

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – December 8, 2015  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

The meeting was called to order by Vice Chair Hutwelker 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 6:23 p.m.

**OTHERS PRESENT**

Terence Mark, Director of Department of Public Works (DPW) Lee Dunham, Town Clerk Donna Munson, Open Space Committee Chair Victoria Ames, Director of Planning and Community Development Sara Carbonneau

**MINUTES**

- The regular meeting Minutes of December 1, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of December 1, 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 December 1, 2015 were considered. There was a **motion** by Colby to approve the non-public Minutes #1, #2, and #3 of December 1, 2015. The motion was seconded by Hutwelker with no further discussion. All were in favor. ***Motion passed.***

**CONSENT AGENDA**

**Motion** was made by Colby to approve the Consent Agenda. There was a second by Hutwelker. There was no further discussion. All were in favor. ***Motion passed.***

- Payroll Manifest
- Payables Manifest
- Intent-to-cut for Map 69 Lots 2-1 & 2-2
- Intent-to-cut for Map 69 Lot 1-2
- Report-of-cut for Map 80 Lots 3 & 3-2
- Raffle Permit #2016-1 – MRHS Destination Imagination
- Transfer of \$3,970 from the General Fund to the Conservation Fund Pursuant to RSA 36-1:5 and by vote of the 1995 Town Meeting Article 31
- Transfer of \$5,731.71 from the Conservation Fund to the General Fund for 2015 Expenses
- Personnel Action Reports

**NEW BUSINESS**

**Approval of Emergency Expenditure – Carpenter Home Refrigerator**

Branley informed the Board that the Carpenter Home refrigerator ceased to function on Friday morning and in order to preserve food being stored in it, Interim Carpenter Home Administrator found a suitable replacement and Mike Jasmin and folks from the Department of Public Works (DPW) assisted with purchasing it, picking it up, and installing it. While the purchase price was under the Town credit card's limit, since other purchases are currently outstanding, Branley was not able to put the fridge on the Town card and had to use his personal card.

Colby **moved** to authorize the reimbursement of Michael Branley for the expenditure of \$2,017.78 for a refrigerator for the Carpenter Home and three year warranty, to be paid from the Lucy Carpenter

Common Trust Income Fund. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

### **Postage Meter Lease**

Based on analysis done by Finance Office Assistant Jason Taylor, Branley said the most reasonable option for a unit with the features that the Town Hall staff has identified as important (automatic feeder, automatic sealer, ability to post expenses to different departments, etc.) is to lease a Pitney-Bowes DM400 with a 70 letters per minute speed. After reviewing the lease costs for each term annualized and concern about too long of a commitment, Branley recommended to the Board a three year lease.

Colby **moved** to authorize the Town Administrator to enter into a three year lease for a postage meter with Pitney-Bowes for the DM400 70 letters per minute model. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

### **Letter of Support to Cheshire County Commissioners regarding Keene Housing CDBG Grant**

The Board read a proposed letter of support addressed to Stillman Rogers, Chair of the Cheshire County Commissioners, for the Keene Housing CDBG grant application.

Colby **moved** to endorse the letter to the Cheshire County Commissioners in support of the Keene Housing CDBG grant application for their sponsorship. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

### **APPOINTMENTS**

#### **Terence Mark Clearwater Pool & Spa – Request for Town funding of Retaining Wall**

Mark passed out an estimate for a Stone Tree concrete wall fence for \$12,495.00 for a barrier to protect his retail building from snow. He asked about Tax Increment Finance (TIF) district monies left over from constructing Safford Drive that might pay for his fence. There was discussion about whether putting up a fence would have to go to the Zoning Board of Adjustment (ZBA). It was agreed that based on the building's current non-compliant state in regard to the Town's zoning ordinances, Mark would need to get a variance for the new structure. Hutwelker, being Chair of the ZBA, recused himself. Carbonneau noted that Hutwelker could recuse himself from either tonight's deliberation or the ZBA deliberation. She noted that Mark's application to the ZBA wouldn't be on the docket until January and that there should be a full Board available in January. Given the assumed availability of a full ZBA when Mark's application would be considered, Hutwelker rescinded his recuse, assuming he would recuse himself from the ZBA deliberation instead.

Mark said plowing will be an issue during the winter, doing damage to his building. Hutwelker asked Mark why he thought it should be the Town's responsibility to protect the building. Mark referred to the agreement that occurred between the Town and Mark for construction of Safford Drive. Mark provided photos of the stone fence that he is hoping to build. Discussion was held about a retaining wall versus the Stone Tree fence. There was discussion about the amount of work to be done. Stone Tree provides I-beams and fencing but some of the other work is done by another party. Mark said \$5,400 is the cost for Stone Tree work. The \$12,495.00 covers the whole cost. Carbonneau asked for confirmation that the fence would be outside the State's right-of-way and Mark agreed that the fence would not be in the State's right-of-way. Branley asked about the purchasing agreement involving the construction of Safford Drive for which Mark received \$40,000 from the Town. Branley said he thought the \$40,000 was compensation to Mark for alterations needed because of the building of Safford Drive and the right-turn lane. Mark stated he already spent the \$40,000 on other alterations he needed to make based on the extension of Safford Drive.

Mark said he was looking for money from the Town. Hutwelker said that the Board would be prepared to make a decision on his request next Tuesday. Hutwelker also suggested that Mark speak to Carbonneau about getting on the Zoning Board of Adjustment calendar. Mark left the meeting at 6:26 p.m.

#### **DPW Director Lee Dunham – Public Works Department Update**

Dunham briefly spoke about roads and getting Engineer Rob Hitchcock in to speak to the Board. He went on to talk about the cemetery which has had 50 burials to date, and will be 52 by end of this week. Dunham said this is more than last year. Dunham said that December 1<sup>st</sup> is the normal closure date for burials, but they keep it open as long as they can, until it snows, because it is good for the families to get closure.

Dams update for Swanzey Lake Dam leak – Dunham said that about a week ago he received a proposal from Dubois & King which was sent to the Dam Bureau for approval. He spoke about waiting until next year to do the work, and asked the State if the work could wait until next fall, so the lake could be lowered post summer. He said New Hampshire Department of Environmental Services (NH DES) agreed as long as the leak is being monitored. He also said that NH Fish & Game is okay with waiting. Residents would be informed in the spring that Swanzey Lake would be lowered in the fall for the work. He emphasized providing notice in public hearings and website, so that everyone is aware well ahead of the work to be done. He also mentioned posting a notice on the boat launch ramp area of Swanzey Lake.

Wilson Pond Dam – Dunham said he hoped to begin work responding to NH DES Letter of Deficiency. He noted that residents who live on the pond don't want to hear that the pond will be lowered by a foot. The Board noted that the pond is down more than 2 feet now.

Dunham said he doesn't have an update on the dump truck.

Whitcomb Hall – Dunham noted that he was elected Treasurer of the Whitcomb Hall Committee. He noted that there are multiple accounts and funds for Whitcomb Hall. He said that with the expectation of public use of the building in 2016, the operating budget is going to need a change. Branley noted that he did bump up the budget for utilities based on the fact that renovation activity will be going on, but at the same time the budget was constructed it did not look like the building would be open in 2016. Dunham said that the plan is to open the first floor for public use in 2016 at the 100-year anniversary of the building. Fuel will be needed for heating. He said he expects to recommend some new operating budget numbers. He noted that it will be difficult to estimate the need since the building hasn't been used by the public in many years and now there is insulation in the building which should make heating the building more efficient. Dunham also spoke about discussion of the Committee regarding the Whitcomb Hall Expendable Trust and how much to put into that account. Dunham said there has to be a schedule for the process involved. The Board thanked Dunham for his work. Dunham left the meeting at 6:43 p.m.

#### **OLD BUSINESS**

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

Colby **moved** to approve the confirmatory sewer easement on the Town Property known as Tax Map 72 Lot 84 as drafted to Route 10 Heights LLC. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

The Board signed the document granting the sewer easement to Haley Park in the presence of the Notary Public (Donna Munson), who then notarized the document.

## **APPOINTMENTS**

### **Town Clerk Donna Munson – Town Clerk Office Hours & 2016 Budget Request**

Munson spoke about her request for an increase in pay for her deputy, Karen Elliott. Munson said she is asking for a raise of \$4.00 an hour for Elliott. Munson said that Elliott is invaluable and is currently at \$16.00 an hour. Munson said Elliott is dependable and knows what she is doing. Munson also spoke about the increase in Town Hall hours approved by the Board from 9 a.m. to 5 p.m. She said for her work it is really 7:30 a.m. to 5:30 p.m. because they have to be ready for the public and have to close up after. Hutwelker asked why it takes a half hour to ramp up and half hour to close up. Munson said that she does balances with cash receipts in the morning and sometimes there is a problem with a report and they have to figure out what is happening in the evening. Munson also asked the Board to be authorized for pay for 45 hours per week. Hutwelker said that it was his opinion that the manager should be able to work more efficiently and not need an extra 5 hours. Davis asked if Elliott could open and Munson close, or vice versa, and Munson responded that she and Elliott work together. Hutwelker noted that in business folks often don't get compensated for closing out cash receipts. Colby suggested taking the request under advisement and said the Board is not ready to make a decision now.

Munson also asked for another part-time person. She said that when dog registrations occur and when fleet registrations occur it gets very busy. Hutwelker asked about looking into electronic options rather than adding staff. Munson acknowledged that some towns do have registrations online. Branley said that one of his goals for 2016 is to look at online options. Hutwelker said he would like to see the Town move in that direction rather than adding staff. Munson said she is looking for an additional 20 hours a week and Hutwelker asked how that would be justified. Munson spoke about election time taking much of her time. Hutwelker asked about cross-training to help before we seriously consider another person at 20 hours. Colby said the Board will have to look at all of these requests and consider their options. Hutwelker asked what is not getting done currently that would get done with additional staff. He wanted to know where the need is. Munson said that there are days they don't have lunch or don't sit down especially at the end of the month. She said she and Elliott get stressed. Munson said that there is apt to be a time when both Elliot and Munson are both out and they will have to close the Town Clerk's Office. Hutwelker asked if the Tax Collector Belletete could be re-certified to be a public agent since she had been Town Clerk in the past. Hutwelker asked about what growth has occurred – Munson said there are more dogs and more vehicles. Hutwelker asked for data to support the need for additional help. Fleet registrations were discussed. Davis asked to see how many registrations we have this year over the previous year. The Board thanked Munson and Munson left at 7:07 p.m.

Gus Lerandeau brought calendars for the Town's use. The Board thanked Lerandeau.

Ames suggested the speed of the computer systems in the Town Clerk's Office be considered. Hutwelker asked Branley to check with EMF, Inc. on the analysis done recently about the speed of the Town systems and the State of New Hampshire regarding the time spent on the systems waiting for a response.

### **Town Hall Office Hours**

Branley said he received information from the NH Municipal Association regarding whether the money to fund additional hours to Town Hall staff could be included in the default budget and the attorney agreed with Branley that it could not. Discussion was held about the prior decision to change office hours effective in January and whether or not to wait until after the budget passes. Hutwelker stated that the Board should wait until after Town Meeting to initiate the change and Branley agreed saying that waiting will give folks more notice to adjust for the change. There are a number of logistics that will need to be worked out. The rest of the Board also agreed. Branley noted in changing the hours, accruals for vacation time is impacted. Vacation time already accrued needs to be considered.

### **Exempt vs. non-exempt employee status**

The Board received documentation regarding exempt (salary) vs. non-exempt (hourly) classifications of employees that Human Resources Coordinator Coates located. Hutwelker thanked Branley for the information.

### **2016 BUDGET REVIEW**

Branley provided the Board with scheduling options:

There was a discussion about possible dates for the Deliberative Session. After looking up SB2 information provided by the NH Municipal Association it was determined that the appropriate dates are as follows: January 12, 2016 for Budget Hearing, and January 19, 2016 for snow date for the Budget Hearing. Deliberative Session would be February 2, 2015. All will be held at 7:00 p.m.

### **OTHER BUSINESS**

Discussion was held about meeting on December 22, 2015. In place of meeting on the December 22, 2015, the Board agreed to meet on Monday morning on December 21, 2015 at 9:00 a.m.

Hutwelker mentioned the possibility of re-authorizing the Water Study Committee. No action was taken.

Branley spoke about a meeting with Town Counsel that will occur on Friday of this week, and which at no decisions will be made. The meeting is for legal advice.

### **ADMINISTRATIVE UPDATE**

Hutwelker said that he appreciated the input from Town Hall staff added to the administrative update. There was a discussion about adding other departments outside town hall for periodic written reporting and the Board agreed they would like to see this.

Ames left the meeting at 7:50 p.m.

### **Non-public session(s) per RSA 91-A3II(a) Discipline of a Public Employee(s)**

**Motion** was made by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(a) Discipline of a Public Employee(s). The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 7:56 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 8:05 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) Compensation**

**Motion** was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) Compensation. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 8:06 p.m.

**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 8:08 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) Compensation**

**Motion** was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) Compensation. The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 8:08 p.m.

**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 8:12 p.m.

#### **OTHER BUSINESS**

There was a brief discussion about the Board being observers at committee meetings and therefore not making decisions and not requiring notice, and also about the Board refraining from using "Reply All" when receiving informational email to comply with the right-to-know law.

#### **ADJOURNMENT**

**Motion** to adjourn was made by Colby, second by Hutwelker. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:27 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 15, 2015