

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – January 5, 2016  
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**

Code Enforcement Officer Mike Jasmin, Director of Planning and Community Development Sara Carbonneau, Conservation Commission Wally Smith, State Representative Ben Tilton, Planning Board Chair Glenn Page, MFRC Chair Don Skiba, Emergency Management Director Bruce Bohannon, Resident Bruce Tatro, Whitcomb Hall Chair Peter Johnson, Fire Chief Norm Skantze, Richard Robidoux from Cheshire Builders, Inc. and Public Works Director Lee Dunham.

**MINUTES**

- The regular meeting Minutes of December 29, 2015 were considered. There was a **motion** by Colby to approve the regular Minutes of December 29, 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
- 2015 Equalization Certificate

**APPOINTMENTS**

**Code Enforcement Officer Mike Jasmin – Potential Enforcement Situation, Recycling Center Electrical Upgrades, and minor Town Hall project**

- **Minor Town Hall project** was discussed. Jasmin spoke about replacing temporary partitions in Town Hall with semi-permanent walls and he estimated the cost at \$1,200 for materials with labor to be performed by Town staff during off hours. He said the walls will provide privacy for Human Services & Resources department interviews. Branley noted this would either make this space more usable as meeting space or would give flexibility for it to be used as an office. Also, even if everything goes according to plan the Town Hall proposed renovations likely wouldn't begin for another two years, so this change would be useful for some time.

**Motion** was made by Colby to expend \$1,200 from the Town Hall Repairs Maintenance and Improvements Expendable Trust Fund for materials to build a semi-permanent wall for the purposes of privacy interviews. There was a second by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

- **Recycling Center electrical upgrade** was discussed next. Jasmin said that he has put together a Request for Proposal (RFP) for the work to be done working with Branley. He said safety issues were taken care of

immediately and now what is left to be done needs to be addressed, which is estimated to cost over \$5,000. Branley noted that under the purchasing policy bid specs for expenditures in this range are supposed to go before the Board for approval.

**Motion** was made by Colby to approve issuance of an RFP for electrical upgrade work at the Recycling Center. There was a second to the motion by Hutwelker and no further discussion. All were in favor. **Motion passed.**

- **Property owners resisting code compliance directives** - Jasmin spoke about properties with problems that need to be addressed. He feels he has made as much progress as he can without taking further action. He said that Town Counsel suggested the possibility of going to court if the property owners won't comply with directives from Code Enforcement. Jasmin noted the tenants want to see the issues resolved and are looking to the Town for assistance. Jasmin said he needs a tool to leverage for compliance. He said that a letter from Attorney Kinyon that the Town is prepared to go to court regarding a specific property will also send a message to other property owners who refuse to comply with the Town's ordinances. Jasmin asked the Board for their agreement on going to court if necessary. Jasmin referred to fines being applied by the court for non-compliance. Hutwelker said he was in full support of what Jasmin is trying to do. Colby asked about recourse for the expense. Branley said that winning in court doesn't always get payment from the property owner. He noted that the tenant has already filed a complaint. Jasmin said the tenants are relying on him to stand on the rules and support them.

Carbonneau mentioned that with enforcement action in the past, sometimes the property owners pay and sometimes they don't. She mentioned violations that are not being addressed and used by property owners to point to as being tacit approval for them as well. Jasmin asked for this tool to help him obtain code compliance and to strengthen the Town's position on code violations. Davis said she was agreeable since the tenant is asking for help. There was consensus from the Board for Jasmin to move ahead.

#### **Fire Chief Norm Skantze – Requested Purchase of Yukon**

Skantze provided information for the Board to consider and he said he would come back next week for their approval. The document listed the costs for a variety of projects with the Fire Department.

#### **Glenn Page – Potential Tax Increment Finance (TIF) District Expansion**

Page said he and Hutwelker met with the City Manager of Keene, NH regarding the potential expansion of the TIF district. Page said he recommended holding off expansion of the TIF district until next year. He said the estimates from the engineer were not well considered. He spoke about the need for a pump station and about manholes being proposed and he said the numbers provided are unreliable. Page also said that doing anything with the TIF district will muddy the waters when there is a \$5.5 million bond issue for facilities under consideration by the voters. Page said there isn't any reason to rush – there is nothing in the foreseeable pipeline to support spending money for an engineering study for expanding the TIF district at this point in time. He recommended that this issue should be put on the back burner. The Board thanked Page and took his recommendation under advisement. Davis noted it does not appear to be ready to move forward this year anyway.

#### **Pete Johnson – Whitcomb Hall Committee Update & 2016 Funding**

Johnson informed the Board that the Committee is progressing. He said they are meeting every Tuesday. He said that as of January 12<sup>th</sup>, the figures for the furnace should be firmed up. He said that expenses for the furnace are coming in less than anticipated and the cost includes additional work that had not been anticipated. He spoke about the bathrooms to see if relocating them would save some costs.

Johnson asked for \$50,000 to be placed into the Whitcomb Hall Expendable Trust Fund for 2016. He said that there is about \$110,000 currently in the bank and roughly \$40,000 will be needed for the furnace. They will be doing ADA compliance ramp and other compliance steps.

He noted there is an individual who would like to get involved in fund raising for Whitcomb Hall. This person also mentioned grant writing to get private money. Hutwelker asked about the possibility of reducing the request to \$25,000. Johnson said that it is possible that private funds could be achieved.

Colby asked what it would take to get the restrooms open. Johnson said he would have real figures on January 19<sup>th</sup> to show the Board for the furnace and reconfigured bathrooms, the ADA compliance work, etc. Colby asked if there are funds now to accomplish what needs to be done, and Johnson said that there isn't enough funded right now. Johnson spoke about work needed to be done for the kitchen and the fact that appliances have been donated by individuals. Johnson said that the costs for work to be done uses up the full amount already achieved.

Richard Robidoux from Cheshire Builders, Inc. provided a document for scope of work for heating Whitcomb Hall at a cost of \$37,905.00. Robidoux noted that boiler itself is big enough to accommodate heating both floors eventually however only infrastructure for the first floor was included in that cost. Hutwelker said that he was impressed and that the Committee has done a great job. Carbonneau asked about bathroom space. Robidoux said they were leaning toward unisex bathrooms. He said he would look into the need based on code compliance addressing the number of folks who might be using the building. Robidoux said that once heat is in the building they can phase in the rest of the work.

Dunham, Johnson, and Robidoux left the meeting at 6:53 p.m.

**NEW BUSINESS**

**Potential Tax Deeded Properties**

Owner	Address	Map & Lot	Deeding Balance	Total Balance	Use
Morse Family 2000 Rev LVG Trust	49 South RD	31-9	\$8,289.63	\$24,862.45	Mobile Home on its own land

It was noted that after review of taxes owed, 27 N. Winchester St. is not in Tax deed after all, they just have a remaining payment agreement.

Discussion was held regarding the South Road property listed above. Branley said the owners were supposed to be paying \$150 per week as part of a tax payment agreement with the Town. He noted that the last payment was October 2015. Hutwelker asked about the plan's duration. Branley said the amounts are supposed to be paid weekly and have been on-going for some time. Davis asked if there has been any conversation with the Tax Collector and Branley said that there hasn't been any contact from the owners. Hutwelker asked Branley to compose a letter to be sent to them, asking them to come into Town Hall to meet with the Board about their situation and also asking them to confirm insurance for the property. Branley agreed to do so. Notice of impending tax deed will also be done. The Board agreed on a deadline of January 19, 2016 to get the property owner in to discuss his situation with the Board. Branley noted that he will ask them to meet with the Board on the 19<sup>th</sup> of January.

Davis asked the gathering if anyone had any business to conduct with the Board. There was no response. Page left the meeting at 7:01 p.m.

## **OTHER BUSINESS**

### **2016 Town Meeting Preparation**

- **Continued Review of 2016 Town Meeting Warrant**

Discussion occurred about Warrant Article 2-6 from year 2015 as it related to a letter from Ken and Janice Sevene. It was noted that Article 2-6 were derived from the Board of Selectmen while Article 7 was by petition from Mr. & Mrs. Sevene. Colby said he felt that the petitioners have the responsibility to explain their Article, not the duty of the Board of Selectmen. Davis pointed out that other petitioned articles have never had explanations from the Board. Tatro said that the question is: could an explanation be added. Branley said that it would set a bad precedent to allow a petitioner to campaign on the Board's Warrant or voter's guide. Tatro said that a long explanation could be handed out by the petitioners, and not have the entire document on the Warrant. Hutwelker mentioned for other meetings that he has been part of, five minutes are given to the petitioner, and only 3 minutes for the individual members of the public to comment. Colby also noted that this wasn't the first time the subject of Article 7 had been on a Warrant, so therefore the public would be well aware of the topic and not need a long explanation.

The Board decided to have Branley draft a letter from the Board responding to the Sevenes saying that they received their letter and the Board cedes to the Moderator the rules for running the meeting.

Tatro noted that the Moderator also has to run the Budget Hearing. Davis confirmed that the Moderator has consistently run the Budget Hearings in Swanze in the past. The Board agreed to have Tatro conduct the Budget Hearing. Tatro asked that balances be available for the Capital Reserve accounts should the public wish to know them.

There was discussion about documents being made available to the public to review the budget numbers ahead of time.

Skiba said he will have submitted a document for the Annual Report which can be handed out to the public for their consideration. Hutwelker suggested that the Fire Station be placed on a separate warrant article from the rest of the facilities. He said that some folks have indicated that they would vote the Fire Station down, and having them on one article means the Town would also lose the Town Hall renovations and Police Department addition. Branley stated the notice for the hearing had been compiled based on the Board's decision on 12/21/15, which was to include all projects in the same article. Bohannon said that he has heard that the Fire Station should be separate from everything else, so that they can vote for the Fire Station and not vote for the rest of the facilities until some later date. Branley suggested waiting until the Public Hearing to hear what the public has to say and then consider separating the Warrant Article into two separate articles. Hutwelker mentioned the possibility of an Open House at the Fire Station. Carbonneau said the public having the opportunity to hear details about the proposed facilities work is worth a great deal, even if they don't take advantage of it. There was a discussion about the Board receiving authority for a full amount for a bond, but bonding for Town Hall would be done later since work on Town Hall wouldn't be done until 2017 at the earliest.

Bohannon suggested a meeting, before the Budget Hearing, for information to be conveyed about the Bond to the public. Bohannon suggested giving the public options. There was a discussion about life-safety issues associated with the Town Hall and the Fire Station and the fact that these might be mandated by State authorities which would place the Town in a situation that would necessitate changes be made. Skiba was asked by the Board to present the numbers for the Bond and he said he would do so. Smith noted that each Department Head should be at the Bond Hearing to defend what they asked for

their facilities. The Board agreed that Bruce Tatro, Moderator, would conduct the Bond Hearing as well as the Budget Hearing.

Branley asked the Board what term they wanted for the bond so he could prepare the tax rate implications for the Bond hearing should the question arise of what it will cost taxpayers. Hutwelker suggested that Steve Bittel be asked as to his recommendation for a term for the bond. Tatro recommended going with a ten-year term to come up with a figure to work with to describe the impact on individual tax payers.

**Dumping Ordinance and Discontinue the class VI portion of Whitcomb Road**

The Board agreed to keep the Anti-Dumping ordinance on the Warrant even though Town Counsel has stated that the right already exists. The Board agreed to have Branley revise the wording of the warrant as proposed by Town Counsel.

- **Continued Review of 2016 Contributions to Capital Reserve & Expendable Trust Funds**

Whitcomb Hall Fund was discussed. Hutwelker said he would like to see the Whitcomb Hall fund reduced to \$25,000. He also suggested reducing the Road Reclamation fund to \$120,000 and the Conservation Land Acquisition fund to \$25,000. Colby said he felt the increase in the tax appropriation has to be below 4%. There was a discussion about estimated revenues. Branley said he looked at the overall revenues within a number of years to determine his estimates. Davis said she agreed with Hutwelker except for the Road Reclamation funding; she said she would like to maintain funding at the same level as in the past and noted that Main Street road work is scheduled for this year. Colby said he would agree with Davis to maintain the Road Reclamation funding. Branley noted that the Main Street project discussed by DPW Director Dunham with the Board a few weeks ago will expend almost all of the Road Reclamation Fund. Colby said that he would like to see Whitcomb Hall up and running and before reducing their funds, he would like to better understand the costs associated with that. Colby asked Branley to raise certain revenues suggested by Hutwelker to achieve an additional \$15,000. After further discussion, Hutwelker suggested reducing Whitcomb Hall to \$32,500 reducing Conservation Land Acquisition to \$20,000, and maintaining Road Reclamation at \$170,000, projecting an overall increase of 3.5%. The Board agreed.

- **Continued Review of 2016 Administrator Recommended Budget**

Branley explained to the Board some of the reductions he recommended making. He noted the following possible reductions for the Board to consider: reducing \$5,000 from the Police Prosecution budget line item, reducing \$5,000 from the General Assistance part-time payroll line and \$5,000 from General Assistance payments, reducing \$2,500 from Legal, reducing \$2,500 from Revaluations, reducing \$1,250 from Financial Administration overtime, reducing \$1,000 from General Government Expenses, and reducing Home Healthcare's request by \$4,000 back to what they received last year. The possible reductions totaled \$26,250. The Board agreed to accept these reductions. With additional revenue and reduction in capital reserves the tax rate is now down to a 2.7% tax rate increase. The Board agreed to move forward with this warrant and budget to the public hearing.

Tatro left the meeting at 8:18 p.m.

- **Review of 2016 Default Budget**

There was a brief discussion regarding the default budget and which items were one-time expenditures and which were not and needed to be kept in the budget. Branley asked the Board about the money in the budget for \$5,000 for SRDD and the Board agreed the expenses budgeted for 2015 was not a one-

time expenditure so it should be included in the default budget. The default budget shows roughly a 1% increase, which is 1.6% less than the recommended budget.

Skiba left the meeting at 8:32 p.m.

### **Legislative Bills**

State Representative Ben Tilton spoke about having more than 130 bills to consider at the State legislature. Fire Chief Skantze spoke about a bill that would eliminate life-safety code enforcement. Carbonneau noted another bill that would mandate a minimum 700 square feet for an accessory dwelling unit.

Tilton left the meeting at 8:40 p.m.

### **Budgeting for Hydrants on Safford Drive**

A brief discussion occurred about Safford Drive hydrants. North Swanze Water Precinct will be charging for water for the hydrants. The Board agreed they felt these were a legal obligation so the increase should be in the default budget.

### **Town Report**

Carbonneau had a suggestion as to who to honor for the report. She suggested the Firefighter's Association for what they did for the Swanze Christmas celebration. She also suggested honoring the late Gerry Bell for his long service to the Town. She suggested year in review on the cover. Carbonneau offered to help write the Board of Selectmen's report.

### **Open House for the Town Facilities Proposal/Bond**

An Open House was discussed for Saturday January 30th at 10 a.m. to 2 p.m. It was suggested that all the facilities be open to the public on that date. It was suggested to have the plans for the various facilities available for public review, and Department Heads available for questions. The Board agreed to move ahead with the Open House.

### **ADJOURNMENT**

**Motion** to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 9:02 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on January 12, 2016