

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – January 19, 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 6:02 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, Whitcomb Hall Committee Chair Peter Johnson, Open Space Committee Chair Victoria Ames, Planning Board Chair Glenn Page, Director of Public Works Lee Dunham, SVE Engineer Rob Hitchcock, resident Mike Goldschmidt, and Emergency Management Director Bruce Bohannon. Also present were residents Marlene Morse, Theresa Chesley, and Bruce Chesley.

MINUTES

- The regular meeting Minutes of January 12, 2016 were considered. There was a **motion** by Colby to approve the regular Minutes of January 12, 2016. 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

OLD BUSINESS

Safford Drive Speed Limit Proposal

Lee Dunham spoke about a possible Safford Drive speed limit. He asked for approval from the Board for a Public Hearing to set a speed limit for Safford Drive. Dunham suggested a limit of 30 MPH. The Board agreed to have Branley check on the process and schedule the Public Hearing and agreed on the proposed speed limit of 30 MPH.

APPOINTMENTS

DPW Director Lee Dunham and Rob Hitchcock – Main Street Project Update

Dunham and Hitchcock spoke to the Board about a proposed plan by SVE for the reconstruction of Main Street, and it included a rough cost of \$674,059.00 including a contingency. There was discussion about head-in parking versus parallel parking. Davis asked about issues with plowing when there is head-in parking. Dunham said it was his observation that when the Chicken Barbecue fund raiser is held in August at Whitcomb Hall parking doesn't seem to be an issue. Colby spoke about West Swanzey being a walkable area. Hitchcock estimated six or eight parking spaces on the side of the Hall, which could serve for handicapped parking. Hitchcock said that parking on the other side of the road makes for tight driving lanes but that is good because it slows the speed of traffic. Hitchcock noted that the design includes a sidewalk and grass strip for snow storage. Hutwelker said that he would like to see parking on both sides. Branley noted that the cost number is over a year old so it probably should be updated. Hitchcock said that if parallel parking is preferred, he can re-visit the design. The Board agreed on parallel parking.

Water lines were discussed. Hitchcock stated the estimate included improvements to the water lines in the area which are currently owned by the West Swanzey Water Company. Hitchcock asked in light of the Town's most recent study and decision to not acquire the West Swanzey Water Company if it made sense to spend the dollars for improving the water system. Hutwelker said that there is a potential to re-visit the Water Study Committee's conclusion that the Town not consider acquiring the West Swanzey Water Company. Colby suggested coming up with a design both with and without water lines, including costs. Hitchcock agreed to do so and would update the plans as discussed and get them back to the Town as soon as possible.

Pete Johnson and Lee Dunham – Whitcomb Hall Project Update

Johnson passed out a proposal from Cheshire Builders, Inc. for the Board to review, with an estimated cost of \$52,793.00, which includes a \$5,000 contingency, for heating the building. Johnson said he didn't think the Town needed the contingency and therefore the request would be for \$47,793. Johnson spoke about the furnace which could heat all the floors of the building. He noted the request to replace old oil tanks with new. The price includes doing the rough-in work for the second floor. Also includes re-doing above-ground basement insulation and replacement of the basement windows and all electrical work. He noted a separate proposal at a cost of \$38,539.00 which would be the price for installing an air handler under the stage and running ductwork to the existing grill locations for heating and cooling of the second floor, and which could be done at a later date. Also there would be separate heat for the two front rooms. Air conditioning is proposed for the second floor only. The price does not include the air conditioner itself just the ductwork ready for it. Colby determined that the \$47,793 will bring the heat to the first floor and ready for heating the second floor in the future. Johnson asked for approval to move ahead with the bid process. Hutwelker asked if Code Enforcement has been involved in this proposal, and Johnson said not yet, but he would speak to Code Enforcement Officer Mike Jasmin about code requirements.

Johnson said that Cheshire Builders are looking at life-safety issues separately. Johnson mentioned kitchen appliances that are donated and said that Mike Gomarlo has offered a large steel sink. He noted that shelving is needed for the kitchen. Johnson said that the expense for the kitchen should be minimal.

Branley asked how the committee came to the conclusion of an oil boiler as opposed the wood pellet system previously discussed. Johnson spoke about wood/pellet furnaces versus oil furnaces. He said after doing some research, it was determined that maintenance would be more expensive and difficult for a pellet furnace. Branley noted that the final figure being proposed for the oil furnace is close to the figure that was proposed for a pellet furnace. Johnson said the pellet furnace proposal did not include insulating the basement, the lining for the chimney, the new basement windows, and didn't include the ductwork for future heating for the second floor. Hutwelker asked about the possibility of a propane furnace. Johnson said Pinney Plumbing did not recommend propane because of the higher cost for repairing the system when something goes wrong. With an oil furnace, replacement parts are easier to obtain. Dunham noted that it is harder to change suppliers with propane; each supplier wants their own tank to be used.

The Board agreed to get the bids out and Johnson said he would meet with Branley to start the bid process. Goldschmidt asked which budget line item this cost comes from. Branley said that the spending location would be decided once the bids are in however the likely sources are the expendable trust fund and the non-restricted account.

Johnson and Dunham left the meeting at 6:41 p.m.

OLD BUSINESS

Possible Tax Deeding of 49 South Road

Branley said that this property would be subject to tax deed on February 9, 2016. Marlene Morse, Theresa Chesley, and Bruce Chesley were present to speak to the Board about the possibility of their property going to tax deed. Branley said the family had a payment scheduled of \$150 per week and the last payment was made in October which prompted the Board to direct Branley to send the letter to the owners requesting that they attend tonight's meeting. Theresa Chesley said that \$1,500 payment was made between last week and today. Hutwelker pointed out there wasn't communication between the parties. Marlene Morse read a statement regarding the situation saying the home has been the Morse family home for more than 70 years. She said they have faced divorce, death, sickness, and she has been in hospital. She said she had good reasons for missing the payments and they have been trying to make every payment. Davis said the last thing that the Board wants to do is take the property. Theresa Chesley said she has a plan to clear up the taxes. Davis said she was sorry that the Town has caused the homeowners angst, but also said that the Board needs to follow up when taxes are overdue in order to be fair to all tax payers. Davis mentioned the importance of communication between the family and the Town. Chelsey gave the Board a proposal to pay all the back taxes. She said the family would make payments of \$1,300 a month in two installments. She said she is working with the bank to make automatic payments. She also said she has spoken to Tax Collector Lori Belletete about her concerns about making payments on time. She mentioned a request to her bank for a home equity loan because the family does own the home. She said she is willing to do what it takes to get the family out of this debt. She said they would pay \$3,100 prior to February 8, 2016. In August she will be moving and she will chip in on paying the taxes. Branley said the total owed is \$23,534, minus the \$1,500 provided recently.

It was noted that the home has annual taxes of about \$4,000. Hutwelker said the Town does not want to take their home, and the Town is trying to work with the family. Hutwelker emphasized the importance of communicating with the Town. Theresa Chesley asked about the possibility of the property going to tax deed in May. Hutwelker said that the agreement that is worked out with Branley will eliminate going to tax deed if payments are kept up. Colby stressed the importance of a dialog, which is asked of anyone who gets behind in taxes. He stressed communication being important. Morse asked when they could meet with Branley, and he said as soon as possible. Colby said that Theresa Chesley should be kept in the loop and not just deal with Morse. Branley made a copy of the written proposal. The parties agreed to meet as soon as possible.

Whitcomb Hall and extension on water mains

Fire Chief Skantze stated in addition to improving the West Swanzey water system the proposed improvements would also be a benefit for fire suppression.

Fire Chief Norm Skantze – Follow-up on Prior Discussions & Request for Reimbursement

Chief Skantze renewed his request for approval for modifications to Bay Five (Ladder Bay) in West Station to raise the door to 12 feet 6 inches and expenditure of the funds to do so. He was asked by the Board on January 12, 2016 to investigate the cost of replacing the existing door with a 14-foot door, plus a new motor, if necessary. Skantze said the cost of a new 13 foot 6 inch door (which is the maximum size for the existing building) for West Station is \$10,650 and the vendor would take the old door. Davis asked if that door would be okay for any new equipment. Skantze said to the best of his knowledge, this door would suffice for the future.

Skantze responded to a question from Goldschmidt about why the need for a new door. Skantze spoke about the new ladder truck and the sizes of fire apparatus going into the future. Goldschmidt asked about the costs associated with acquiring the new ladder truck.

Motion was made by Colby to authorize the Fire Chief to expend not to exceed \$10,650 for a new 13 foot-6 inch door at West Station and related expenses from the Fire Stations and Related Facilities Expendable

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

Request for Approval to Purchase New Yukon Truck for the Fire Department

Chief Skantze asked the Board to approve expenditure for a new Yukon truck. The Board had asked Skantze on January 12, 2016 to obtain two additional quotes for the Yukon truck. Branley had previously noted that as of 12/31/15 the Fire Truck Capital Reserve Fund had a balance of \$139,416.68 (\$269,416.68 in the fund – and \$130,000 authorized on 12/1/15 for the ladder truck purchase.) Quotes presented by Skantze are from Fairfield's for a 2016 Yukon for \$44,600. Banks GMC figure for a new Yukon was \$55,060 and from Newport Chevrolet GMC \$47,909. Total project is \$52,846 if purchasing from Fairfield and including \$4,750 from the Fire Department budget to paint the 2010 Yukon red, stripe the 2016 and 2010 Yukon, and install a radio in the 2010 Yukon.

Motion was made by Hutwelker to authorize the Fire Chief to expend not more than \$ 48,096.00 to purchase and outfit a Yukon truck from Fairfields with funds coming from the Fire Truck Capital Reserve Fund and authorize the Fire Chief to expend \$4,750 from the Fire Department Operating Budget to paint the 2010 Yukon, stripe the 2016 and 2010 Yukon and install a radio in the 2010 Yukon. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

Skantze Reimbursement for Special Duty Haz-Mat Incident

Skantze asked to be reimbursed in the amount of \$550 for duty performed on December 19, 2015 in the City of Keene for Liberty Utilities during a Haz-Mat incident. Branley said that although the responsible party has been billed for the services provided, he also said that in order to reimburse Skantze for a total of \$550 he should be reimbursed for \$400 in payroll to get to \$550 with benefits, otherwise the cost to the Town would be greater than the amount billed. Goldschmidt asked about employment contracts and whether this sort of thing was covered. Hutwelker said that there is no cost to the Town since it has been billed to the agency involved. Hutwelker suggested that approval be given, subject to the Town getting reimbursed to provide reimbursement to Skantze. The Board agreed to pay Skantze \$400 gross payroll related to this event once the Town receives payment.

Up in Smoke Event Money Owed to the Town

Branley spoke about the money owed to the Town for the Up in Smoke Event. Branley said Mr. Geordie Fifield came to Town Hall and said he expected to be able to pay what is owed within the next 30 days. Hutwelker said to give Fifield the 30 days and the rest of the Board agreed. Branley said he will send a letter making it clear that legal action will be taken should the amount not be forthcoming within the 30 days.

NEW BUSINESS

Request from Open Space Committee for Expenditure from Conservation Land Acquisition Capital Reserve Fund

Branley reported that as of 12/31/2015 the Conservation Land Acquisition Capital Reserve Fund had a balance of \$324,816.36 and the 2016 Warrant includes an appropriation to this fund of \$20,000. The current request is for \$17,900 to pay the transaction costs for a Conservation Easement on property located on Matthews Road in Swanzey. Ames spoke to the Board about the standard request for a Conservation Easement. She asked that the Board initiate Public Hearings. There was a discussion about whether a Section 41-14-a (public hearing requirement) is needed because in this case the Town is not acquiring land or an easement. Branley said that if there is just an outlay of funds there is no need to go through a Section 41-14-a.

Ames spoke about the public benefits for having conserved land in town. Ames also spoke about the review of the project by both the Open Space Committee and the Conservation Commission and both approved of the expenditure. The sum includes transaction costs. Hutwelker asked about the \$300,000 in the Land Acquisition Capital Reserve Fund and why have money in that fund? Ames spoke about the LCHIP process which acquired Mt.

Cresson Conservation Area and which initiated the fund. Ames said money is required to prepare the Town for the eventual purchase of land to conserve. She said that when starting out the easements were donated. Now they usually have to be purchased so it is important to have funds. Hutwelker asked about this easement which is being purchased by the Nature Conservancy. Ames spoke about reforestation being planned.

The Board decided that a public hearing is not required. Branley said he would confirm this. Branley asked about using the Conversation Land Acquisition Capital Reserve Fund for spending funds without acquiring land which appears to be the case for this request. Branley researched the language for the establishing of the Fund. Branley said that the records show the intent was use of the funds for “acquiring land or interest in the land” for permanent conservation use. Ames mentioned the Town has the right to enforce the easement. Goldschmidt asked if there were obligations of the Town as a result of funding the easement. Ames said that there are no obligations. Branley said he could check with Trustees of Trust Funds to make sure that the funds are appropriately removed from this account but the Board agreed it seemed clear that an easement or land need to be acquired to use that fund. Ames pointed out that the Town has utilized funds from this account in the past for the same purpose. Hutwelker said that although a precedent has been set in the past, if that was based on a wrong interpretation, then such use of the funds should not continue.

Hutwelker pointed out the overall funding for the project for the Town is \$37,900 since the Conservation Commission has also approved about \$20,000 for the easement. Ames noted the Conservation Commission expenditure is for a different activity on the same piece of property than the \$17,900 request from the Open Space Committee. Branley pointed out that if the Town would be acquiring an interest in the land, then that would make this fund appropriate. Colby suggested that Branley look into the West Hill project for information and Branley agreed to research further. Branley stated he would discuss with Ames if an easement could be acquired as part of this transaction, which would make use of this fund appropriate.

Vachon Clukay & Company PC Engagement Letter for 2016 Municipal Audit

A brief discussion was held regarding the 2015 municipal audit. Branley noted the auditors will be at Town Hall the second week of February. There was a discussion about changing auditors periodically.

Motion was made by Colby to authorize the Chair to sign the engagement letter with Vachon Clukay & Company PC for the 2015 audit. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

Candidates Meet & Greet Event

Branley spoke about a potential “Meet and Greet” for candidates for office. He said Director of Planning & Community Development Sara Carbonneau volunteered to manage it. Hutwelker said that the Board shouldn’t get involved with it and the Board agreed.

Possible Municipal Use of Homestead Woolen Mill

Discussion occurred about the owner of the former woolen mill contacting Sara Carbonneau about options for use of the mill. Hutwelker suggested no action be taken until the Board learns how the Warrant Article goes and the Board agreed.

OLD BUSINESS

Open House for Facilities Bond

Discussion occurred about the Open House scheduled for 10 a.m. to 2 p.m. on January 30, 2016 and the preparations being done for that event.

Town Clerk Resignation / Transition

Discussion was held regarding the transition of the Town Clerk, the validity of the date of Munson's resignation and the legal process for obtaining a new Town Clerk when the original Town Clerk's term is not over and the Deputy Town Clerk does not wish to serve as Town Clerk. There was a discussion about whether or not the position could be placed on the ballot. It was noted that the position was posted and listed in the local newspaper. Branley said that Tax Collectors can be appointed, but not Town Clerks. Discussion was held about having Munson resign, and appoint her as a temporary Town Clerk. Branley said that when the Town Clerk quits, the Deputy takes over unless she also quits and then an appointment can be made. Branley said that Eliot wants to remain as Deputy. Branley said he would check into options and get back to the Board.

Colby made the **motion** that in the event that both the Town Clerk and Deputy Clerk resign, the Chair is authorized to appoint Donna Munson as Interim Town Clerk and Karen Eliot as Deputy. There was a second by Hutwelker. All were in favor except Davis who abstained. **Motion passed.**

NEW BUSINESS

Possible Warrant Article for Policy on Compensation for Town Clerk

There was a discussion about options that the Board might utilize for controlling compensation of the Town Clerk, which would give the Board authority to reduce the compensation of the Town Clerk if the office were not open or hours were not being worked. The Board discussed placing a Compensation Policy on the Warrant for 2016. The Board reviewed the warrant article from the Town of Hinsdale which read:

“To see if the Town will vote to adopt a Town Clerk Compensation Policy. The policy reflects the pay grade in which the Town Clerk will be compensated and the allowable absences for the Town Clerk, or act in any manner thereon (Majority vote required).”

The Board agreed to have Branley place such a warrant article on the warrant for 2016.

Legal Counsel Considerations

Branley informed the Board that Town Hall staff believes that it would be in the best interest of the Town to engage with a law firm that specializes in representing municipalities. Branley explained that current Town Counsel is not involved with municipal statutes on a daily basis. Branley said that current Town Counsel could continue to be used for historical legal purposes. After Hutwelker asked about local law firms who might be suitable, Branley said that the bulk of legal advice could be done via phone utilizing a firm some distance away. Branley explained the process he would like to take to research new legal help. Branley asked for a representative from the Board to be part of the process and Colby volunteered. The Board agreed to have staff and Colby research options and report back a recommendation. Hutwelker asked for a clear statement for when current Counsel, Bradley & Faulkner, would be the preferred counsel.

OLD BUSINESS

2016 Town Meeting Preparation

- Continued Budget & Warrant Discussion as needed – Branley asked if there were any changes to the budget to be suggested by the Board. The Board agreed that the budget was good to go.
- Finalization of Warrant – with the addition of the Town Clerk Compensation Policy article.
- Finalization of MS 636

Motion by Hutwelker to approve the MS 636 as submitted, second by Colby and there was no further discussion. All were in favor. **Motion passed.**

Motion was made by Colby to approve the 2016 Town Warrant with the addition of the Town Clerk Compensation Policy added. There was a second by Hutwelker, and no further discussion. All were in favor. **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 9:01 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on January 26, 2016