

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – January 26, 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 6:01 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, Open Space Committee Chair Victoria Ames, Director of Planning and Community Development Sara Carbonneau, Code Enforcement Officer Mike Jasmin. Stratton Library folks were also present: Carol Haley, Susan Ells, and Robert Kenney.

MINUTES

- The regular meeting Minutes of January 19 2016 were considered. There was a **motion** by Colby to approve the regular Minutes of January 19, 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

Letter to Amanda Littleton regarding Falls Brook Project Timeline

Branley reported that DPW Director Lee Dunham stated his preference was that this project be scheduled around when school is not in session to avoid disrupting bus routes because Hale Hill Road will need to be closed during construction. The Board approved and signed the letter to Amanda Littleton regarding the scheduling of this project.

California Brook Pond

Skantze said that the work has been started on the ice pond. There was a discussion about stabilizing the banks.

APPOINTMENTS

Code Enforcement Officer Mike Jasmin

Jasmin met with the Board to discuss Carpenter Home building improvements. He particularly noted updating the middle bathroom in the Carpenter Home is a current priority. He said the bathroom is in poor condition. He asked permission to start working on a Request for Proposal (RFP) for the bathroom. He spoke about widening the hall and creating a closet in the hall. He said he thought a reasonable ballpark figure for cost is about \$20,000 for this renovation. He also noted some additional work that was suggested by Interim Carpenter Home Administrator Judy Bohannon for airlocks. And he noted an RFP is being prepared for the work in repairing the trusses for Town Hall. He said things will have to be cleaned out regarding wiring in the attic. The Carpenter Home RFP will go after the truss work RFP. The Board agreed to have Jasmin work on the Carpenter Home RFP.

NEW BUSINESS

Letter to Cheshire Fair Association regarding Former Ice Arena Building & Event Permits

Chief Skantze and Director Carbonneau were present to discuss a letter proposed by the Events Permitting Committee in regard to the use of the ice arena building. Carbonneau said that the Town should not continue to issue event permits when there are life-safety issues with the building that are not being addressed. She said the Cheshire Fair Association needs to start developing a plan before permits can be issued. Davis asked about events already scheduled and how that they would be impacted. Carbonneau noted the Events Permitting Committee has not yet acted on a recent permit application from the Cheshire Fair Association.

Skantze said that 1,000 people could be placed in the arena for an event. Skantze said that to the Cheshire Fair Association's credit, they have done a number of things to comply with his prior report regarding life-safety issues. But he said the main entrance has to serve 500 people for egress. He said exit doors need to be added at the same entrance that visitors enter from. He also noted fire alarms are needed. Skantze said that a sprinkler system would be expensive to acquire, but the town does now have water nearby on Safford Drive. Skantze focused on three things: entrance size, fire alarms, and a sprinkler system. He said that he would like to see a plan for moving ahead over the next ten years. Carbonneau also emphasized that a plan is what is desired that can be implemented in stages. She said once the plan is considered by the Selectmen with a timeline for achieving the items in the plan, then permits could be issued.

Hutwelker suggested that Skantze, Jasmin, and/or Carbonneau should meet with the Cheshire Fair Association representatives to come up with a deadline for pulling together an action plan. Hutwelker noted a report was issued in 2012 with life-safety issues to be addressed and while some of those issues have been addressed, others have not. Hutwelker said he would like to see the results of the request to meet before deciding about permits. Carbonneau noted again there is a permit application pending that is for an event scheduled for May. The Board agreed that issuing the permit will be held up until the meeting takes place to see if there is good faith response to the request to address the life-safety issues from the 2012 report.

Stratton Library Status

The Board reviewed correspondence from Terry Knowles at the Attorney General's Office and related documentation in regard to the Stratton Library. They also met with representatives of the Library: Susan Ells, Carol Haley, and Robert Kenney. Branley said there is significant question about the status of the Stratton Library; essentially is it a public "Town" library or does it fit in the other circumstances outlined in RSA 202-A:7. Branley related some history of the library, and he noted the Trustees deeded the library to the Town. Branley said that it is questionable whether the Trustees had the authority to deed the library to the Town. The question is who owns the building, who pays the taxes, how it is governed, how the building is insured, etc. Branley also mentioned that the number of Trustees to be elected was questioned. Ells said that the library should have become a non-profit in the past. Ells said it is a concern to get it right in the future. Kenney said that both libraries (Mt. Caesar Union Library and Stratton Library) are public libraries. Also, he said the building was not deeded to the Town, but instead quitclaimed.

There was a discussion about the George Stratton bequest of the building to the Trustees and not to the Town. Branley said residents of the town voted in 2001 to construct and fund an addition to the building. Branley said Town's cannot have a building project for a building the Town does not own. It was also noted that in 1903 the residents voted to accept the Stratton Free Library upon the conditions of the will of George Stratton. Branley said that the Town needs to get the court or the Attorney General's office to make a firm determination of the library's status. There was a discussion about waiting to have the meeting until after new municipal focused legal counsel is selected. The Board agreed to have Branley engage Bart Mayer from Upton & Hatfield to assist the Town on this matter as Branley has worked with him and Terry Knowles identified him as an expert in this area. The Board

agreed to designate Branley and Colby or Hutwelker to meet with counsel, the Trustees, and Terry Knowles to discuss further. Ells, Haley, and Kenney left the meeting at 6:53 p.m.

Request from Open Space Committee (OSC) to Initiate RSA 41-14a Process and Request for Expenditure from Conservation Land Acquisition Capital Reserve Fund

The Board once again considered the OSC's request which has been revised. Now the request is for the initiation of the RSA 41-14a process and ultimately expenditure from the Conservation Land Acquisition Capital Reserve Fund to acquire an easement. The Board met with Open Space Committee Chair Victoria Ames to discuss. She said she revised the letter to restate the request which now states the Town would receive an interest in the property. She also said she enumerated the public benefits to the Town. Branley confirmed that the new language addresses the terms of the Conservation Land Acquisition Capital Reserve Fund.

Motion was made by Colby to go to request comment from the Planning Board and Conservation Commission and to have Branley schedule Public Hearings by statute RSA 41-14a for ultimate expenditure of \$17,900 from the Conservation Land Acquisition Capital Reserve Fund to acquire a Conservation Easement for property on Matthews Road. There was a second by Hutwelker and no further discussion. All were in favor. **Motion passed.**

Response Letter to Kenneth & Janice Sevene

Davis said the Selectmen all signed the letter to the Kenneth and Janice Sevene. There was a discussion about the length of the explanation of the article on the Warrant Article as part of the petition. Branley stated that counsel recommended that the entirety of the petition language appear on the warrant, but he noted that the language of warrant articles can be amended at the Deliberative Session.

Board of Tax & Land Appeals (BTLA) Case Settlement Discussion – 46 East Shore Road /Gocht

Branley reported to the Board that he and Assessing Coordinator Birmingham had a phone conference with Mr. Gocht to begin discussions regarding his BTLA case about the value of his property at 46 East Shore Road. In 2014 during a prior case the BTLA ruled that the market value of this property was \$300,000 (with at that time an assessed value of \$340,800 based on the equalization ratio). This value was in place until the Town's next revaluation, which took place in 2014. As part of the revaluation the value of this property was given a new assessed value of \$332,600. Mr. Gocht contends the assessed value of the property should remain at \$300,000 based on the BTLA's prior finding. In June Vision recommended denying the abatement application for the 2014 tax year because the BTLA value from 2014 (for the tax years through 2013) is not binding and the taxpayer provided no additional information. Mr. Gocht has asked to settle at an assessed value of \$300,000. Branley asked the Board at what value they would be willing to settle this case at to avoid going to the BTLA. The Board agreed to settle at the assessed value of \$300,000 based on the prior BTLA ruling.

February Meeting Schedule

- 2/2 at 7 p.m. – Deliberative Session – at the auditorium at 6:00 p.m.
- 2/9 – Presidential Primary Election – There was a discussion about the Board being present at the polls, scheduling from 8:00 a.m. to 7:00 p.m. Davis will take the first shift; Colby the second shift, and Hutwelker the third. The Board will meet at 6:30 p.m.
- 2/16 – SWRPC's winter meeting is taking place at Papagallos Restaurant at 5 p.m. The Board will not meet unless an issue arises that needs to be addressed.
- 2/23 – Normal Meeting
- Scheduling performance reviews for department heads was discussed and which staff should be reviewed by the Board. The Board agreed to have the Health Officer reviewed by the Director of Planning & Community Development. The Board agreed to meet Monday February 8, 2016 at the Police Department

conference room at 1:00 p.m. to consider evaluations. The Board will meet on Monday, February 29, 2016 at 9:00 a.m. in the morning at the Police Department conference room for reviewing the evaluations with department heads.

Town Clerk Resignation

Davis spoke briefly about how the Board should handle the resignation of the current Town Clerk as advised by the Secretary of State's office. No new Town Clerk will be elected via the 2016 Town Meeting, and there was a discussion about the actual date of the resignation. Davis said that the Town Clerk needs to officially leave before the filing period for the position to be on the ballot. The Board is looking for a directive in writing from the Secretary of State's office.

Review of December 2015 Expenditures

The Board reviewed the report and agreed that the report looked good.

OLD BUSINESS

Whitcomb Hall Update

There was a discussion about the RFP for Whitcomb Hall. There will be a walk-through required. Colby said that after a second conversation with Peter Johnson, he learned the air-conditioner is included in the estimate.

Request for Additional Funding for Architectural Work

Branley asked for authorization for site design and printing expenses to cover the slight overrun of the initial authorizations for the Town Hall and Police Station architecture work, primarily due to printing expenses and the site work designs and estimates.

There was a **motion** by Colby to authorize the withdrawal of \$2,368.05 for site design, site estimating, and printing expenses related to the Town Hall expansion and improvements from the Town Hall Expansion Capital Reserve Fund. Hutwelker seconded the motion and there was no further discussion. All were in favor. **Motion passed.**

Motion was made by Colby to authorize the expenditure of up to \$1,095.30 for site design, site estimating, and printing expenses related to the Police Station expansion and improvements from the Police Facilities Expendable Trust Fund. The motion was seconded by Hutwelker and there was no further discussion. All were in favor. **Motion passed.**

Bond Open House Plan

There was a discussion about the possibility of having architect Katie Sutherland at the Open House. The Board agreed that she should be there and they agreed to expend the dollars for any costs associated with her presence out of the budget. The Board decided to have Municipal Facilities Review Committee (MFRC) Chair Don Skiba answer questions at the Deliberative Session. Colby suggested having a second Open House later on in February.

Potential Tax Deeded Property Update

A brief discussion was held. Branley said the Board needs to think about how to handle selling the properties taken under tax deed. The Board affirmed having the St. Jean auctioneers sell the properties. Hutwelker said that he has found a way around the title insurance issues with tax deed properties. Branley asked for the Board's permission to extend the eviction on the Landry property. She has not yet found a new home but she is on several waiting lists and the Town likely would not try to sell the property until spring anyway. The Board agreed to give her a one month extension and then check on her progress and consider a further extension. For another property on Swanzey Lake Road that has been taken by tax deed, the Board agreed to engage the auctioneers.

Annual Report

The Board reviewed a proposed cover for the Annual Report and gave Branley direction as to some changes for the cover. The Board also reviewed a proposed dedication of the report to Gerry Bell and the Fire Department and they agreed. The Board also approved the annual report of the Board of Selectmen as written and submitted to them.

Preparation for the Deliberative Session

Branley passed out to the Board a draft of a proposed Town Clerk Compensation Policy for their consideration. He also provided the Board with a Town Clerk Compensation Policy for the Town of Hinsdale for illustrative purposes. The Board asked Branley to bring the final budget spreadsheets for the public to review at sign-in. The Board asked Branley to research the appropriate wording for moving the Articles under consideration. There was a discussion about Branley providing an overview of the budget during the session. Smith suggested having the bond brochures available at the Deliberative Session and a second Open House planned for February. The Board suggested 500 to 1000 brochures be made available.

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

Motion was made by Hutwelker to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 8:23 p.m. **Motion passed.** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

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 8:34 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.**

Homestead Woolen Mill Update

There was a discussion about the new owners of the woolen mill and any proposed plans for the building.

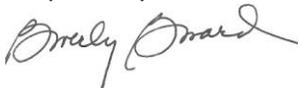
Vacation Dates for Branley

Branley asked for February 11, 2016 and February 12, 2016 as vacation days and the Board said they didn't have a problem with him taking those dates.

ADJOURNMENT

Motion to adjourn was made by Hutwelker, second by Colby. No further discussion. All were in favor. **Motion passed.** Adjournment occurred at 8:42 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary
Approved on February 2, 2016