

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – December 1, 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

Fire Chief Norm Skantze, Conservation Commission Chair Wally Smith, Attorney Tenley Callaghan representing Route 10 Heights, LLC, Open Space Committee Chair Victoria Ames, Director of Planning and Community Development Sara Carbonneau, State Representative Ben Tilton, North Swanzey Water & Fire Precinct Supervisor Sylvester Karasinski, Dave Mason.

MINUTES

- The regular meeting Minutes of November 24, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of November 24, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The non-public meeting Minutes #1 of November 24, 2015 were considered. There was a **motion** by Colby to approve the non-public Minutes #1 of November 24, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***
- The non-public meeting Minutes #2 of November 24, 2015 were considered. There was a **motion** by Colby to approve the non-public Minutes #2 of November 24, 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
- Personnel Action Reports

OTHER BUSINESS

There was a brief discussion about the possibility of paying the Town of Troy \$292.75 for special police coverage for “Up in Smoke” event since the holder of the event has not paid that town nor paid the money owed to the Town of Swanzey. The Board agreed to pay the Town of Troy the amount they are due and to add that amount to the debt owed by Altitude North to the Town of Swanzey. Branley said he would speak to Town Counsel as to what options are available to collect money owed.

PUBLIC HEARING

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

The Chair read the Notice for Public Hearing.

The Chair opened the Public Hearing at 6:05 p.m.

The Chair asked for questions, and there were none. There were no comments from department heads. It was noted that the Conservation Commission and Planning Board both recommended approval.

Motion was made by Colby to close the hearing. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

The Chair closed the Public Hearing at 6:06 p.m.

APPOINTMENTS

Fire Chief Norm Skantze - Ladder Truck Request for Purchase

Chief Skantze met with the Board to discuss his request for purchase of a year 2000 ladder truck. Skantze also provided a quote from New England Fire Equipment & Apparatus Corporation of \$46,273.54 to repair the 1988 truck now owned by the Town. Davis said that she was hoping that the ladder would last for five years, and she said she is concerned that there is no guarantee that nothing else will go wrong with the truck. Hutwelker noted the warranty being offered is 90 days and isn't significant.

Skantze spoke about how the trucks are aging and that problems arise with older vehicles. Hutwelker asked what vehicle needs to be purchased in 2016 and Skantze said it is the Yukon. Hutwelker asked for an approximate price and Skantze said he didn't want to guess. Colby asked about transferring all the gear from the old truck to the new truck, should the Town decide to buy the newer truck. Skantze reviewed the gear list to be moved over to the new truck with the Board. Colby suggested it didn't make sense to spend more than \$46,000 on a 1988 truck. Hutwelker asked about funding for the \$190,000 for both the new truck and a new Yukon and Branley said there is \$269,000 in the fire truck fund now. \$80,000 is added yearly. Skantze noted that the first truck, which was the 1977 truck, was sold to the Town for \$1.00. Colby asked about any need for refitting the West Swanzey building for the 100 foot truck. Skantze said that it will be tight, but no alterations will need to be made to the building. Hutwelker asked if the Town really needs this ladder truck and Skantze said there are enough 3-story buildings in town that require this kind of truck to take care of fire situations. He referred to chimney fires and a ladder truck being essential. Skantze provided a bit of history about apparatus acquisition in the past. Hutwelker asked about a maximum height for a truck like this. Skantze said a lot of the length of the ladder is about reach from the curb. Hutwelker asked if this would enable an ordinance to raise the allowable height in new buildings. Skantze said that might be the case but that larger buildings usually require internal fire packages and not necessarily longer ladders. He said it's about reach, not really about height.

Motion was made by Colby to approve expenditure of \$190,000 to purchase a 2000 ladder truck from New England Fire Equipment & Apparatus Corporation with \$130,000 from the Fire Trucks Capital Reserve Fund, \$35,000 to come from the trade-in for the 1988 Pierce Aerial, and \$25,000 to come from the trade-in of the 2000 International Heavy Rescue truck. There was a second by Hutwelker. No further discussion. All were in favor. **Motion passed.**

There was a brief discussion about consideration of additional vendors for future apparatus purchases.

Honoring Fire Department Staff

Skantze asked the Board if they would approve a short ceremony for the staff being promoted within the Fire Department and the Board agreed.

OLD BUSINESS

Liberty Utilities

Branley asked the Board if they wanted to take a position on the Liberty Utilities plan which was presented recently to the Board. Davis said that she would like Liberty Utilities to come back and give the public the opportunity to ask questions. Hutwelker said he is ready to support the plan, but he agreed to give the public

another opportunity to ask questions. Colby said he took a ride out to Production Avenue and said he was under the impression that a facility would be built there and it didn't look like any work was being considered for the site. He said he learned that the approval from the City of Keene to develop the site was ten years old and that Liberty Utilities will probably need to renew. He said he was under the impression that they were not counting on a Kinder Morgan gas trunk line to provide distribution since the facility at Production Avenue would provide it. Colby said he would like to have the group return and answer these kinds of questions.

Davis asked about the Fire Department's ability to handle a potential gas disaster. Skantze pointed out that there are currently three propane facilities in town and safety analysis has been done and training as well. He said there would need to be staff training for a pipeline, should that come to fruition. He also mentioned compressed gas being transported into the area. He said training needs to be done to manage those kinds of emergencies. Skantze said it is hard to comment since he doesn't have enough information. Hutwelker said that the plans are preliminary and he had the idea that building the Production Avenue facility would not take too much time. The Board agreed to have the Liberty Utilities folks return to meet with the Board once again.

Smith noted that the Town should check insurance to learn to what extent the Town would be held harmless if a gas fire should occur with damages.

Branley asked when to schedule the Liberty Utility folks – Hutwelker said it should be done as soon as possible. Branley agreed to schedule a Q & A session for the Board and the public.

Town Hall Office Hours

There was a discussion about Town Hall hours and working lunch time. Hutwelker asked Carbonneau what time of the day developers come to her for assistance. Carbonneau said they tend to come in the morning. She said most people want to get their business accomplished in the morning. Davis mentioned that people who work and need to register vehicles, need to come in after work, in the evening. She said it would be helpful to have Town Hall opened either in the morning or later in the evening to accommodate working folks. Colby said that it has been tried in the past to extend the evening hours for registrations and few folks took advantage of it but he was not opposed to considering it. Davis said that the message board in front of Town Hall can inform residents about Town Hall open hours, which they did not have in the past. There was discussion about processing transactions online. Branley suggested having both Town Clerk and Tax Collector open in the evening or early together so that there is not just one person in the building. Colby noted that registrations can be paid by mail. Colby said he was amenable to a trial basis extending the hours on a Tuesday night since folks are here anyway for the Board meetings. Hutwelker said he was in favor for 8 a.m. to 5 p.m. Monday through Friday or 8:30 p.m. to 5:30 p.m. It was noted that consistency is important. Davis suggested once a month having late hours on the last day of the month.

Sylvester noted that the Recycling Center schedule works well alternating between opening late and staying open until late with opening early and closing early.

Davis said that the Board doesn't need to make a decision tonight. Smith noted that whatever time is decided on, folks will find a way to pay their bills.

Carbonneau said having all staff on 40 hours is a good idea. She said her preference for schedule is for opening at 7:30 a.m. and working until 4:30 p.m. Discussion continued regarding the possibility of staggering hours as well. Hutwelker said he agreed with Colby that the Town needs to be consistent. Colby suggested 8 a.m. to 5 p.m.

Motion was made by Hutwelker to change Town Hall hours from 8:00 a.m. to 5:00 p.m. as of January, 2016 and to increase hours for staff to 40 hours per week second by Colby, and no further discussion. All were in favor. **Motion passed.**

Carbonneau asked about labor laws and requiring two 15 minute breaks, and one hour lunch, for hourly employees. There was a discussion about working through lunch and when it would be acceptable to leave the office. There was discussion regarding salaried employees for 37.5 hours versus increasing to 40 hours and whether that would mean an increase in pay. Branley said that he recommended that staff should be compensated for that. There was discussion as to the origin of a 37.5 hour work week. There was a discussion about salaried qualifications and which positions are salaried and which are hourly by operational need. Branley said he would gather more information for consideration. There was a discussion regarding exempt versus non-exempt employees. Branley agreed to investigate why employees, who have supervisory status, are not salaried. Hutwelker said he is in favor of compensating staff and Colby said that he agreed and this is a one shot deal.

Motion was made by Colby to do an across the Board increase to cover additional hours whether hourly or salaried represented by raising staff hours to 40 hours. There was discussion regarding an effective date. Colby **withdrew the motion** pending a decision on the effective date.

BUDGET REVIEW

Full-time Status of Administrative Assistant Position

Branley provided a summary of duties for a proposed Administrative Assistant and compared a full-time position versus part-time position. Hutwelker said that he thinks an Administrative Assistant is needed. However, he said he has been concerned about balancing workload. He noted that the Affordable Care Act increases the workload for some staff. Hutwelker said that the new position would create more efficiency at Town Hall, including greeting the public and directing them to the appropriate staff member, among other tasks. Colby asked where a new employee would be placed and Branley stated he was confident they could figure it out. Colby noted that health care costs to the Town for a full-time position with a family plan are \$23,200. Davis said that the insurance cost raises questions about the costs for a full-time person. Carbonneau said that her opinion is that the position needs to be full time, when she prepared for the Board meetings between Town Administrators prep for the meeting alone required an 8 hour day. There was discussion about the costs of a monthly premium for health insurance. Hutwelker said that the quality of applicant would be better offering a full-time job. The Board agreed to have Branley put the full-time administrative assistant in the budget.

OTHER BUSINESS

State Representative Ben Tilton asked the Board for any recommendations for him. He mentioned that he has four bills that he is proposing. He explained each of the proposed bills. He noted there are a lot of pipeline bills being proposed. He said the Susan Emerson bill regarding local control probably won't get any traction.

All attendees left the meeting except for Skantze at 7:52 p.m.

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

Motion was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) Discipline of a Public Employee. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:53 p.m. **Motion passed.**

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 8:50 p.m.

Motion was made by Hutwelker 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 Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Non-public session(s) per RSA 91-A3II(b) – Hiring a Public Employee(s)

Motion was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring a Public Employee(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 8:53 p.m. **Motion passed.**

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 8:55 p.m.

Motion was made by Hutwelker 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 Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

Non-public session(s) per RSA 91-A3II(c) – Reputation

Motion was made by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(c) Reputation. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 8:56 p.m. **Motion passed.**

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 8:58 p.m.

Motion was made by Hutwelker 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 Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

OTHER BUSINESS

California Brook Road Vandalism

Branley informed the Board that three juveniles were caught burning objects on California Brook Road when the Fire Department reported to a call for a fire. The three juveniles were arrested. The Board expressed appreciation for the Fire Department's response and expressed hope that a message would be sent to others who might be vandalizing property.

Tax Deed property at 68 Diana Drive

Branley said he spoke to Town Counsel and learned that notice for impending sale of this property was not provided as required by law. The notice needs to be provided and Branley suggested sealed bids to sell the property. He said if the Town provides notice of impending sale, and then gives the former owners 90 days to respond and they do not, the existing building can be demolished. The Board agreed to have Branley send the notice. Branley suggested that Department of Public Works (DPW) clean up the property on the outside a bit more to hopefully get the mobile home park to continue to waive the park rent. Colby asked if there is anyone in salvage who might be interested in the debris. Branley said that he could explore that option but he thought the salvage value was minimal.

Title Insurance

Hutwelker suggested a solution regarding title insurance problems for properties taken through tax deed, which cannot get title insurance. He suggested that if a former property owner provides a deed to a property, and the buyer continues his purchase of a property from the Town who could then pass along the deed to the buyer, it would alleviate the concern about title insurance. Hutwelker also suggested that the Town could consider making a nominal payment to the former property owner to sign over the deed. There was a brief discussion about checking on the legality of that procedure.

There was a brief discussion about other tax deed properties auctioned off.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Davis. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 9:11 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 8, 2015