

Town of Swanzey, New Hampshire  
**Board of Selectmen**  
Meeting – August 17, 2016  
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

**CALL TO ORDER**

The meeting was called to order by Selectmen Chair W. William Hutwelker III at 6:00 p.m. at the Swanzey Town Hall at 620 Old Homestead Highway. Present were Selectmen Kenneth P. Colby, Jr., Sylvester Karasinski and W. William Hutwelker III. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

**OTHERS PRESENT**

Rob Hitchcock, P.E., Conservation Commission Chair Wally Smith, Jack Wozmak, Residents Gus Leraudeau, Gene Bixby, Joellyn Stack and Barbara Stack. Also present were Swanzey Lake area residents Kai Dafeldecker, Bill Stetson, Peter Delaney, Glenn Mills, and Nancy Karlson.

**PUBLIC INPUT**

Gene Bixby (resident at 3 Elm Street) voiced a concern about fireworks by neighbor Bernie Whitney. He said Whitney, who did obtain a fireworks permit, has a small property and debris from the fireworks was scattered all over Bixby's house, deck, cars, and lawn. He also said that Whitney was rude about the situation to Bixby. Bixby said he doesn't feel that a permit should be allowed on small lots. Joellyn Stack, 20 Grove Street, was also home that weekend when the fireworks were held. She said the fireworks were continuous and when Whitney was asked to limit the fireworks, he basically laughed at them because he had a permit. She said the fireworks went on for five hours on Saturday July 2, 2016. She also said Whitney started lighting fireworks on the prior Friday, and she said it is frightening to watch the fireworks come down on the houses. There was a brief discussion about violations regarding the trash ordinance. Bixby said he isn't looking for cleanup since he has already done so, but he is looking for the Town not to allow fireworks permits for small yards in the future.

Barbara Stack, 20 Grove Street, said her backyard backs onto the Whitney yard. She said she is concerned about the houses or her barn burning down and she said that Mr. Whitney's attitude is that he doesn't care about his neighbors. Hutwelker asked for contact information of the residents, and asked Branley to follow up with the fireworks permit process to review the stipulations for issuing a permit, and include the Fire Chief, and to inform the residents when the meeting is planned.

**MINUTES**

- The regular meeting Minutes of August 10, 2016 were considered. There was a **motion** by Colby to approve the regular meeting Minutes of August 10, 2016. The motion was seconded by Karasinski. All were in favor. ***Motion passed.***
- The non-public meeting Minutes #1, #2, and #3 of August 10, 2016 were considered. There was a **motion** by Colby to approve the non-public Minutes #1, #2, and #3 of August 10, 2016. The motion was seconded by Karasinski. 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
- Event Permit #2016-19 – Art Show at Whitcomb Hall

- Open Container Permit #2016-04 – Whitcomb Hall Committee
- Intent-to-cut Operation 16-441-15 – Map 32 Lot 23
- Report-of-cut Operation 15-441-09 – Map 82 Lot 6, Map 83 Lot 1, and Map 81 Lot 14
- Release of Public Assistance Liens – There was a question by Karasinski regarding 12 Pine Street lien – Branley explained that these releases are based on liens which were either already collected but never released or which are no longer collectable, mostly because the properties are now owned by different people.
- Personnel Action Reports

## **APPOINTMENTS**

### **Main Street Project**

Rob Hitchcock was present to inform the Board on progress of the project. Discussion items were as follows:

- Water main cost – 315 feet of pipe to Prospect Street - \$26,000 is the cost to do that. Hitchcock said that the price is \$80.00 or so a foot, which he felt was too high. He said the City of Keene has paid \$55-65.00 per foot for contracts in the past. Also an RPZ back flow preventer would be needed said Hitchcock. And because an RPZ is heavy, a building would be needed to house it. \$30,000 is needed for the RPZ and with the water main cost we are talking more than \$50,000 to add water pipe. Hitchcock suggested the line could be put in sometime in the future. Colby asked if Pat Rawson Construction was aware of lower pricing that City of Keene used. Branley said he was told that \$40.00 per foot doesn't include valves and other materials. Karasinski pointed out there would be more costs associated with getting water to Whitcomb Hall eventually. Branley also pointed out that it isn't necessarily a simple case of dropping pipe. The Board agreed to pass on this for now.
- Stair width at Whitcomb Hall – was six feet on Hitchcock plans between concrete walls but they put in five feet widths – it does meet code at five feet. He said he raised the issue to learn whether that is acceptable to the Board. Hitchcock said it was drawn wrong on the plan to scale to five feet instead of six. He said it would be \$5,000 cost to replace the stairs. The BOS agreed that they are okay with five feet width for the stairs.
- Relocation of the bell tower has been done and there is no cost associated with it.
- Replacement of the concrete wall at Spring & Main at Robichaud's house which fell while they were working in the area. He suggested saw cut and replace with block and noted that Rawson did exercise due care. Hitchcock said that it is questionable as to who owns the wall – the Town or the Robichauds. Best case scenario is to work out something agreeable to both. The Board agreed to follow Hitchcock's advice.
- Requisition to be submitted Monday – he will have a summary of how the project is going with changes noted.

There was a discussion about washouts with the rain and they were addressed. He said the retention basin was filled with water and given the amount of rain that fell on the town, the project plan has held up well.

### **Carpenter Home Analysis Update**

Jack Wozmak was present to update the Board on his Carpenter Home Analysis thus far. He said he doesn't have conclusions yet, but had observations to mull over. He said he has spent a fair amount of time at the Home and with Carpenter Home Administrator Judith Bohannon. He said the facility looks nice; it is clean and well repaired for the age of the building. He said he wouldn't hesitate to place his own family members there. He said the people seem happy as well. He said he looked at the staffing profile and thought it was staffed adequately, but maybe not sustainable since Bohannon has to help out if juggling of staff is needed and juggling of staff isn't that unusual. He noted that having only one person on 11 pm to 7 am shift creates some vulnerability. He said the Home is running about a 15% annual loss, which is an issue to be addressed. He said the property is 250 acres and

is a beautiful piece of property. More buildings could be built on the site if the Town decided to be in this business. He said that he would recommend the Town be a minority partner with someone else from a business perspective if the Town decided to commit to growing the business. He noted that sixteen beds mirror the green-house concept that Cheshire County has been considering for its nursing home standard, which de-institutionalizes nursing homes. He said a home setting is coming back in favor and the Carpenter Home fits that profile nicely.

Wozmak said he read the Lucy Carpenter will and noted that the original document had changes, which were made prior to Lucy Carpenter's death. He spoke about how at the time he visited 9 residents were from Swanzey and 4 from elsewhere. He said the Will is oriented toward the care of Swanzey's residents and limits spending to the income from the trust and not the principal. 4-5% income is generated a year. To reduce the public tax dollar subsidiary the Town can either increase rates or increase income that flows from the trust. He spoke about how to get more income from the trust fund perhaps tweaking the portfolio between risk and gain. He spoke about a range of monthly charges with highest at \$3,450 per month. He said that the Town would need \$3,472 average monthly rent to break even. But several of the residents are Medicaid residents and Medicaid pays only \$49.00 per day. He spoke about percentages of Medicaid residents versus private pay residents – in which the private pay residents subsidize the Medicaid residents by paying more than the average monthly break-even rent. Discussion was held about how to balance these revenues. Wozmak said he isn't sure it is possible to get to a break-even point with the number of Medicaid residents.

There was a discussion about auditing the finances of the Home. Wozmak asked for the financial reports on the Trust and suggested that there could be a shift in the balance of the portfolio to maximize the income. Branley said he could get the financial reports to Wozmak. Hutwelker asked if the Home is a sustainable model, and Wozmak said that the Town will need to continue to subsidize the Home. Wozmak talked about marketing the rooms since some are large, but a number of them are quite small and difficult to market. He suggested a more refined pricing structure. He said that marketing accentuating the green-house model could increase the popularity for an intimate, family-like home that doesn't feel like an institution. He said with the proper marketing it might help support a higher price per room. He suggested a replacement schedule for furnace, well, septic systems and other parts of the building to raise the funds over time to finance renovations.

Hutwelker asked for next step. Wozmak said that he would drill down on the yield of the Trust and will be meeting with Code Enforcement Officer Mike Jasmin to walk through the necessary code enforcement actions needed. Wozmak said there isn't any reason why the facility can't continue. He spoke about the possibility of adding an addition to add rooms to make it easier to market.

Karasinski asked if there was any way to recapture the tax payer subsidies; could those tax payer subsidies be treated as a loan. Wozmak said the Town could treat the money coming out of the General Fund as a Receivable, which is growing at \$10,000 to 20,000 a year. It may be able to be captured from the heirs should the Town decide to get out of the business. Karasinski asked about the Town's liability for placing folks in Maplewood. Wozmak said the Town is paying an equalized portion of the tax so there would be no direct correlation between what is paid by the Town and the number of town residents sent to Maplewood. There was further discussion about heirs and what would happen in probate court should the Town decide to close the Home.

Wozmak said he is not ready to make a recommendation but will do so with a full report in the near future. The Board thanked Wozmak for his input.

## **OLD BUSINESS**

### **Swanzey Lake Beaver Issue**

Branley updated the Board on a conversation with Lt. Heidi Murphy at the NH Fish & Game law enforcement division regarding the beaver issues raised by the residents of the Swanzey Lake area. He said that the Town is acting as a land owner without any other responsibility or authority. Lake wide concerns are not the Town's responsibility. It is up to individual land owners to deal with beaver. He said that statute prevents people removing beaver and/or their houses unless they are damaging or otherwise impacting the property. He noted that he suggested to Fish & Game the idea of the beaver dam on the Town property being removed when the lake is lowered and she thought that sounded reasonable. At that point the beaver house could be removed so long as the water is not disturbed without a permit. The Board agreed to direct the Department of Public Works to remove the beaver house on Town property when the water level is lowered.

Branley noted that the State of New Hampshire law is meant to protect the wild life and there has to be evidence of damage by beavers. There was also a brief discussion about testing the water for the presence of pathogens.

Bill Stetson said he felt that the State of New Hampshire RSA regarding beaver does not address a lake-wide problem. Branley agreed and noted that the Town has engaged a trapper for the issue on its property. Branley said he could learn how many traps are out there and whether beaver are being trapped and report back to the residents. He said the lake would be lowered in September and Department of Public Works Director Lee Dunham will remove the beaver house once the water is down. Stetson thanked the Board for doing this much. Hutwelker asked for feedback as time goes by. Stetson said removing the lodge will assist in making the place uncomfortable for beavers.

Peter Delaney said that he read the RSA and that he has a lodge being constructed on his property. He realizes that there has to be a direct impact on the property. He spoke about erosion of the shoreline being involved. Glenn Mills said he has lost 11 trees over the last six months – going to build the beaver lodge. Kai Dafeldecker spoke about the residents not being allowed to take down trees along the shoreline. He asked about beaver coming down from Christian Hill Road. Nancy Karlson spoke about the time when a beaver dam on Christian Hill washed out and that was when the beaver got washed down into Swanzey Lake.

Wally Smith asked about covering on trees to protect them from beavers. Kai Dafeldecker said he used aluminum flashing on his trees to slow the beavers down then the beavers took down an apple tree across the road.

There was a discussion about what can be done by the Swanzey Lake Protection Association. Branley will provide as much information as possible in a bulk emailing to the residents. The Board thanked the residents for coming in and discussing the problem.

#### **Press Release Recognizing Victoria Reck Ames**

Branley referred to Victoria Ames being recognized by the Keene Sentinel and a press release will be issued. The Board agreed to the press release.

#### **CORRESPONDENCE**

##### **Letter from the Board of Directors of Cheshire Television regarding need for new Swanzey Representative –**

Branley informed the Board that the current representative, Sue Castriotta, will no longer be able to serve. There was a brief discussion about the possibility of the Selectmen having an update meeting with someone on the Board of Directors of Cheshire TV. Colby pointed out that the City of Keene gets most of the activity of Channel 8 and he would like to see more attention be given to Swanzey. Branley said he would add it to the list of open positions. The Town has until October to find a replacement. There was a discussion about recruiting someone not only to represent Swanzey but also to help Swanzey get more coverage from Cheshire Television. Smith expressed some interest in helping out depending on the interview with a Director from Cheshire Television.

### **Soccer Refund**

Branley asked the Board for their approval to refund \$70.00 for soccer because the family has moved out of town and the program has not started.

There was a **motion** by Karasinski to approve \$70.00 refund for soccer participation, prior to the soccer season beginning, to a family who has moved out of Town. The motion was seconded by Hutwelker and Hutwelker and Karasinski voted in favor. Colby was not present. **Motion passed.**

### **Possible meeting at Richardson Park**

Branley noted that August 31, 2016 is the public information meeting planned about lowering the dam for repairs at Swanzey Lake, which will lower the water level. He suggested the meeting be held at Richardson Park. The Board agreed to do so by consensus.

### **Whitcomb Hall Request for Event**

Branley said that Cassandra Gerken has sent an email with questions regarding reserving Whitcomb Hall for private events. Hutwelker asked Branley to send a response to Gerken thanking her for her interest but stating that the Town does not yet have a policy for use of Whitcomb Hall yet, although that policy will be forthcoming.

Hutwelker asked Branley to have Recreation Director Ian Fraunfelder and representatives from the Whitcomb Hall Committee come to the Board's meeting next week to discuss use of the Hall. Branley stated if the Board thought Whitcomb Hall was going to be self-supporting a revolving fund could be created to pay utilities and a janitor, etc. Hutwelker asked that the Town's liability for events be researched by Branley.

## **NEW BUSINESS**

### **2017 Budget Discussion**

Branley reviewed some of the negatives and positives in regard to the impact of either lowering or increasing the budget for next. He noted that the first draft of the Default Budget showed pretty much flat funding. Branley also provided a proposed schedule for the budgeting process.

Hutwelker noted the possibility of level funding. Karasinski said that gasoline should be down as well as heating oil and Branley agreed. Karasinski would like to see the Capital Reserve accounts get bumped up if can be done with level funding. Branley asked the Board for their philosophy about the budget. The Board agreed to level funding with the hope for reductions. Colby suggested the possibility of adding a Capital Reserve fund for the Carpenter Home. Colby said that he thought there will be a request for adding money to Capital Reserve for Whitcomb Hall.

### **Conservation Commission helping with Swanzey Lake Beaver Problem**

Smith mentioned that the Conservation Commission might be willing to consider assisting with finances for trapping if the Swanzey Lake Protection Association provides a business case for it. Next meeting of the Commission is scheduled for September 1, 2016.

### **JoJo Mead Concert**

Colby noted that JoJo Mead will be doing a benefit concert at the Congregational Church, Sunday, August 21, 2016, starting at 2 pm.

## **NON-PUBLIC SESSIONS**

### **Non-public session(s) per RSA 91-A:3, II (b) Hiring of Public Employee(s)**

**Motion** was made by Colby to enter nonpublic session pursuant to RSA 91-A:3 II (b) Hiring of Public Employee(s) seconded by Karasinski. All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 8:09 p.m. Present was Kenneth P. Colby, Jr., W. William Hutwelker III, and 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 8:10 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 were in favor and the ***motion passed***.

#### **Non-public session(s) per RSA 91-A:3, II (a) Personnel Matter(s)**

**Motion** was made by Colby to enter nonpublic session pursuant to RSA 91-A:3 II (a) Personnel Matter(s) seconded by Karasinski. All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 8:11 p.m. Present was Kenneth P. Colby, Jr., W. William Hutwelker III, and 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 8:15 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 were in favor and the ***motion passed***.

#### **OTHER BUSINESS**

##### **Speed Limit for Safford Drive**

Colby asked about setting a speed limit for Safford Drive, which has been discussed in the past. Branley said he would follow up on getting the hearing scheduled.

#### **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 8:20 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on August 24, 2016