

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – December 15, 2015
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

The meeting was called to order by Chair Deborah J. Davis at 6:00 p.m. at the Swanzey Town Hall. Present were Deborah J. Davis, Kenneth P. Colby, Jr., and W. William Hutwelker III. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

OTHERS PRESENT

Director of Department of Public Works (DPW) Lee Dunham, Director of Planning & Community Development Sara Carbonneau, Conservation Commission Chair Wally Smith, Emergency Management Director Bruce Bohannon, Open Space Committee Chair Victoria Ames, Fire Chief Norm Skantze, Code Enforcement Officer Michael Jasmin, Municipal Facilities Review Committee Chair Don Skiba, Michael Licata and William Clark from Liberty Utilities and several members of the Fire Department and their families.

MINUTES

- The regular meeting Minutes of December 8, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of December 8, 2015 with changes to page 3 referring to Wilson Pond, which is a pond, not a lake, and on page 4 in reference to the NH Municipal Association attorney agreeing with Branley about Town Hall Office hours. 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 8, 2015 were considered. There was a **motion** by Hutwelker to approve the non-public Minutes #1, #2, and #3 of December 8, 2015. The motion was seconded by Colby 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
- Appointment of Charles Johnson – Full-time police officer
- Deed conveying Town-owned manufactured housing unit at 28 Pondview (Map 73, Lot 22-508) to Dan A. Gray and Theresa J. Peters Gray
- Personnel Action Report(s)

APPOINTMENTS

Fire Chief Norm Skantze – Fire Department Promotions

The Chair handed over the meeting to the Fire Chief who said that this evening he was to appoint two new Lieutenants to the Fire Department. Skantze spoke about the background and experience of both appointees. Skantze swore in Brandon West and Andrea (Andy) Fisher. The badges were placed on West and Fisher by family and friends and they were congratulated by the Board. Colby congratulated the fire department on the work done for the Swanzey Christmas celebration, which was well attended by townsfolk.

The Fire Department attendees left at 6:15 p.m.

Director of Public Works Lee Dunham – Main Street Project & Whitcomb Hall Operating Budget

Dunham and Branley spoke about the budget numbers for Whitcomb Hall. Dunham noted that he added \$2,500 to the 2016 budget as a fuel line item. He also mentioned that there were added funds for electricity. He spoke about the Expendable Trust to which \$50,000 could be added and noted that the voters would like to see movement in renovating the building if they are going to allocate substantial funds for the building. Dunham said the next step is to get a heating plant in place. He noted an outstanding bill for electrical work of \$3,492.50, which was done in August after the Board initial agreement to expend funds. He said he would like to use the non-restricted account funds to pay the bill. He said these funds came from donations, which has \$14,102.60 in it and adding additional donations comes to about \$19,000. He confirmed that the electrical work was done satisfactorily.

There was a **motion** by Colby to approve expenditure of \$3,492.50 to pay an outstanding bill for electrical work for Whitcomb Hall to come from the Whitcomb Hall Non-Restricted Fund. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Dunham spoke about the Main Street Committee and that they are looking for construction to begin in 2016. Estimate from SVE is \$561,709 and with added 15% contingency comes to a total \$674,051 for Main Street reconstruction from the bridge to the four corners, including sidewalks, and to do the water works beneath the ground. The recommendation was to hold a public hearing. Branley clarified that the hearing would be for public input and was not a hearing required by statute. Funding comes from Town Road Rehab and Reconstruction Fund, which has \$581,747.89 and that is enough to do the work without the contingency. He noted that once it goes to bid there could be different numbers and he said that it is looking good to have enough funding assuming an appropriation at Town Meeting to the fund. Dunham said he anticipates going out to bid sometime early spring, perhaps February or March. Dunham said that he would be ready for public hearing soon. Colby asked Dunham to confirm curbing work is done to his satisfaction, keeping plowing in mind.

Carbonneau asked about alternatives for parking: angle parking versus parallel parking. She asked if Dunham was looking for public input. Carbonneau said that the Main Street committee endorsed angle parking but perhaps parallel parking might be preferable. There was a discussion about Complete Streets recommendations for parking. Branley asked and Dunham confirmed that the construction would be within the spirit of the Complete Streets Policy the Board adopted.

Safford Drive speed limit of 30 MPH was discussed, which would also go to public hearing.

Hutwelker asked about the Christian Road Bridge Committee. It was briefly discussed in terms of forming the committee which Dunham said could begin shortly. Dunham left the meeting at 6:29 p.m.

Code Enforcement Officer Michael Jasmin – Carpenter Home Building / Code Compliance Projects

Jasmin requested of the Board authorization to expend funds for building improvements at the Carpenter Home. He noted an issue with trying to get access to the attic space. There is need for emergency egress for those working in that space. He also spoke about a draft stop which is a simpler wall to cut down on available air and area in the event of a fire. He provided a list of materials needed which will cost approximately \$1,200 and said they would be using DPW workers during down time to work on the project.

There was a **motion** by Colby to approve expenditure of \$1,200.00 for improvements at the Carpenter Home to be funded from the Edna C. Whitcomb Common Trust Income Fund. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Jasmin referred to a report from Beverly R. Kowalik, P.E. with JCM Code Specialists, LLC of Pembroke, NH in regard to code compliance for Life Safety concerns at the Carpenter Home. Kowalik would assist with putting together the specifications for the fire suppression system and a request for proposals at a cost of \$2,870.00.

Motion was made by Colby to fund services for fire protection compliance to Life Safety issues at the Carpenter Home to be provided by JCM Code Specialists, LLC in the amount of \$2,870.00 to come from the George Whitcomb Jr. Carpenter Home Income Fund. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Don Skiba – Municipal Facilities Review Committee Update

Skiba presented the Board with a report on proposed facilities improvements along with costs. He updated the Board on the status of the committee's work and discussed the project estimates for the Police Station addition, Town Hall addition and redesign, and new Safford Drive Fire Station construction. He also spoke about work needed for the Recycling Center and DPW facilities. He spoke about the Police Department addition and restructuring the interior and the need to fix drainage problems which will need bonding of approximately \$440,000. In reference to Town Hall he noted the need for fixing the roof trusses and doing electrical work. Also included would be an ADA elevator built into a tower at the rear of the building and creating offices in the lower level once the present fire station has moved out of the building. Skiba said that it is possible that staff would not need to be moved out of the building if the work was done in phases, but he said that there is funding in the total amount for staff moving into temporary quarters, should there be a need to do so. He then discussed a proposed Fire Station which is 7,000 square feet less than the station proposed to the voters in 2015. He spoke about the structure that is currently being proposed, which is a wood structure for the office area, not a steel building for that portion of the building. He said a wood structure is less costly than a steel structure.

Ames asked a question about land acquisition for 2021 for the Recycling Center that was noted in the spreadsheet and Skiba explained that that would be a future consideration for re-building the Recycling Center as reported by the Capital Improvement Program Committee since the landfill situation at the current location would not allow for the weight of a new building.

Skiba noted that the Committee is still waiting for estimates from Engineer Ted Fellows, and Branley said he would speak to Fellows.

Hutwelker complimented Skiba for the work accomplished. Branley said a public hearing would have to be noticed for the proposed bond by early January. He said the Board needs to decide if they want to bond the projects together or separately and whether they want to propose them all this year or in phases. The Board thanked Skiba and the Committee for the work accomplished.

Liberty Utilities – Question and Answer Session regarding expansion of gas distribution into Swanzey

Michael Licata and Bill Clark from Liberty Utilities were present to answer questions from the public. The Chair opened the meeting for questions at 7:02 p.m. Licata gave a re-cap of the prior presentation describing the petition of Liberty Utilities for franchise rights to serve the town of Swanzey with natural gas. He spoke about moving away from propane gas and providing compressed natural gas (CNG) and liquefied natural gas (LNG). He said that regardless of whether or not approval is given to Kinder Morgan for their pipeline, Liberty Utilities plans to serve Swanzey. With Kinder Morgan pipe, they would connect to Winchester and serve more communities as well as Swanzey. They intend to expand the existing system. Liberty is strictly a distribution company.

Colby asked about the Production Avenue distribution center and said he saw no evidence of anything happening in the location. Licata said that they do have to re-apply for a permit from NH DES and they have to go through

site planning and city planning with the City of Keene. Clark said that they will be beginning the permitting process soon. By end of next summer is a goal for doing initial site work. Licata said that the City of Keene is aware of the intention of Liberty Utilities. Colby noted that the construction of the Production Avenue is the driver for gas coming to Swanzey, assuming Kinder Morgan pipeline is not absolutely essential to this objective.

Smith asked about accident insurance. Licata said that the Town is not liable for gas emergencies and that Liberty Utilities has the appropriate insurance and it is their responsibility for any dangerous conditions due to accidental events.

Licata showed samples of pipe that would be going along the state highway. Chesterfield resident Jeff Scott asked about what would happen if Kinder Morgan were approved; Licata said that they would connect to Winchester via the Kinder Morgan pipe. Colby asked if they were on Keene's agenda and Clark said not yet, that they are still working on the design. Scott asked about transporting fuels and asked about how they feel about fracking using precious water. Licata responded that folks who use fracking have state and federal guidelines to follow based on Environmental Protection Agency (EPA) guidance and the resulting gas or oil is a low cost commodity for customers.

Licata asked for a "Letter of Support" from the Town of Swanzey. He said the Public Utilities Commission (PUC) considers this sort of thing when it is deciding to award a franchise. Licata said that the PUC needs to set up a procedural schedule. Licata said at any point the Letter is helpful to them. Clark asked if the Town has chosen to be an intervener and Hutwelker asked if Swanzey should do so. Licata said the deadline for filing was passed last week but he felt the deadline was a soft target and that a request from the Town to be an intervener would probably be accepted. Scott asked the Board to consider the negative effects on people by the growth of pipelines. Clark and Scott left the meeting at 7:22 p.m.

Colby said there is no rush to make a decision. Hutwelker asked about intervener status and whether the Board should move ahead.

Hutwelker **moved** to have Town Administrator file the appropriate paperwork for intervener status with the PUC in regard to the franchise request of Liberty Utilities. Colby said that he would not second the motion at this time because he did not feel ready to make a decision. The motion died for lack of a second.

NEW BUSINESS

Request for Property Tax Abatement – Town-owned property Map 61 Lot 2-11

The Board briefly discussed the former Joslyn property taken through tax deed. Branley explained that the property remained taxable in the assessing software rather than change it to tax exempt as would have normally been done with tax deeded properties because at the time the Town was under the impression that this property would be deeded back to the former owners. However, the anticipated transaction never occurred and therefore the property tax must be abated.

Colby **moved** to grant the property tax abatement for property at Map 61 Lot 2-11. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

OLD BUSINESS

Request by Clearwater Pool & Spa for Town funding of Retaining Wall / Fence

The Board considered the request of Terry Mark that the Town pay for some or all of a fence / retaining wall between his property and State Route 12, which he estimates will cost \$12,495. Carbonneau noted that Mark does not need to go to the Planning Board or Zoning Board of Adjustment (ZBA) for his fence.

Colby informed Mark that Town Counsel opined that there was not any legal obligation of the Town to compensate Mark any further than the \$40,000 already provided to Mark through the earlier purchase agreement related to the construction of Safford Drive. Colby said Town Counsel opinion was that the \$40,000 already rendered to Mark should be sufficient for collateral expenses. Hutwelker said Counsel referred to the purchase agreement signed by all parties, including Mark, in his opinion. Hutwelker said there was no connection to the Tax Increment Finance (TIF) district in their decision. Mark asked who was in charge of the TIF district and he was told that there is an advisory board but the Board of Selectmen is in charge of the District. The consensus of the Board was to not provide additional money to Mark.

Cheshire Fair Association – 2015 Taxable Value

Davis recused herself from this discussion and vote.

There was discussion about the meeting with Town Counsel. Counsel had asked on Friday and Branley has confirmed that Cheshire Fair Association had not filed the A-9 & A-12 forms in a timely manner and the fact there was a recent signed agreement between the parties in regard to the construction of Safford Drive. Branley spoke about the difference in operation today of the Fairgrounds versus years in the past, which the tax agreement has been based on. There was discussion about the old values of the property. There was a discussion about the meeting with Town Counsel regarding this subject.

Motion was made by Hutwelker to deny the request of the Cheshire Fair Association to reduce the value of land to in effect reduce the taxes by \$10,000, second by Colby. No further discussion. Both Colby and Hutwelker were in favor. ***Motion passed.***

Branley asked if the Board wanted to consider a review of the tax agreement with the Cheshire Fair Association. Davis suggested that perhaps the Board could come up with a better updated document. The Board agreed to have Branley begin the conversation with Cheshire Fair Association with the intention of coming to a new agreement going forward.

HealthTrust renewal for Town Employee Insurance Benefits

Branley asked the Board for some housekeeping motions for Insurance benefits.

Colby **moved** that the Town of Swanzey shall participate as a Member in the HealthTrust pooled risk management program for the provision of group medical and/or other benefit plans in accordance with the "Application and Membership Agreement" and NH RSA 5-B. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

Colby **moved** that the Town Administrator be hereby authorized and directed to execute and deliver to HealthTrust, on behalf of the Town of Swanzey, the "Application and Membership Agreement" In substantially the form presented to this meeting. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

2016 BUDGET REVIEW

Budget Discussions were deferred to next week.

OTHER BUSINESS

Branley asked for approval of the deed for 8 Old Lake Street to GB Investment holdings and 27 Aylward Avenue to Patricia A. Hunter.

Hutwelker recused himself from this discussion.

Colby **moved** to approve the deed for 8 Old Lake Street (Map 18 Lot 142) and second by Davis. Both Colby and Davis voted in favor. Motion passes.

Colby **moved** to approve the deed for 27 Aylward Avenue (Map 18 Lot 142) and second by Davis. Both Colby and Davis voted in favor. Motion passes.

Release of welfare liens

Branley stated he had two releases of welfare liens for repayment of public assistance.

Motion was made by Colby to approve release of welfare liens for repaid public assistance. Hutwelker seconded the motion and there was no further discussion. All were in favor. **Motion passed.**

Domain Registration

There was a brief discussion about domain registration for the police department server, which has to be signed by the highest elected official.

Motion was made by Colby to authorize the Chair to sign the formal request for authority over swanzeyhpd.gov domain name, second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Liberty Utilities Recap

Liberty Utilities representative Licata spoke to the Board once again. Colby asked for more information about *intervener* status. Licata said an *intervener* has a right to appeal a decision and have a right to be part of the proceedings. Licata said that in most cases the parties are represented by an attorney. He said that the other *interveners* including the Office of Consumer Advocates will ask many questions to get to the determination that Liberty Utilities meets the standard for managerial, financial and technical expertise to manage the franchise. As an *intervener*, you receive all the copies of the information provided. It doesn't mean being in favor or opposed to the request. Licata noted that the Town of Windham was satisfied with the answers provided by Liberty Utilities and enthusiastic about the project. The Town of Pelham just wanted to be more involved according to Licata. Kinder Morgan pipe will run through both those towns. Licata explained that in the case of Swanze with its proximity to Keene, the distribution of gas is not dependent upon Kinder Morgan. Licata suggested that with a "Letter of Support" the Board could make it very clear that their support is for the extension of the LNG line coming from Keene. As for action on the Production Avenue site, Licata said he would contact their engineering department for a timeline for the build out of the facility. He said the company needs to determine the size of the facility, as a permanent facility or a temporary facility, which is the internal dialog that is going on within the company. Colby said he is leaning toward being supportive of the franchise with the Production Avenue site because it would serve business in the north end of town. Licata said that *intervener* status is pertinent to Liberty Utilities being allowed a franchise through the PUC.

Motion was made by Hutwelker to give authority to the Town Administrator to apply for *intervener* status for the Liberty Utilities franchise application to the New Hampshire Public Utilities Commission, there was a second by Colby, and all were in favor. **Motion passed.**

Davis said she has a problem with excessive growth and that she does not want Swanzey to become like Keene. She said she likes the rural character of the town. Hutwelker said this is an opportunity for the EZ-District to grow, and to attract business to the area. Davis said her problem is the possibility of connecting to Kinder Morgan. Hutwelker spoke about the high electric rates and that no natural gas is currently available which makes it difficult for businesses to relocate here. He said that new business would stabilize the tax rate.

Annual Report

Branley spoke about the annual report and asked if the Board wanted to be involved in selecting a vendor for publication. Colby said that he felt that Branley could make a final recommendation to the Board.

EDAC Planning Session

Hutwelker spoke about the EDAC meeting that was held on Saturday, December 12th and that it was a productive meeting with good results.

Broadband Access

Hutwelker spoke about broadband discussion held regarding HR-1180 which would allow communities to bond for internet access. He said that he would like to lobby our State Representatives to vote for the bill.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:25 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on December 29, 2015