

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – November 17, 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**

Attorney Tenley Callaghan representing Route 10 Heights, LLC, Emergency Management Director Bruce Bohannon, Open Space Committee Chair Victoria Ames, Conservation Commission Chair Wally Smith, Keith Thibault representing Southwest Community Services, Jenny Gomarlo, Robert Kenney, and Sue Ells representing the Stratton Library, Police Chief DeAngelis, IT Manager Allan Treadwell, Susan Ashwood representing Home Health Care/Meals on Wheels, Phil Wyzik representing Monadnock Family Services, Mark Florenz, Lloyd Hill, and Laurie Burt representing the Cheshire Fair Association, and residents Janice and Kenneth Sevene.

**MINUTES**

- The regular meeting Minutes of November 10, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of November 10, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The non-public meeting Minutes of November 10, 2015 were considered. There was a **motion** by Colby to approve the non-public Minutes of November 10, 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
- Monadnock Regional School District Payment Schedule
- Raffle Permit #2015-27 – Monadnock Humane Society
- Personnel Action Report – hire Marcie Ouellette as a caregiver at the Carpenter Home

**NEW BUSINESS**

**Review of Recommendation for Town Committee: Sharon Greatbatch– Whitcomb Hall Committee**

Branley informed the Board that the Whitcomb Hall Committee requested the Board appoint Sharon Greatbatch to fill the vacancy created by Hayley Hill's resignation.

Colby **moved** to appoint Sharon Greatbatch to the Whitcomb Hall Committee. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

**PUBLIC HEARING**

**Public Hearing Pursuant to RSA 41-14a Regarding Proposed Granting of Sewer Easement to Haley Park**

**Public Hearing opened at 6:05 p.m.**

This was the first of two required public hearings outlined in RSA 41-14a. It was noted that Attorney Tenley Callaghan was present on behalf of Route 10 Heights, LLC requesting approval of confirmatory sewer easement from the Town of Swanzey to Route 10 Heights, LLC. The Chair read the notice of the public hearing. The Town Administrator said there were no written responses provided to Town Hall. The Chair asked for public comment and there was none.

There was a **motion** by Colby to close the public hearing regarding the proposed granting of sewer easement to Haley Park with a second by Hutwelker. There was no further discussion and all were in favor. **Motion passed.**

**Public Hearing closed at 6:06 p.m.**

**APPOINTMENTS**

**Emergency Management Director Bruce Bohannon – EMD Budget Request**

The Board reviewed with Bohannon the proposed budget request for 2016 for emergency management. Bohannon said the budget will be impacted by the reduced reimbursements from Vermont Yankee/Entergy over the next few years. He also spoke about the number of telephones he uses. He mentioned dropping down to two phones, separate from the main trunk from the Police Department, exclusive to use for Emergency Management. The Board had no further questions for Bohannon and thanked him. Bohannon left the meeting at 6:08 p.m.

**Stratton Free Library – Budget Request**

Robert Kenney, Sue Ells, and Jenny Gomarolo were present to discuss the Stratton Free Library budget request for 2016. They discussed the proposed changes including adding one hour per week for payroll. Davis asked if they were anticipating expense since they were adding \$3,000 to the Expendable Trust account. Kenney said that in fairness Stratton should be awarded the same as Mt. Caesar Library is awarded. Branley noted that \$25,000 is currently in the Expendable Trust for Stratton Library. Discussion continued regarding money taken out for repairs in both libraries. Kenney said that the money in the Expendable Trust is for future repairs on an aging building. Hutwelker asked when the employees last received a pay raise, which Ells said was last year. Ells recommended #4 payroll budget as presented to the Board. Hutwelker asked if they were asking for a total of \$44,272.50 and Branley said he would work with the Stratton folks to come up with a final figure. There was a brief discussion about the fact that based on state statute once the Library Trustees have a budget they can assign pay raises as they wish within the overall budget, taking the funds from some other activity. Gomarolo and Ells left the meeting at 6:27 p.m.

**Mt. Caesar Library**

Kenney continued speaking to the Board about the Mt. Caesar Library request for funding. He referred to a requested increase from \$2,000 to \$3,000 for the Expendable Trust. He said the Trust provides funds for repairs and maintenance to the building. The Board thanked Kenney for his service to the Town. Kenney left the meeting at 6:28 p.m.

**Home Health Care / Meals on Wheels – 2016 Request for Funding**

Susan Ashwood was present to request funding for the Home Health care/Meals on Wheels. She informed the Board they have seen a jump in chronic care for citizens of Swanzey. When asked who their services apply to, she said it could be a frail elder, living alone, and who can maintain a home, but might need assistance in the home. The goal is to keep them out of a nursing home. It might mean housekeeping, taking out the trash, as an example. Hutwelker asked how referrals are made and Ashwood said the majority come from physicians or facilities that are discharging a patient after treatment. She mentioned severe arthritis, Chronic Obstructive Pulmonary Disorder (COPD), and severe diabetes as some of the types of illnesses among the chronically ill. Ashwood noted

that they are advocating for funds from Cheshire County, which had been reduced significantly. She said the County's contribution had a kind of leveling effect with funding amongst the county towns. The cut was \$50,000 from the County. She said she would have her funding request for 2016 by the end of the week. She spoke about Meals on Wheels and the impact of the State of New Hampshire budgeting process. They have 63 clients in Swanzey receiving Meals on Wheels. She said that the need is up by about 2,000 meals, as compared to the past. Part of the issue is aging in place and that Swanzey has a large elderly population. Ashwood spoke about using the resources they have efficiently. Twice a month they provide busing to elderly residents to obtain groceries. The Board thanked Ashwood and she left at 6:39 p.m.

#### **Monadnock Family Services – 2016 Request for Funding**

Phil Wyzik was present to discuss Monadnock Family Services funding requests with the Board. Davis asked Wyzik to describe their services. He said that it is one of the ten mental-health services in the State of New Hampshire. People need to reach a level of severity, established by the State, before they are accepted for services. He said that 210 clients came from Swanzey during the past year. He said Monadnock Family Services helps to provide housing, jobs, paying bills, medications, counseling, and family support, with the goal to recover from a disability. They provide interventions to help them overcome their disability and provide crises services, doing emergency interventions for mental health problems. They also provide treatments for drug dependency and other services as well. Wyzik spoke briefly about attention being paid by law-makers to drug addiction and the public health problem it is. The Board expressed appreciation for their services. Wyzik left the meeting at 6:47 p.m.

#### **Chief DeAngelis & Allan Treadwell – Unanticipated Software Licensing Costs**

Police Chief DeAngelis and his IT provider Allan Treadwell were present to inform the Board about an issue regarding software licensing. DeAngelis said they ran into a snag with a program related to the installation of the new server and there will be an additional cost. He referred to Treadwell who addressed the Board about the issue. Treadwell said software in the police department is mandatory and there is a license key included with it. He said the Department needs to purchase SQL Server, with licenses for 15 users. He noted that an older version of SQL was used in the past, which was not properly licensed. The initial software was not purchased for transfer to new computer hardware. He said the cost is \$6,200 for the new SQL server licenses. This software is purchased with software assurance. If a computer fails, another license does not have to be purchased. He also said this purchase has an option to pay over three years. This proposal went out to three vendors and this is the best response. Davis asked how the Town could not have a license for software it has been using. Treadwell stressed that it would not be legal to try to transfer the old software without a license to the new hardware and the old software will not work. Treadwell said that this was a surprise to everyone involved. He spoke about buying the software from third party vendor Software Media and not Microsoft. The license would allow for free upgrades. The three year program is interest free said Treadwell, and all upgrades are free. Treadwell spoke about an additional 3-year extension software assurance that would be available if the Board so choose.

Davis asked about a source of funds. DeAngelis said it would be taken from the Police Department's IT fund which has \$9,000 in there now. Hutwelker recommended taking the funds from the IT fund over three years.

**Motion** was made by Colby to approve authorization of Town Administrator Branley to expend \$2,875 from the Police Information Management System Expendable Trust Fund to purchase SQL Server 2014 license for 15 users for one year, with overall purchase over three years of \$6,200. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

#### **NEW BUSINESS**

##### **Copier Purchase Requests**

- Branley raised the issue of the need for a new copier for Town Hall and the Police Department. He said they have been reviewing options and narrowed down their choice to Cannon – proposals are in hand. Branley noted that in an email received today it said that if the proposal is accepted by Wednesday, November 18, 2015, they can save roughly 10% to replace both a Town Hall and Police Department copiers. Branley spoke about service agreements, which would be for four years and would cover maintenance, toner, etc. Treadwell spoke about the options available on copiers such as fax and scan. They discussed outright purchase versus leasing. Hutwelker suggested waiting for a Town Hall copier replacement until a contract can be put together with some options for the Board to consider. Branley asked for a further explanation of Hutwelker’s thinking on the subject since he said he thought they had the information in hand. Treadwell left the meeting at 7:09 p.m.
- Police Department Copier replacement request was then discussed. It was noted that leasing and servicing are handled by separate entities within the company. The Chief said the funds would come out of DeAngelis’ operating budget. Outright purchase is \$5,100 and there would be a service agreement in addition.

**Motion** by Colby to authorize the Police Chief to purchase a Canon Image Runner Advance C524A copier for the Police Department at \$5,100.00 as outlined in the proposal dated November 17, 2015 using funds in the operating budget and to enter into a related service agreement. There was a second by Hutwelker, and all were in favor. **Motion passed.**

- Town Hall Copier replacement was discussed once again and clarifications were made to Hutwelker’s satisfaction.

**Motion** by Hutwelker to authorize the Town Administrator to purchase a Canon ImageRunner Advance 4251 copier for up to \$6,000 as outlined in the proposal dated November 17, 2015 using funds in the operating budget and to enter into a related service agreement. There was a second by Colby, and all were in favor. **Motion passed.**

DeAngelis left the meeting at 7:22 p.m.

## **APPOINTMENTS**

### **Cheshire Fair Association – 2015 Taxable Value**

Davis recused herself for this consideration. Mark Florenz, Lloyd Hill and Laurie Burt were present representing the Cheshire Fair Association. Florenz asked about materials the Board is considering for interpretation of the agreement between the parties for tax purposes. Florenz said that in selling a parcel of land for the new Safford Drive, he understood that they would no longer be taxed based on being in the ice arena business. He referred to a prior tax agreement from around 2006 where the land and ice arena were taxed separately from the rest of the land owned by the Cheshire Fair Association. He said it makes no sense to not tax the arena building, but to continue to tax the land that is associated with the arena (62.36 acres). He said that historically they have been lumped together. He also noted that the taxes for the arena building and associated land are capped at \$10,000. There was a discussion about the 62.36 acres and how they are determined. Colby asked about the parking lot associated with the arena. Florenz said that it was handled under the prior agreement. Colby noted that nowhere was the land in back of the arena mentioned in the sales agreement for the parcel sold for Safford Drive. There was a discussion about the 62.36 acres and how they came to include it with the arena. There was a question regarding the use of the arena building going forward and Florenz said that other than for a few events they are agricultural events. He noted that the Home Show and a few other non-agricultural events will be held there but if they are going to be taxed 100% for those events, they will have to re-evaluate having those events. Colby suggested looking at the older agreement and Hutwelker suggested re-visiting the current agreement from 2014

in section 8(d) where it doesn't acknowledge prior agreements. Hutwelker said there is no question about the ten acres. There was a discussion regarding going from the tax work sheet to the agreement. Hutwelker asked what they would have the Board do and Florenz indicated they would like to see the balance of the 62.36 acres be exempt from taxes. Hutwelker said that he would like to consider the materials further, and to consult with Town Counsel to see what the intent was before making a decision. Branley said he would follow up with Counsel. Florenz spoke about the possibility of re-negotiating the current agreements, and not relying on the 2006 nor the 2014 agreement. He pointed out that they are a non-profit and both the Board and the Fair Association are doing their fiduciary duty by the folks they represent. The Board thanked them for their time and they left the meeting at 7:49 p.m.

### **Southwest Community Services – 2016 Funding Request**

Keith Thibault was present to discuss the funding request for Southwest Community Services for 2016 with the Board. Thibault noted that \$768,000 was spent on Swanzey citizens for fuel and electricity. (6,000 applications) They have a heating system repair program; they raise \$60,000-70,000 dollars a year to help with folks who fall into gaps. He said they ask for one % of the direct assistance provided to the community. Thibault said that \$55,000 less than the previous year was spent this year. However, the households served were the same. He said the group is asking for \$550 less than last year. The Board said that they appreciate all the Southwest Community Services group does. Davis asked if they get any funding from Cheshire County and Thibault said they do not get funding from the County. There was a discussion about Newport, NH and Claremont, NH and the need in those communities. The Board said they appreciate what Thibault's group does. Thibault left the meeting at 8:04 p.m.

### **NEW BUSINESS**

#### **Janice Sevene – Transparency & Accountability, NH Community Rights Amendment, & Liberty Utilities**

Janice and Kenneth Sevene were present to discuss their concerns. Transparency and Accountability was her topic. Janice Sevene said that she and Kenneth did meet with Moderator Tatro after persistent requests. She said that in retrospect the information from the Moderator attested to lack of knowledge on his part. She said a second meeting was supposed to be held, and to date the Moderator has not responded.

NH Community Rights Amendment – she provided a copy of an article in the November 11, 2015 issue of the Keene Sentinel to the Board written by Michelle Sanborn who is the New England organizer for the NH Community Rights Network. She also passed out a copy of a resolution that the NH Community Rights Network is working on in support of “Supporting the Right of Local Community Self-Government”. She referred to decisions by the community Boards being preempted by the State of New Hampshire and therefore restricting what a community can and cannot do. Sevene said she wants to submit this resolution as a Warrant Article. She reported a situation whereby the corporation Nestle wanted to buy water in Barnstead, New Hampshire and the town was successful in fighting the corporation to protect their water. Hutwelker spoke about the fact that they are welcome to come to the Planning Board with a draft of an aquifer protection ordinance.

Sevene also spoke about an issue with the Liberty Utilities meeting and suggested inviting them back for more questions to be answered. She noted that the Liberty Utilities folks said they would be willing to come back. She asked Hutwelker about a November 11<sup>th</sup> Keene Sentinel newspaper article that suggested bringing natural gas to Safford Drive. Hutwelker corrected the statement: he said they asked about LNG or propane for Safford Drive, not natural gas. Discussion was held about where the piping might be placed in the future for natural gas. Branley said that the meeting reported by the Sentinel was for informational purposes only.

Hutwelker stressed that the Board does not have jurisdiction at Town Meetings, which is run by the Moderator. Sevene felt that the Board should be accountable because what is happening there is a reflection on the Town of Swanzey. Hutwelker said he appreciates the interest of the Mr. and Mrs. Sevene.

### **Request for Expenditure from Whitcomb Hall Committee**

The Whitcomb Hall Committee requested the Board to approve spending \$1,500 to have Cheshire Builders develop a comprehensive cost effect design for the 1st floor renovations.

Colby **moved** to authorize the Whitcomb Hall Committee to expend up to \$1,500 from the Whitcomb Hall Rehabilitation Expendable Trust Fund to develop a design for the first floor. There was a second to the motion by Davis and there was discussion. Branley said that he thought this work sounded more like something that would be done by an architect. Davis said that the Committee is trying to be efficient with the money and an architect would cost more. The second was withdrawn by Davis and the motion was withdrawn by Colby. The Board agreed to discuss this with Johnson next week.

### **2015-16 Winter Maintenance Stipend**

Branley informed the Board that staff requests the Board approve the annual Winter Maintenance Stipend amounts for the Department of Public Works.

Hutwelker **moved** to approve and execute the annual winter maintenance stipend for on-call regular full-time Department of Public Works employees for a 21-week period beginning November 17th. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

### **OLD BUSINESS**

#### **Clarification of prior passed motion**

Branley said the Finance Office requested that the Board clarify a previous motion to approve the purchase of a 2016 model 7400 International Cab & Chassis with NH State bid pricing, including warranty to indicate that the Board authorized the expenditure of up to \$88,000 from the Highway & Cemetery Equipment Capital Reserve Fund.

Colby **moved** to clarify that on 7/28/15 the Board authorized the expenditure of up to \$88,000 from the Highway & Cemetery Equipment Capital Reserve Fund for the purchase of a 2016 model 7400 International Cab & Chassis and related warranties. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

#### **2016 International Dump Truck – Plow & Equipment Proposals**

Branley provided two quotes from Department of Public Works (DPW) Director Dunham for body and plow equipment for the 2016 International Dump Truck. The proposals are:

- Donovan Equipment - \$61,640
- H.P. Fairfield - \$61,480

Branley said Dunham recommended the Board accept the proposal from H.P. Fairfield, which did provide a slightly lower number. Branley summarized funding as follows: At the end of 2014 this fund had a balance of \$135,700 and at Town Meeting the Town added \$87,500 giving it an estimated total of \$223,200. The Board committed \$88,000 with the vote on 7/28/15, leaving roughly \$135,200 in this fund uncommitted.

Colby **moved** to authorize the expenditure of up to \$61,500 from the Highway & Cemetery Equipment Capital Reserve Fund to engage H.P. Fairfield for the plow and equipment to outfit the 2016 International Dump Truck and to authorize the Director of Public Works or the Town Administrator in the absence of the DPW Director to sign the necessary documents. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

### **Tax Deed Properties**

Branley informed the Board that the auctions for 28 Pondview, 27 Aylward Ave, 68 Diana Drive, and 8 Old Lake Street took place this past Saturday morning.

The results were as follows (with approximate total taxes & interest due but not the 15% penalty in parentheses):

- 8 Old Lake Street – \$20,000 (\$19,000)
- 27 Aylward – \$10,500 (\$7,700)
- 28 Pondview – \$9,000 (\$10,500)
- 68 Diana Drive – No bid.

Branley said they are looking to close on these properties within 30 days and collect the remaining balances due beyond the deposits. He is going to speak with Town Counsel regarding the Town's options for 68 Diana Drive. There was no further discussion.

### **2016 Budget – Cultural Services and Patriotic Activities**

The Board reviewed this budget briefly and suggested no changes.

### **Wage Increases & Town Hall Hours**

Branley reminded the Board that they will soon need to make some decisions regarding wage increases and Town Hall hours.

### **OTHER BUSINESS**

#### **Schedules for Statutory Meetings**

Branley said that the Board needs to begin consideration of a schedule for statutory meetings. Davis said to consider dates that can be adjusted if snow is an issue.

Smith and Ames and the Sevenes left the meeting at 8:35 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 8:35 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

**Motion** was made by Colby to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 9:01 p.m.

**Motion** was made by Colby to seal the minutes of the non-public session because it was determined that the minutes might adversely affect the reputation of a person other than the Board. The motion was seconded by Hutwelker. 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(a) Personnel Matter(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 9:01 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

**Motion** was made by Colby to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. **Motion passed.** Non-public session ended at 9:03 p.m.

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

**ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 9:03 p.m.

Respectfully Submitted,

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

Beverly Bernard, Recording Secretary

Approved on November 24, 2015