

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – March 29, 2016
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

CALL TO ORDER

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

OTHERS PRESENT

Chair of the Conservation Commission Wally Smith, Code Enforcement Officer Mike Jasmin, Gus Lerandeanu, Michael Trombley, Jan McClure from the Nature Conservancy, Stacey Gambrel from the Monadnock Conservancy, Mary Ballou, Open Space Committee Chair Victoria Ames, Emergency Management Director Bruce Bohannon, Airport Director Jack Wozmak, Conservation Commission member Steven Stepenuck, Troy Selectman Tom Matson.

MINUTES

- The regular meeting Minutes of March 22, 2016 were considered. There was a **motion** by Colby to approve the regular Minutes of March 22, 2016. The motion was seconded by Karasinski with no further discussion. All were in favor. **Motion passed.**
- The non-public meeting Minutes #1, #2 of March 22, 2016 were considered. There was a **motion** by Colby to approve the non-public meeting Minutes #1 and #2 of March 22, 2016. The motion was seconded by Karasinski 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 Karasinski. There was no further discussion. All were in favor. **Motion passed.**

- Payroll Manifest
- Payables Manifest
- Emergency Operations Plan – Annual Concurrence
- Raffle Permit #2016-11 – Monadnock Baseball
- Open Container Permit Application 2016-02 – Brown Field
- Intent-to-cut Operation 15-441-22 – Map 21 Lot 28
- Intent-to-cut Operation 16-441-01 – Map 69 Lots 1 & 2
- Intent-to-cut Operation 16-441-02 – Map 4 Lot 9; Map 6 Lots 2, 3, & 4; Map 7 Lots 1, 2, & 4; Map 10 Lots 5, 6, 7, 8, & 9; Map 11 Lots 5, 12, 13, & 15
- Intent-to-excavate Operation 16-441-01 – Map 86 Lot 1
- Report-of-cut Operation 15-441-16 – Map 21 Lot 5
- Report-of-cut Operation 15-441-20 – Map 69 Lot 1-2
- Personnel Action Report(s)

NON-PUBLIC SESSIONS

Non-public session(s) per RSA 91-A:3 II (c) Reputation

Motion was made by Colby to enter nonpublic session pursuant to RSA 91-A:3 II (c), seconded by Karasinski. All in favor by Roll Call and the **motion passed.** The Board entered nonpublic session at 6:01

pm. Present were Kenneth P. Colby, Jr., W. William Hutwelker III, Sylvester Karasinski. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

Motion was made by Colby to come out of non-public session, seconded by Karasinski. All in favor by Roll Call and the ***motion passed***. Non-public session ended at 6:19 pm.

Motion was made by Colby to seal the minutes because divulgence of the information likely would affect adversely the reputation of a person other than a member of this board, seconded by Karasinski. All in favor and the ***motion passed***.

APPOINTMENTS

Town Hall Truss/Electrical Project Update

Code Enforcement Officer Mike Jasmin spoke about the WVA Engineering Associates bid for reviewing the wiring in the Town Hall. The proposal is for \$3,600.00 for engineering fee for services. Jasmin said that he did not know when the work could be done and how long it would take. Karasinski asked if we know what we want for electrical. Jasmin said that there was a review of wiring in the building. Jasmin had other questions as well for the vendor, which had not been answered because the vendor is on vacation. Jasmin said that he anticipated returning to the Board as soon as he has answers from the vendor, most likely on April 12.

Whitcomb Hall Project

Jasmin spoke about the proposal from WVA Engineering Associates for \$4,000.00 for reviewing the wiring in Whitcomb Hall that was going to be reused. Colby asked why a licensed electrician couldn't confirm the wiring and the needs of the building for electrical service. Colby noted that the Town is trying to get Whitcomb Hall up and running within the budget. Jasmin said he wants to get Whitcomb Hall opened safely. Colby said he felt \$4,000.00 is excessive when a licensed electrician can handle it. This topic was discontinued at 6:30 pm due to a Public Hearing that was to begin at 6:30 pm.

PUBLIC HEARING – opened at 6:32 pm

Public Hearing Pursuant to RSA 41-14a Regarding Proposed Acquisition of Back-up Conservation Easement on a parcel owned by the Ballou Family Revocable Trust

The Chair read the notice for the public hearing. Branley said the Town received no written or electronic comments from the public or officials of the Town.

Jan McClure from the Nature Conservancy, Stacey Gambrel from the Monadnock Conservancy, Mary Ballou, land owner, and Open Space Committee Chair Victoria Ames were present to discuss the project. McClure spoke about the reasons for the Nature Conservancy interest in the project. She said that this piece of land fits objectives of the Conservancy to protect flood plain forest and wetlands. Costs associated with acquiring the easement were mentioned. Resources to be protected include farm land, the Ashuelot River running along the property, and floodplain forest. She said the land covers an aquifer which is the source of good drinking water. She also referred to the rail trail that borders the property which provides scenic enjoyment to the public. She referred to the open space value to the community. Mary Ballou said that it is important to protect land now since there will be development pressures in the future. She said she feels the land is changing rapidly. McClure mentioned the Monadnock Conservancy who will hold the easement and monitor the easement into the future.

Wally Smith asked about public access. Stacey Gambrel referred that at this point Ballou who will allow people to walk on her land for pedestrian access, if permission is requested of the land owner. Gambrel said that there will not be any language written into the easement for public access. Gambrel said that this property is primarily

being protected for its habitat value, not for recreation. Also she said they felt there are plenty of recreational opportunities nearby. She mentioned that the upland fields will remain in hay. It can be disruptive if people are present. Ballou said she values her privacy and she lives there full time. McClure mentioned that the property is open and easily viewed from a variety of places without actually being on the property. She said while no new homes would be allowed by the easement, fencing and sheds will be allowed on the property.

Steve Stepenuck spoke about his concern for public access, using public funds without allowing public access for these kinds of uses is a concern. He also said that the property is beautiful and would like to see reasonable public access like passive recreation. He referred to writing into the easement "passive recreation". He spoke to putting up signs to keep recreation users away from the home. Hutwelker noted the Planning Board and Conservation Commission minutes showed concern about public access without resolution. Gambrel emphasized there is no guarantee of public access. She said the Aquatic Resource Mitigation (ARM) Fund does not require public access. There was a brief reference to the possibility of voters not being willing to support Conservation Easements in the future without public access. There was a discussion about monitoring for enforcement of an easement. The Town would only be able to enforcement the easement if it was determined that the Monadnock Conservancy was not doing their job to monitor easement properties. Gambrel said that the easement will be silent on public access. Stepenuck asked about future land owners and whether changes could be made. Gambrel said it is not easy to do. According to McClure, Ballou will not be able to build any more houses on the land and the property will be maintained as open space.

Gambrel stated it would be helpful to know where the Town stands about matters like public access so as not to waste time for future projects. Ames asked what access means – because there are so many different definitions. Hutwelker stressed there will be no public access with this project and that the Board is dependent on the conservation groups to determine what access means. Hutwelker said he supports definitions for public access and consideration being given for term of years so it is clear what is allowed and what is not. Stepenuck stressed the importance of defining the terms of the easement for public access. Ballou spoke about levels of access which would clarify things for folks.

Hutwelker **closed the public hearing** at 7:04 pm. The Board will vote on April 5th on whether or not to approve the easement and authorize the expenditure from the Conservation Land Acquisition Fund.

Whitcomb Hall Project

Continue starting at 7:05 when the persons supporting the Conservancy proposed acquisition left the meeting.

Pete Johnson and Public Works Director Lee Dunham were present with Jasmin to talk about the electrical needs for Whitcomb Hall. Jasmin spoke about doing due diligence. He said he feels that if this project was being done by a private firm it would not be allowed to simply have an electrician decide on the wiring, Johnson and Dunham addressed the engineering services Jasmin would like to provide and he thought the \$4,000 estimate was excessive. Dunham pointed out \$3,000 was spent last year to put new service into the building. He spoke about new wires being hooked up to the old furnaces. Dunham said that new wiring work should be done as soon as possible, using \$4,000 to putting in the new wiring. Johnson said he respects that Jasmin's job is to make sure a public building is safe. Colby established that Jasmin was okay with complete new wiring for the first floor including the basement. None of the existing wiring will be used. The Board agreed with this action and Jasmin left at 7:18 pm.

Airport Director Jack Wozmak regarding Dillant-Hopkins Airport Development

Wozmak joined the meeting at 7:18 pm. He introduced himself and provided some information about his expectations for the airport. He noted his goal is to move toward development of the airport property and try to

differentiate the property from other similar facilities. He said the goal includes increasing activities at the airport and finding tenants for the hangars. He noted there is a marketing committee. Airport obstructions were discussed – plan to mitigate some of the obstructions. He said that today the authority is limiting instrument landing on some of the approaches because trees need to be removed. He discussed tax revenue sharing between Keene and Swanzey. He said his goal is to get some new companies at the airport whether aviation-oriented or not. He said the time is right to move ahead from both Keene and Swanzey perspectives. He said he is open to questions – open to phone calls, questions, and wants to resolve issues right away. Hutwelker said the Town will do the same and look forward to the next meetings and public hearings. Wozmak said he would like to develop brochures for marketing to companies, especially for corporate jets. He left at 7:27 pm

Chuck Beauregard – Brown Field Matters

Beauregard referred to work needing to be done at the field. He would like to take down eleven trees so that the field can dry out faster. He said he has someone who will do the work for free and will take all the logs out and chip the brush. He would be able to do it in next two weeks. There was a discussion about the number of trees to take down. He noted the person who would take the logs and chip the wood is insured. The Board agreed on the project and asked Beauregard to meet with Dunham for planning purposes and to discuss other trees that it may make sense to take out at the same time.

Beauregard also noted he has someone to take up mowing and creating the lines. Beauregard did not have a price for this service. This person would also clean the bathrooms and pick up rubbish. Hutwelker asked if the individual is insured, Beauregard did not know. Beauregard said he would work with Branley about the cost fitting into the budget because the work is currently performed by DPW employees. There was a question about a Brown Field line item in the budget. Bohannon said that that line item was removed, and that it was once under Recreation.

Beauregard noted that the fence is partially down and needs to be fixed. Some other sections also need new fencing which would be ten feet high at certain points and six feet high at other places. Dunham said that may not fund for this year, but to put it in the budget for next year. Dunham said a gate would also be required to get equipment into the field. Branley said that there are a variety of line items in the budget covering field maintenance.

Beauregard also said injection needles have been found by first base location and near the dugouts. He said he is asking people not to walk barefoot in the area and would like to put up a sign. Hutwelker asked if the police have been notified. Beauregard said he would get in touch with Police Chief Tom DeAngelis about the situation.

Lights were discussed. Stepenuck said the lights from the school shine at Stepenuck's house and therefore makes it difficult to see any persons doing anything illegal. Picnic tables were discussed. Beauregard left at 7:43 pm.

Falls Brook Project Update

Director of Public Works Dunham and Amanda Littleton spoke about the project. Littleton said that the 2014 New Hampshire Department of Environmental Services (NH DES) grant was \$115,000 to start the project on Hale Hill Road to replace an undersized and aging culvert. Dunham said that this culvert is probably quite old and would go under the radar until there was a problem. Dunham said he is in favor of the project.

Hutwelker asked why the project wasn't completed in 2015 as originally scheduled and why the cost has gone up. Littleton said the project was delayed because of the engineering process was too slow and therefore they missed summer window of opportunity. Littleton passed out a spreadsheet showing that the original proposal with ARM was with a 15% design from engineers and now the cost is at 100% design but she also acknowledged that the

cost of the materials for the bridge has gone up. Littleton said that they have raised \$168,000 and the plan is to go back to NH DES with new numbers to see if NH DES might raise the amount beyond the \$115,000. She said the project needs \$50,000 more to proceed. Total for the project including additional costs is \$228,000, and they have \$168,000. She asked for more cash beyond the \$10K the Town has already committed. It was noted that the Town has offered to include \$16,000 worth of in-kind labor. Total of \$26,000 is already committed by the Town. There was a question about in-kind paving. Littleton said she would look into that. Colby asked about whether the \$228,000 covered everything – and Littleton agreed.

Colby asked about the possibility of errors and omissions insurance covering with the engineering firms involved. Branley said that he thought that the costs were underestimated in 2014 based on the increase. Colby stressed that the delay is not a fault of the Town or other agencies which have committed funds for the project. Colby said that the project is a good one, but it is a large increase in costs to absorb. Dunham said that if this project falls through, the Town would have to eventually replace the culvert on our own. He pointed out that a culvert does not qualify for bridge aid in funding and it would qualify as a bridge after being replaced. Stream crossing requires a natural bed. Funds committed would come from the Municipal Transportation Capital Reserve Fund.

Littleton said her goal was to inform the Board as to the status of the project. Next step is for Littleton to go to the State with estimates. By the end of April she said she would have a better sense of funding for the project. Again she asked if there may be additional funding from the Town. She said she understood that this additional request was unexpected. Smith asked if funding from Town be contingent on additional funding from other sources. There was a discussion about taking \$16,000 out of the \$228,000. Hutwelker noted the in-kind labor does not seem to be accounted for. There was discussion about the actual cost being \$244,000. Since this was unclear, Branley asked Littleton to get the total budget, which included the \$16,000 in-kind work.

Bohannon said he has offered hazard mitigation money in the past and Dunham said that there isn't any possibility of flooding in the brook except when the culvert is blocked. Littleton said that this would be designed for a 100-year flood. The Board decided on a wait-and-see attitude for Littleton to return with a final detailed budget and any additional funding from the State of NH, including showing the in-kind labor. She left at 8:12 pm

Cooperation between School District Towns

Troy Selectman Matson met with the Board to ask for cooperation when dealing with the Monadnock Regional School District School Board. Selectman Matson provided a letter the Troy Board of Selectmen plans to send to the Monadnock Regional School District School Board regarding a few matters that he would like to see if the Board would like to sign onto as well. He noted that the Fitzwilliam Selectmen have agreed to sign the letter.

Discussion was held regarding the actions of the School District referring to the \$510,000 from the reserve fund balance, which should come back to the residents to offset the tax burden according to Matson. He referred to Health Insurance funding being at 100%, which is not suitable. He said that a policy of 80/20 split should be applicable to all district employees. He noted that with fewer students, and losing state funding, a total cut of just under \$1,000,000 was absorbed but the budget was not reduced to reflect that loss of revenue. He said that he feels strongly there should be a proportional cut to the budget against the student reduction. He said Fitzwilliam agreed to go along with Matson and that Richmond, Roxbury, and Gilsum will be asked as well. He said School Board representatives need to know that it isn't an open pocket and that the concerns of tax payers need to be addressed as well as students. Matson said that he is asking the Selectboards to get together and visit the School Board as a group. He asked the Board if they would be willing to agree to the letter regarding these issues.

Hutwelker said he is in support of what Matson is doing generally. Matson pointed out the School Budget Committee supported these issues as well. Karasinski said he agrees on the insurance policy issue. Matson said

that seven members of the School Board received benefits from the District. Colby said he agreed on the 80/20 split. Colby said that there other two items would be delved into. Hutwelker said Matson is only asking for general support for the sentiments in general in being more fiscally more responsible. Colby said that he could support that. Matson asked for a response from this Board. He said Fitzwilliam promised a response within a couple of days and he believes there is urgency in responding. He spoke about lost tuition money and loss of nearly 70 students over a period of several years which should create a reduction in staff. He spoke about holding teachers accountable for student results. The Board agreed that it is a worthy cause. Hutwelker said the Board would make an effort to get something to Matson as soon as possible. He left at 8:34 pm

Lee Dunham NH DES Letter on Upper Wilson Pond Dam

Dunham spoke about the re-inspection of NH DES of the dam and that they issued another letter of deficiency dated March 2016. They want to remove the flash boards and want to see an update to the Operations and Maintenance Manual. By November 2016 they want the Town to cut trees within the dam area. Dunham noted that if one of the options is to remove the dam, it doesn't make sense to remove the trees since there will no longer be a dam.

Dunham said that DuBois & King visited the site to discuss further with NH DES as to alternatives to removing the dam. Dunham said that this dam wasn't a problem in the past until NH DES changed the rules.

OLD BUSINESS

Disposal of Tax Deeded Property – 68 Diana Drive

DPW Director Dunham was present to discuss disposal of the housing unit at 68 Diana Drive. He said he and Interim Solid Waste Manager Whipple have been working on an estimate for disposal costs. Dunham said he did some research for the weight involved and he came up with 14-15,000 pounds. He said he looked up costs and came up with about \$2,500 cost to get rid of it the trailer. Branley said the Town will be paying \$400 month for rent starting in April.

Colby **moved** that given the possibility that the property at 68 Diana Drive could be sold by March 30, 2016, if not sold by that date, to authorize Public Works Director Dunham to dispose of the building as required. Second by Karasinski, and all were in favor. **Motion passed.**

NEW BUSINESS

Annual review of Town Investment Policy

The Selectmen reviewed the policy as presented.

Colby **moved** to approve and execute the Town Investment Policy pursuant to RSA 41:9-VII. There was a second by Karasinski and no further discussion. All were in favor. **Motion passed.**

Personnel Policy Updates

Branley explained that the updates are the updates discussed on 3/15, primarily related to the new employee in the fire department and town hall staffing moving to 40 hours per week. Changes also include incorporating other changes to policy (such as related to the Affordable Care Act) that were approved but never formally adopted into a full revision.

Colby **moved** to approve the changes to the personnel policy as drafted. There was a second by Karasinski. All were in favor. **Motion passed.**

Staff Raises across the Board

Colby stated based on reviewing the PARs it looked like the merit increases were largely 2% across the board. Colby asked if the Department Heads had reasons listed for merit raises. There was a discussion about reasons for merit raises and having Department Heads have reasons for giving merit raises. The purpose is to incentivize folks who are doing well and encourage others to do better next year.

Accept unanticipated funds per RSA 31:95-b

The Town has received the following donation during the 1st quarter that the staff is requesting you vote to accept & expend it under RSA 31-95b.

The Board is asked to accept money as follows, totaling \$25.00, as a donation to the Carpenter Home:

- \$25.00 from Walter C. Wrye III & Marise K. Wrye

Colby **moved** to accept the funds as listed and to remit them to the custody of the Treasurer to be held in the General Fund. There was a second by Karasinski and no further discussion. All were in favor. **Motion passed.**

Request for reimbursement of Permit/Application Fee – Flamingo EventZ

Branley informed the Board that a \$100 fee is requested to be returned. Hutwelker asked if there is a non-refundable clause. Karasinski asked if there should be an application fee versus a permit fee. Hutwelker asked Branley to research if the application says it is non-refundable and report back next week.

Carpenter Home Improvements – Kitchen Painting & Camera System Upgrades

Branley said that Carpenter Home Administrator Judith Bohannon has a new request and a follow-up to a prior request. First, the new request is for the Board to authorize expenditure of up to \$1,400 for labor and materials to prepare and paint the ceiling, walls, and cabinets of the kitchen area. The condition of the paint in the kitchen has been flagged in the past as an area in need of improvement. As of 12/31/15 the Lucy Carpenter Common Trust Income Fund had a balance of over \$172,000.

Colby **moved** to authorize the expenditure of up to \$1,400 from the Lucy Carpenter Income Common Trust fund to paint the kitchen of the Carpenter Home and related expenses. There was a second by Karasinski with no further discussion. All were in favor. **Motion passed.**

Carpenter Home Camera System Upgrades

Branley stated this a follow-up to the prior discussion regarding cameras with the Board and that Bohannon has finalized the estimate from BA Technical Services LLC, which includes all wiring and electrical work. The cost for hardware is \$5,021 due up front, with installation not to exceed \$3,000. She had received another estimate in the ballpark of \$12,000. As was discussed on 3/1, it was felt this upgrade is important from a security, liability, and staff supervision perspective. Colby determined that the \$8,021 is all inclusive and a not-to-exceed amount.

Colby **moved** to authorize the expenditure of up to \$8,021 from the Lucy Carpenter Income Common Trust fund to purchase and install a camera system at the Carpenter Home and related expenses. There was a second by Karasinski. All were in favor. **Motion passed.**

April Meeting Schedule

After some discussion the Board decided to have a Goal Setting meeting – April 7th at 6 pm.

4/5 – vote on acquisition of back-up conservation easement on Ballou property

4/12

4/19

4/26 – report back on Town Clerk Consultant status / need to continue

Town Clerk Office

Hutwelker asked how things were going. Branley said the new person has begun training.

ADJOURNMENT

Motion to adjourn was made by Colby. The motion was seconded by Karasinski without further discussion. All were in favor. **Motion passed.** Adjournment occurred at 9:30 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on April 5, 2016