing transportation and meals to inmates and also beverages and water. Hutwelker asked if the Town could provide this and Branley said that it could be done should the Town decide to take advantage of the labor. Logistically it would be taken on a case by case basis. Smith suggested inmates could help out with the annual clean-up day. Bohannon mentioned that Judy Bohannon has wanted to use inmates at the Carpenter Home for projects in the past.

Meeting between Mr. and Mrs. Sevene and the Town Moderator

Branley reported to the Board that he met with Mr. and Mrs. Sevene and the Town Moderator to discuss some of their concerns regarding how the deliberative session went and their concerns regarding the voting machines. Branley said the group will meet again in a few weeks. He felt it was positive meeting.

November Board Meeting Schedule:

The Board reviewed the following meeting schedule:

- 10/31 – Branley reminded the Board of a meeting this Saturday, October 31, 2015 beginning at 9 a.m. where to review the DPW, Police, Fire, & Recycling budgets
- 11/3 – Budget meetings scheduled for Carpenter Home, Sewer Commission, & Administration
- 11/10 – Liberty Utilities presentation regarding proposed natural gas distribution expansion into Swanzey & budget meetings scheduled for Health/Welfare, Libraries, Open Space, & other Cultural & Recreation
- 11/17 – Budget meetings scheduled for Emergency Management, Fire Department, & Police Department; also potential date for Keene Housing CDBG Public Hearing
- 11/24 – No appointments currently scheduled

There was a brief discussion about budget review.

There was a discussion about renovations for the Town Hall

Bohannon asked what happened as to why Whitcomb Hall wasn't ready when it was supposed to open. Hutwelker spoke about the need for a new RFP for heating the hall because the original idea of a pellet stove was replaced with a gas or oil burner. Hutwelker asked Dunham to include Judy Bohannon on the Committee since Bohannon is proposed to have her office as Recreation Director at the building.

Dunham, Smith, Skiba, Tilton, Ames all left the meeting at 8:26 p.m.

Non-public session(s) per RSA 91-A:3II(b) – Hiring of Public Employee(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 8:26 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 8:30 p.m.

West Swanzey Park Donation

Colby noted that Paul and Doris LaFond of the West Swanzey Athletic Association would like to donate a 25 foot flagpole for the park. Branley asked if that would include lighting the flag per the proper use of flags in public places. Colby suggested that perhaps a solar light could be used. Colby suggested that the flagpole be installed on the southwest corner of the park on the upper tier of the granite terrace. The Board agreed it is a good idea and Colby should continue the discussions. As yet to determine who will install it.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:35 p.m.

Respectfully Submitted,

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

Beverly Bernard, Recording Secretary
Approved on November 3, 2015