TOWN OF SWANZEY

620 OLD HOMESTEAD HIGHWAY
P.O. BOX 10009
SWANZEY, NH 03446-0009
TOWN HALL (603) 352-7411 FAX (603) 352-6250
WWW.SWANZEYNH.GOV

Board of Selectmen Meeting Agenda

Whitcomb Hall, 17 Main Street

August 4, 2021

The Public is welcome to participate remotely over Zoom by going to www.zoom.us, using the Zoom App on a cell phone, or on a landline calling 1 929 205 6099 and entering **Meeting ID 235 370 4380 #**. Please try to log in 5 minutes before the meeting's scheduled start time in case you run into any technical difficulties. If you are unable to access the meeting, please call 352-7411 ext. 107.

1. Call to Order – 5:30 PM

2. Consideration of Meeting Minutes
   A. Regular meeting of July 21, 2021(page 7)
   B. Nonpublic meeting #1 of July 21, 2021
   C. Nonpublic meeting #2 of July 21, 2021
   D. Nonpublic meeting #3 of July 21, 2021

3. Unsealing of Nonpublic Meeting Minutes
   A. February 9, 2016 #1, March 1, 2016, March 4, 2016 #1 and #2, March 7, 2016 #1, March 22, 2016 #2, April 12,2016 #1, April 26, 2016 #4, #5 and #6, May 3, 2016 #1, May 10,2016 #3 #4, May 17, 2016 #3, May 24, 2016 #1, June 14, 2016 #1and #2, June 21, 2016 #1 and #2 (page 12)

4. Consent Agenda
   A. Payroll Manifest
   B. Payables Manifest
   C. Appointment Forms (page 32)
   D. Event Permit #2021-07 – Frogg Brewing Vintage Car Show(page 33)
   E. Personnel Action Reports (page 35)

5. Public Input

6. Appointments
   A. 5:35 Director of Planning & Economic Development Matthew Bachler – Broadband Update (page 46)

7. Consideration of New Business
   A. Award of Contract – Oak Hill Cemetery Paving (page 4,49)
   B. Award of Contract – Golden Rod Grange Hall Foundation Engineering (page 4)
   C. Award of Contract – Removal of Hazardous Materials from 321 Old Homestead Highway (page 4)
   D. August Meeting Schedule

Agenda items and times are tentative and subject to change – they are provided for informational purposes only

8. Consideration of Old Business

9. Administrative Update

10. Correspondence (page 52)

11. Possible non-public sessions as needed

12. Adjournment

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MEMORANDUM - OFFICE OF THE TOWN ADMINISTRATOR

TO: Board of Selectmen

FROM: Michael Branley, Town Administrator

RE: August 4, 2021 Agenda

DATE: August 2, 2021

CC:

2. Consideration of Meeting Minutes

A. Regular meeting of July 21, 2021
B. Nonpublic meeting #1 of July 21, 2021
C. Nonpublic meeting #2 of July 21, 2021
D. Nonpublic meeting #3 of July 21, 2021

3. Unsealing of Nonpublic Meeting Minutes

A. February 9, 2016 #1, March 1, 2016, March 4, 2016 #1 and #2, March 7, 2016 #1, March 22, 2016 #2, April 12,2016 #1, April 26, 2016 #4, #5 and #6, May 3, 2016 #1, May 10,2016 #3 #4, May 17, 2016 #3, May 24, 2016 #1, June 14, 2016 #1and #2, June 21, 2016 #1 and #2

4. Consent Agenda

A. Payroll Manifest
B. Payables Manifest
C. Appointment Forms
D. Event Permit #2021-07 – Frogg Brewing Vintage Car Show
E. Personnel Action Reports

5. Public Input

6. Appointments

A. 5:35 Director of Planning & Economic Development Matthew Bachler – Broadband Update. See enclosed memo.

7. Consideration of New Business

A. Award of Contract – Oak Hill Cemetery Paving. We received feedback from a resident that the paved roads in this cemetery were in poor condition. DPW reviewed their conditions and agree that improvements are needed. Unfortunately, due to the roadway widths bringing them back to dirt is not really practical. We issued an RFP and received one proposal from JRoy Excavating for $59,460, close to the engineer's estimate. The Cemetery Expansion ETF had its purpose expanded by Town Meeting this year to include cemetery improvements (instead of just expansion) and has an estimated balance of $70,643.46.

SUGGESTED MOTION: I move to award the Oak Hill Cemetery Paving Contract to JRoy Excavating, authorize the Town Administrator to sign contract documents, and authorize the expenditure of up to $61,000 from the Cemetery Expansion Expendable Trust Fund.

B. Award of Contract – Golden Rod Grange Hall Foundation Engineering

C. Award of Contract – Removal of Hazardous Materials from 321 Old Homestead Highway. We have been continuing to work to lower the bids previously quoted to remove the hazardous materials to allow this building to be demolished. Current bids are:
Concord Building Services (recommended by Ingram Construction)- $32,639
Peniel Environmental- $73,829
We have an outstanding authorization of $12,200 from the Fire Station Maintenance ETF from 2020 and the Fire Stations CRF has an estimated balance of $114,841.99. If we go with the lower bidder and add a 15% contingency we are looking at a total cost around $37,500, meaning we would need to authorize a further expenditure of $25,300 ($37,500 - $12,200).

SUGGESTED MOTION: I move to authorize the expenditure of up to $25,300 for the removal of hazardous materials from 321 Old Homestead Highway from the Fire Stations Capital Reserve Fund.

D. August Meeting Schedule
   I. 8/4
   II. 8/11
   III. 8/18
   IV. 8/25

8. Consideration of Old Business

9. Administrative Update

10. Correspondence

11. Possible non-public sessions as needed

12. Adjournment

UPCOMING AGENDA ITEMS

- 8/11- ME Productions for a discussion regarding future concerts; Solid Waste Manager Whipple; Upper Wilson Pond Dam decision
- 8/18- Senator Kahn legislative update

PENDING BOARD MATTERS

- South Winchester, West, and Swanzey Streets Reconstruction Project – BUR started work in mid-June with completion likely in October. The upcoming schedule is as follows:

Monday August 2nd – Friday August 6th

- Drainage Work:
  - South Winchester Street at the intersection of West Street
  - West Street from South Winchester Street to Swanzey Street
  - Swanzey Street at the intersection of West Street

Monday August 9th – Friday August 13th

- Drainage Work:
  - West Street from Swanzey Street to Route 10

- Rail Trail Improvements – We had our initial meeting with DOT on 8/6/19, funding for construction is currently scheduled for federal FY 2025, which begins in October 2024. We held our local concerns meeting with Hoyle Tanner on 2/4/21, where a lot of support for the project was expressed. We had a meeting between the staff, RTAC, and Hoyle Tanner on 3/10 to follow up on the local concerns meeting, which went very well. Engineering work is ongoing. With the help of Congresswoman Kuster's office we were able to get additional funding for this project through the next Surface Transportation bill as one of her Member Designated Projects. In addition to more funding so we can do a more complete job of rehabbing both trails, this will also get this project separated from the over-burdened TAP program.
- Upper Wilson Pond Dam – On February 11th we had our kick off meeting with Dubois & King and DES Dam Bureau. Dubois & King met with the Dam Bureau on site on 3/23. We hosted the initial public info meeting on April 7th and the field survey has been completed. Dubois & King has developed three options and we had a meeting to go over them on 5/14. We had another meeting with Dubois & King where the options were further refined on 6/4. We hosted the second public informational session on 6/23. DuBois & King put together a cost estimate regarding soils testing of $6,000, although we recommend the Board choose a direction before going further down that road. DPW Director DiRusso have more info to answer the Board's questions from our last meeting.
- Carpenter Home Property Uses – We resubmitted the petition for final review by the AG's office on 6/24. I informed the appraisal companies which firm we selected and that work should get started soon. After some back and forth with the Attorney General's office we have what we hope is the final cy pres petition for signing this week.
- Tax Map Update Project – the flyover took place the week of 3/31 and was a success. We had a meeting scheduled with CAI for 5/20 to discuss the next phase of the project, which will include them receiving all surveys in the Town's possession by August. Staff has been working diligently to review property files and pull out surveys.
- Old Richmond Road Fire Pond – We received the approved wetlands permit. DPW Director

DiRusso is working on the budget and schedule (we are still waiting for the new gate to arrive). With the heavy rains this July it is probably for the best that we were waiting until later in the summer.

- Christian Hill Road Bridge Replacement – The engineering study was sent to DOT for review. DOT is working on a project agreement. This project is scheduled for State FY 2024 (which means awarding the project to a contractor from July 1, 2023 to June 30, 2024). DOT has approved advanced construction so we can advertise the project in December 2022, award to a contractor in January 2023, and start construction in June 2023 so we can get 40% upfront reimbursement in July 2023.
- Fire Station Project – TBD.

MAJOR OPEN STAFF POSITIONS

- Police Department – we have an open full time officer position and an open school resource officer position.
- Police Chief – the job posting was published in various outlets on July 9th and applications are due back on 8/6. Our goal schedule is:
  - 8/6 – due date for applications; email applications to screening panel.
  - Mid August – screening panel narrows down interview list.
  - By the end of August – screening panel to conduct initial interviews and rank top candidates.
  - September – BOS conduct interviews with top candidates; make selection and negotiate terms.
  - October – new Police Chief starts work.

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – July 21, 2021
Whitcomb Hall
17 Main Street, Swanzey, NH

Note: Draft Minutes are subject to review, correction and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.

CALL TO ORDER

The meeting was called to order by Chair Sylvester Karasinski, at 5:30 p.m. at Whitcomb Hall, Main Street, Swanzey, NH. Present were Selectmen Sylvester Karasinski, Kenneth P. Colby, Jr. and W. William Hutwelker III. Also present was Town Administrator Michael Branley and Administrative Assistant Jenna Fraunfelder. Zoom ID 867 9750 4029 or join by phone 1-929-205-6099.

OTHERS PRESENT

State Representative Jennifer Rhodes, Cassie Eaton, Jim Jarzabek, Marcy Jarzabek, Code Enforcement Officer Mike Jasmin, Fire Chief Will Gould, Public Works Director Joe DiRusso, Michael York, Roy Faulkner and Jimmy Tempesta.

MINUTES

- The regular Minutes of July 7, 2021 were considered. There was a **motion** by Colby to approve the regular meeting Minutes of July 7, 2021. There was a second by Hutwelker and no further discussion; all were in favor. ***Motion passed.***
- The Non-public Minutes of July 7, 2021 were considered. There was a **motion** by Colby to approve the Non-public Meeting Minutes of July 7, 2021. There was a second by Hutwelker and 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 a brief mention of the departures of staff. All were in favor. ***Motion passed.***

- Payroll Manifest
- Payables Manifest
- Abatement Recommendation for Eversource
- Raffle Permit #2021-11 – Northern Lights Allstars
- Personnel Action Report(s)

PUBLIC INPUT

There was no public input at this time.

NOMINATIONS

Nomination of Cassie Easton to the Conservation Commission

Cassie introduced herself. She has been a resident of Swanzey for 11 years. She saw that the Conservation Commission was looking for members in the Swanzey Uncovered newsletter that was mailed to her house. She said she was looking to get more involved in the community and is interested in conservation. She stated she looked back at the minutes to see what the commission has been working on. Branley asked about the meeting times and Eaton stated she could make the Monday meetings at 4 p.m.

The Board considered Cassie Eaton for the Conservation Commission.

> **Motion** was made by Colby to appoint Cassie Eaton to the Conservation Commission with a term ending with Town Meeting 2023. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

APPOINTMENTS

State Representative Jennifer Rhodes

Rhodes introduced herself. She was elected in November and replaced Brue Tatro. She stated she is on the Criminal Justice and Public Safety Committee. She gave an overview of what the committee does. She was also elected to be the clerk on the committee. She stated there were hundreds of bills that went before the committee. She mentioned a few bills from her committee that passed into law. Rhodes stated the $13.5 billion State budget passed. In that budget was matching grants for body cameras. The fund was set up as a revolving fund to absorb the coast of the daily operations and not just for the purchase. She then talked about the American Rescue Plan Act and Swanzey will be receiving $755,859.00. The monies do have to be requested and can be used for infrastructure, broadband and other needs.

Representative Rhodes mentioned that Selectmen Karasinski took her around town to show her some of the storm damage. She also mentioned that she was hired as the Town of Winchester Welfare Director and Swanzey's Human Services & Resources Coordinator Edna Coates has been a great resource to her.

Jim and Marcy Jarzabek – Wilson Pond Water Testing

Marcy Jarzabek has asked if the Town would be willing to fund or assist with funding the water testing at Wilson Pond. Jarzabek said the Wilson Pond Association membership has been dwindling and is getting older. She mentioned they test three times a year, June, July and August. Jarzabek said they hold fundraisers like raffles and yard sales to pay for the yearly testing which costs $360.00. She mentioned that she met with the Conservation Commission about this and they suggested she talk to the Board of Selectmen. Jarzabek stated they will continue to do the testing and bring the sample to Concord they just need help financially. Hutwelker asked if we have a contact with EAI, Branley said we do not. Branley stated the State does the testing at Swanzey Lake and the Town only used EAI in 2020 because the State was not testing due to COVID-19.

There was a consensus to pay the $360.00 starting in 2022.

Pine Grove Mobile Home Cooperative Board

Representatives from the Pine Grove Mobile Home Coop board wanted to discuss 82 Diane Drive. Roy Faulkner the Vice President of the board spoke and wanted to discuss the lien for back taxes and the options for the property. Faulkner wanted to know what the Town's plans were for the mobile home. Branley said in general the Town does not take ownership of properties if we are going to have to pay lot rent. Faulkner stated the home is inhabitable and the park is getting complains about the critters, he stated it is a health hazard. Branley asked if the owner owes lot rent and was told he was paid up until July, because that is when he was told the Town was going to deed the home. Jimmy Tempesta stated they are trying to get the park in better shape and they have a waiting list and would like a decision fast so they can replace this home with a new one. Faulkner stated their budget has taken a hit because they have had to pull a lot of homes out. He said they had to pay $20,000 to pull out the homes from the fire a few years ago.

Karasinski stated Pine Grove Mobile Home Coop board should work with Town staff to come up with a plan.

NEW BUSINESS

Richardson Park Restroom Schematic Design

Branley stated we issued a request for proposals to provide design work for new restrooms at Richardson Park. We received one proposal from Michael Petrovick PLLC and staff recommends we move forward with this firm.

> Colby **moved** to award the Richardson Park Restroom Schematic Design project to Michael Petrovick Architects PLLC, authorize the Town Administrator to sign contract documents, and authorize the expenditure of up to $4,000 from the Recreation Facilities Improvements Capital Reserve Fund. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

Home Based Business Application Map 24 Lot 40

The application is for a gift shop with country and primitive decorations at 65 Old Richmond Road.
Colby **moved** to approve the Home-Based Business Application for Map 24 Lot 40. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

Letter of Resignation – Becky Karush Community Power Committee

> Colby **moved** to accept with regret the resignation of Becky Karush from the Community Power Committee. There was a second to the motion by Hutwelker and no further discussion. All were in favor. ***Motion passed.***

OLD BUSINESS

Upper Wilson Pond Dam Project Update

Branley stated after the public informational meeting the Board discussed whether it made sense to test the soils for contaminants. Branley stated he learned it is better to pick a path for the dam before doing the soil testing. Both Branley and DiRusso recommended this route. Hutwelker asked if we know how deep the silt is. DiRusso stated he does not know, he mentioned the minimal likelihood of contaminates. Hutwelker asked if we have an understanding of what it will look like if the dam is removed. DiRusso said he has seen pictures of dam removals in Vermont and is pleased with the water flow. There are steps in place to prevent wash out. He also stated you will be able to see the water moving when you pass by the area. Hutwelker asked if a diversion dam gives us the ability to help with flooding. Branley said we do not have much ability to divert water.

DiRusso said Otter Brook controls the flow and they were sending a lot of water. Karasinski said the dam at Lower Wilson Pond held up to the high waters well. DiRusso said if we had another couple of hours of rain we would have had more damage, Old Richmond Road would have been bad DiRusso mentioned. DiRusso stated we didn't have any structural damage to the road just damage to the shoulders from the heavy rains.

Hutwelker asked if the board wanted more interaction with the residents or wait for more information before moving on a decision. Branley said a decision needs to be made unless you have questions to ask the engineer. Hutwelker asked how wide the diversion dam narrows when it opened up wide. DiRusso described the Diversion Dam and how it functions. DiRusso stated he would get pictures of dam removals in Vermont to show the board. He said there is a lot you can do with landscaping. There was a question about land ownership if the dam is removed and the water footprint of the pond is reduced. Branley said he would need to investigate the dam deeds further because they are very convoluted. Hutwelker also asked if the dam was removed if there would still be fishing opportunities. DiRusso believes there will be because the water will still be flowing but he will check with the engineer.

Karasinski asked about funding for both options. Branley stated we received a grant for the engineering work, 2/3 of the funds came from FEMA. The prices for removal ranges from $300,000 - $800,000; the higher end of the ranges includes possible wetlands mitigation and removing contaminated soils. The price for repairing the dam is $1.3 million.

Colby suggested the board waits to get the answers about the fishing, land ownership, and the pictures of other dam removal projects and the Board agreed.

Request to use Thompson Covered Bridge for a private event

Branley stated he spoke to Elizabeth Fox and she had no knowledge of private events on the bridges while she was with the Town. She was not aware of closing any of the coverage bridges for private events. Branley also was waiting to hear back from Hoyle & Tanner about the continuous weight that would be on the bridges if this event was approved.

The consensus from the board is to deny this request. Branley asked Administrate Assistant Fraunfelder to let the requester know of the board's decision.

Engine 2 Repair

Branley stated at the last meeting the Board asked him to see if there were funds available in the budget to pay for the fire engine repair. Branley stated the money for the repair could come from the money that was budgeted for Cheshire TV which is $45,000 and $30,000 from insurance pans changing, totaling $75,000. There was a consensus made to repair engine 2.

NON-PUBLIC SESSIONS

Non-public session(s) per RSA 91-A:3, II(a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee

> **Motion** was made by Colby to enter nonpublic session pursuant to RSA 91-A:3, II((a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, seconded by Hutwelker. All in favor by Roll Call and the ***motion passed.*** The Board entered nonpublic session at 6:30 p.m. Present was Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley.
>
> **Motion** was made by Colby to come out of non-public session, seconded by Hutwelker. All in favor by Roll Call and the ***motion passed***. Non-public session ended at 6:40 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 Hutwelker. All were in favor and the ***motion passed***.
>
> **Motion** was made by Colby to express support for Fire Chief William Gould, seconded by Hutwelker. All were in favor and the ***motion passed***.

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

> **Motion** was made by Colby to enter nonpublic session pursuant to RSA 91-A:3, II(b) Hiring of a Public Employee, seconded by Hutwelker. All in favor by Roll Call and the ***motion passed.*** The Board entered

nonpublic session at 6:40 p.m. Present was Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley.

Motion was made by Colby to come out of non-public session, seconded by Hutwelker. All in favor by Roll Call and the ***motion passed***. Non-public session ended at 6:45 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 Hutwelker. All were in favor and the ***motion passed***.

Non-public session(s) per RSA 91-A:3II(a) dismissal, promotion, or compensation of any public employee or the disciplining of such employee

Motion was made by Colby to enter nonpublic session pursuant to RSA 91-A:3, II(a) dismissal, promotion, or compensation of any public employee or the disciplining of such employee seconded by Hutwelker. All in favor by Roll Call and the ***motion passed.*** The Board entered nonpublic session at 6:45 p.m. Present was Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley.

Motion was made by Colby to come out of non-public session, seconded by Hutwelker. All in favor by Roll Call and the ***motion passed***. Non-public session ended at 6:50 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 Hutwelker. All were in favor and the ***motion passed***.

ADJOURNMENT

Motion to adjourn the meeting was made by Colby. The motion was seconded by Hutwelker without further discussion. All were in favor. ***Motion passed.*** Adjournment occurred at 6:50 p.m.

Respectfully Submitted,

Jenna Fraunfelder
Administrative Assistant

Approved on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #1 Minutes – February 9, 2016

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 1:05 p.m. ***Motion passed.*** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Michael Branley, Human Services and Resources Coordinator Edna Coates and Police Chief Tom DeAngelis.

The Board considered De Angelis's request to extend a conditional offer of employment to Heather Thomas as a part-time administrative assistant in the police department. The Board and De Angelis discussed the matter.

Motion was made by Hutwelker to make a conditional offer of probationary employment to Heather Thomas with the Town of Swanzey as Part-time Administrative Assistant in the Police Department at a pay rate of $14.00 per hour for up to 29 hours per week subject to satisfactory criminal and motor vehicle record checks, completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Colby, and all were in favor. ***Motion passed.***

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 1:15 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.***

Respectfully Submitted,

Michael Branley, Town Administrator

Approved on February 23, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Nonpublic Meeting – March 1, 2016
Swanzey Town Hall, 620 Old Homestead Highway, Swanzey, NH

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

Motion was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 7:40 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 Assessing Coordinator Coleen Birmingham.

Branley stated that Bohannon would like to hire two (2) people – Kristin Bolanus as a part time LNA at $12.35 per hour for up to 29 hours per week and Jean Blake as a cook at $10.00. Jean Blake is already a Town employee for the Recreation Department and would not be scheduled to work more than 40 hours per week between the two positions. Hutwelker asked if this would be within the existing funding. Branley replied yes.

Motion was made by Hutwelker to make a conditional offer of probationary employment to Kristin Bolanus with the Town of Swanzey as Part-time LNA at the Carpenter Home at a pay rate of $12.35 per hour for up to 29 hours per week subject to satisfactory criminal and motor vehicle record checks, completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Colby, and all were in favor. ***Motion passed.***

Motion was made by Hutwelker to hire Jean Blake as a cook at the Carpenter Home at a rate of $10.00 per hour not to exceed 40 hours per week between this position and her current position with the Recreation Department. Seconded by Colby and all were in favor. ***Motion passed.***

Motion was made by Colby to leave non-public session and return to public session. The motion was seconded by Hutwelker, with all in favor. ***Motion passed.*** Non-public session ended at 7:45 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.***

Respectfully Submitted,
Coleen Birmingham, Assessing Coordinator

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #1 Minutes – March 4, 2016

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 Hutwelker. All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 11:06 am. Present were Kenneth P. Colby, Jr., Recycling Center Manager Bob Osterhout, Human Services and Resources Coordinator Edna Coates and W. William Hutwelker III. Also present was Town Administrator Michael Branley who joined the meeting at 11:17 am.

General discussion occurred with Bob Osterhout regarding his decision to resign effective 3/15/16. Bob strongly recommended that the Board consider hiring Josh Whipple as his replacement. A discussion ensued regarding Josh's qualifications.

Motion was made by Colby to come out of non-public session, seconded by Hutwelker. All in favor by Roll Call and the ***motion passed***. Non-public session ended at 11:30 p.m.

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 Hutwelker. All in favor and the motion passed.

Osterhout left the meeting.

Respectfully Submitted,
W. William Hutwelker III, Selectman

Approved on March 22, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #2 Minutes – March 4, 2016

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 Hutwelker. All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 11:31 am. Present were Kenneth P. Colby, Jr., Human Services and Resources Coordinator Edna Coates and W. William Hutwelker III. Also present was Town Administrator Michael Branley.

Discussion ensued regarding Bob Osterhout's recommendation to hire Josh Whipple as his replacement. Decision was made to meet with Whipple on Monday March 7, 2016 at 10AM at the police station to discuss promoting him to the Transfer Station Directors position on an interim basis.

Michael Branley was asked to schedule the meeting with Josh.

Motion was made by Colby to come out of non-public session, seconded by Hutwelker. All in favor by Roll Call and the ***motion passed***. Non-public session ended at 11:47 p.m.

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 Hutwelker. All in favor and the motion passed.

Respectfully Submitted,
W. William Hutwelker III, Selectman

Approved on March 22, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #1 Minutes – March 7, 2016

Non-public session(s) per RSA 91-A3II(a) Personnel Matter(s)

Motion was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(a) Personnel Matter(s). The motion was seconded by Hutwelker. The Selectmen voted unanimously by roll call to go into non-public session at 10:02 a.m. ***Motion passed.*** Present were the Board members Kenneth P. Colby, Jr., Deborah J. Davis, W. William Hutwelker, III, Town Administrator Michael Branley, Human Resources Coordinator Edna Coates, and Assistant Solid Waste Manager Joshua Whipple.

Colby and Hutwelker updated Davis on their meeting last week with Solid Waste Manager Osterhout regarding Assistant Solid Waste Manager Joshua Whipple. Osterhout felt he is a good person and a good employee and was more than capable of serving as Interim Solid Waste Manager. The Board discussed items to discuss with Whipple.

Joshua Whipple joined the meeting at 10:10. Davis asked Whipple how he felt about his skills and the position of Solid Waste Manager and he stated he is confident in his abilities. He has been involved with all aspects of the operations at the Recycling Center. The Board, Branley, and Coates interviewed Whipple for the position of Interim Solid Waste Manager.

The Board discussed Whipple's grandfather, David Whipple. Davis informed Whipple that the Town has an anti-nepotism policy that restricts relatives working together and supervising each other. Whipple stated his grandfather had been planning to retire so once the staffing is at the point where they can afford to lose him he will be retiring.

The Board offered Whipple the position of Interim Solid Waste Manager at an hourly rate of $19.50 per hour and he accepted. The Board stated that they would be posting the job of Solid Waste Manager, however depending on how Whipple performs as Interim Manager they may keep him in that position and hire an assistant manager.

Motion was made by Hutwelker to leave non-public session and return to public session. The motion was seconded by Davis, with all in favor. ***Motion passed.*** Non-public session ended at 10:50 a.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.***

Respectfully Submitted,

Michael Branley, Town Administrator

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #2 Minutes – March 22, 2016

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) seconded by Karasinski . All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 9:19 pm. Present were Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

A brief discussion occurred regarding Bean's qualifications and Hutwelker noted that she might be suitable for another position at the Carpenter Home. There was a discussion about how she already has two jobs. Branley noted that people in these positions often piece together several jobs to make ends meet.

Motion was made by Colby to make a conditional offer of probationary employment to Vicki Bean with the Town of Swanzey as Licensed Nursing Assistant (LNA) at the Carpenter Home at a pay rate of $12.35 per hour for up to 29 hours per week subject to satisfactory criminal background check, maintaining current Nursing License, passing the required TB Test and Physical, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

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 9:28 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.***

Respectfully Submitted,

Beverly Bernard

Approved on March 29, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #1 Minutes – April 12, 2016

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), seconded by Karasinski. All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 8:14 pm. Present were Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

Branley said there were nine initial interviews, which were narrowed down to three. The consensus of the interviewing team of Branley, Human Services and Resources Coordinator Edna Coates and Planning and Community Development Director Sara Carbonneau was to offer employment to Jennifer Elwell. Elwell lives in Spofford, NH. Discussion was held regarding reference checks.

Motion was made by Colby to make a conditional offer of probationary employment to Jennifer (Jenna) Elwell with the Town of Swanzey as Administrative Assistant at the Swanzey Town Hall at a pay rate of $16.50 per hour as a regular full time (non-exempt) position, subject to probationary period of six (6) months from the date of hire and satisfactory criminal background check, motor vehicle record check and/or credit check and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

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 8:20 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***.

Respectfully Submitted,

Beverly Bernard

Approved on April 19, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #4 Minutes – April 26, 2016

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

Motion was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Karasinski. The Selectmen voted unanimously by roll call to go into non-public session at 5:24 p.m. ***Motion passed.*** Present were the Board members Kenneth P. Colby, Jr., W. William Hutwelker, III, and Sylvester Karasinski. Also present were Town Administrator Michael Branley and Human Services and Resources Coordinator Edna Coates.

Coates presented the Board with four firefighters proposed to hire by Fire Chief Norm Skantze.

Motion was made by Colby to make a conditional offer of part-time non-exempt probationary employment to Theodore B. Tillson with the Town of Swanzey as on Call Firefighter at the Swanzey Fire Department at a rate of pay and probationary period to be determined by Town Administrator Branley, Human Services and Resources Coordinator Coates, and Fire Chief Skantze subject to satisfactory criminal background and Motor vehicle record checks, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

Motion was made by Colby to make a conditional offer of part-time non-exempt probationary employment to Paige Ayotte with the Town of Swanzey as on Call Firefighter/EMT at the Swanzey Fire Department at a rate of pay of $10.00 per hour and probationary period of twelve (12) months subject to satisfactory criminal background and Motor vehicle record checks, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

Motion was made by Colby to make a conditional offer of part-time non-exempt probationary employment to Logan Miles with the Town of Swanzey as on Call Firefighter/EMT at the Swanzey Fire Department at a rate of pay of $10.00 per hour and probationary period of twelve (12) months subject to satisfactory criminal background and Motor vehicle record checks, Swanzey resident verification, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

Motion was made by Colby to make a conditional offer of part-time non-exempt probationary employment to David Beauregard with the Town of Swanzey as on Call Firefighter/EMT at the Swanzey Fire Department at a rate of pay of $10.00 per hour and probationary period of twelve (12) months subject to satisfactory criminal background and Motor vehicle record checks and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

Motion was made by Colby to leave non-public session and return to public session. The motion was seconded by Karasinski, with all in favor. ***Motion passed.*** Non-public session ended at 5:28 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 Karasinski. The Selectmen voted unanimously by roll call to seal the minutes. ***Motion passed.***

Respectfully Submitted,

Michael T. Branley, Town Administrator

Approved on May 10, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #5 Minutes – April 26, 2016

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

Motion was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Karasinski. The Selectmen voted unanimously by roll call to go into non-public session at 5:28 p.m. ***Motion passed.*** Present were the Board members Kenneth P. Colby, Jr., W. William Hutwelker, III, and Sylvester Karasinski. Also present were Town Administrator Michael Branley and Human Services and Resources Coordinator Edna Coates.

Coates presented to the Board the application of Blake Beliveau as a seasonal recreation department employee for work as Day Camp Staff and Lifeguard from May to August 2016.

Motion was made by Colby to make a conditional offer of temporary full-time non-exempt probationary employment to Blake Beliveau with the Town of Swanzey as Day Camp Staff and Lifeguard at Richardson Park at a rate of pay of $8.00 per hour and probationary period of six (6)) months subject to satisfactory criminal background check, Proof of Lifeguard Certification and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

Motion was made by Colby to leave non-public session and return to public session. The motion was seconded by Karasinski, with all in favor. ***Motion passed.*** Non-public session ended at 5:30 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 Karasinski. The Selectmen voted unanimously by roll call to seal the minutes. ***Motion passed.***

Respectfully Submitted,

Michael T. Branley, Town Administrator

Approved on May 10, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #6 Minutes – April 26, 2016

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

Motion was made by Colby to enter Non-public session pursuant to RSA 91-A:3II(b) Hiring of Public Employee(s). The motion was seconded by Karasinski. The Selectmen voted unanimously by roll call to go into non-public session at 5:30 p.m. ***Motion passed.*** Present were the Board members Kenneth P. Colby, Jr., W. William Hutwelker, Ill, and Sylvester Karasinski. Also present were Town Administrator Michael Branley and Human Services and Resources Coordinator Edna Coates.

Coates presented Brianna Goodell for the Police Department position of Administrative Assistant as recommended by Chief of Police Tom De Angelis. Coates also presented Nicholas Pannell for the position of full-time Police Officer as recommended by Chief of Police De Angelis.

Motion was made by Colby to make a conditional offer of part-time non-exempt probationary employment to Brianna Goodell with the Town of Swanzey as part-time Administrative Assistant at the Swanzey Police Department at a rate of pay of $14.00 per hour for 20 hours per week and probationary period of six (6) months subject to satisfactory criminal background and motor vehicle and credit history checks, , and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

Motion was made by Colby to make a conditional offer of full-time non-exempt probationary employment to Nicholas W. Pannell with the Town of Swanzey as Police Officer at the Swanzey Police Department at a rate of pay of $19.75 per hour (with a wage adjustment of 3% after completion of the probationary period) and probationary period of twelve (12) months subject to satisfactory criminal background and Motor vehicle record check, medical exam, psychological exam, FTO program, completion of the Police Academy, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

Motion was made by Colby to leave non-public session and return to public session. The motion was seconded by Karasinski, with all in favor. ***Motion passed.*** Non-public session ended at 5:35 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 Karasinski. The Selectmen voted unanimously by roll call to seal the minutes. ***Motion passed.***

Respectfully Submitted,

Michael T. Branley, Town Administrator

Approved on May 10, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #1 Minutes – May 3, 2016

Non-public session(s) per RSA 91-A:3 II (e) Consideration or negotiation of pending claims or litigation

Motion was made by Colby to enter nonpublic session pursuant to RSA 91-A:3 II (e) Consideration or negotiation of pending claims or litigation, seconded by Karasinski . All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 6:13 p.m. Present were Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley, Code Enforcement Officer Mike Jasmin and Recording Secretary Beverly Bernard.

Jasmin spoke about the Grace Ford family being back on Ford Road on the property previously occupied. Ford is now in the RV and neighbors have been complaining about rats in the area due to the significant amount of debris and household trash. Jasmin said a great niece of Ford moved in with children, but was told that they could not stay and Jasmin was not sure if they had left or remained on the property. Jasmin spoke about the need to have a dumpster placed on the property. He said Counsel has been consulted. Jasmin said that he wants the site cleaned out. He spoke about working with Legal Aid to assist with dealing with Ford. He asked the Board to approve getting folks out there to estimate the cost of cleaning up. He said the building is about to collapse due to a previous fire and needs to be torn down. Jasmin asked the Board to give him some input as to direction to take with this family. Once Ford passes away the Town will own the property. Ford pays $150 a month to stay on the property. Hutwelker asked if there is any liability and given none, Jasmin should find the cheapest way to clean-up the property. Karasinski suggested moving the camper in order to clean-up the property. The Board agreed Jasmin could move forward, working with Counsel, to clean up the property.

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 6:24 pm.

Motion was made by Karasinski 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 Colby. All were in favor and the ***motion passed***.

Respectfully Submitted,

Beverly Bernard

Approved on May 10, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #3 Minutes – May 10, 2016

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

Motion was made by Karasinski to enter nonpublic session pursuant to RSA 91-A:3 II (b) Hiring of Public Employee(s) seconded by Colby. All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 7:11 p.m. Present were Kenneth P. Colby, Jr. and Sylvester Karasinski. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

Motion was made by Karasinski to make a conditional offer of temporary full-time (non-exempt) probationary employment to Kimberly Allen with the Town of Swanzey as Day Camp Staff at Richardson Park at a rate of pay of $8.00 per hour and probationary period of six (6)) months subject to satisfactory criminal background check and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Colby, and all were in favor. ***Motion passed.***

Motion was made by Karasinski to come out of non-public session, seconded by Colby. All in favor by Roll Call and the ***motion passed***. Non-public session ended at 7:12 pm.

Motion was made by Karasinski 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 Colby. All were in favor and the ***motion passed***.

Respectfully Submitted,

Beverly Bernard, Recording Secretary

Approved on May 17, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #4 Minutes – May 10, 2016

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

Motion was made by Karasinski to enter nonpublic session pursuant to RSA 91-A:3 II (b) Hiring, second by Colby. All in favor by Roll Call and the ***motion passed***. The Board entered nonpublic session at 7:13 p.m. Present were Kenneth P. Colby, Jr. and Sylvester Karasinski. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

Motion was made by Karasinski to make a conditional offer of part-time (non-exempt) probationary employment to Douglas Greene with the Town of Swanzey as part-time Solid Waste Facility Operator I at the Swanzey Recycling Center at a rate of pay of $9.50 per hour for up to 20 hours per week and probationary period of six (6) months subject to satisfactory criminal background and motor vehicle and credit history checks and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Colby, and all were in favor. ***Motion passed.***

Motion was made by Karasinski to come out of non-public session, seconded by Colby. All in favor by Roll Call and the ***motion passed***. Non-public session ended at 7:15 pm.

Motion was made by Karasinski 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 Colby. All were in favor and the ***motion passed***.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on May 17, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #3 Minutes – May 17, 2016

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 7:34 p.m. Present were 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 make a conditional offer of temporary full-time non-exempt probationary employment to Dana Mannion-King with the Town of Swanzey as Gate Keeper at Richardson Park at a rate of pay of $8.00 per hour and probationary period of six (6)) months subject to satisfactory criminal background check and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

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 7:37 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***.

Respectfully Submitted,

Beverly Bernard, Recording Secretary

Approved on May 24, 2016
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #1 Minutes – May 24, 2016

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 7:33 p.m. Present were Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard.

Discussion was held about the possibility of hiring of Ian Fraunfelder for Recreation Director position. Branley said Fraunfelder is Activities Director for the Bellows Falls, VT High School. Hutwelker asked if Fraunfelder would be able to get the summer and fall programs up and running. Branley said that he thought Fraunfelder could accomplish that and that the budget can accommodate his salary for the summer program. The Board agreed to offer the job to Fraunfelder.

Motion was made by Colby to make a conditional offer of regular part-time non-exempt probationary employment to Ian Fraunfelder with the Town of Swanzey as Richardson Park Recreation Director at a rate of pay of $20.00 per hour and probationary period of six (6)) months subject to satisfactory criminal and motor vehicle record checks and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

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 7:38 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***.

Respectfully Submitted,

Beverly Bernard

Approved on May 31, 2016
Unsealed

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #1 Minutes – June 14, 2016

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 8:41 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.

There was a brief discussion regarding the recommendation of Carpenter Home Administrator Judith Bohannon to hire Donna Haley as a Licensed Nursing Assistant at the Carpenter Home, part-time for 10-29 hours per week at $12.35 an hour.

Motion was made by Colby to make a conditional offer of part-time probationary (non-exempt) employment to Donna Hadley with the Town of Swanzey as part-time Licensed Nursing Assistant at the Carpenter Home at a rate of pay of $12.35 per hour for between 10- 29 hours per week and probationary period of six (6) months subject to satisfactory criminal background and motor vehicle checks, passing the required Two Step TB Test and Physical, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

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 8:43 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***.

Respectfully Submitted,

Beverly Bernard

Approved on June 21, 2016

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #2 Minutes – June 14, 2016

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 8:44 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 make a conditional offer of temporary full-time (non-exempt) probationary employment to Jason Rosales with the Town of Swanzey as Lifeguard at Richardson Park at a rate of pay of $8.00 per hour and probationary period of six (6)) months subject to satisfactory criminal background check, proof of Lifeguard Certification once received, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Colby, and all were in favor. ***Motion passed.***

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 8:46 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***.

Respectfully Submitted,

Beverly Bernard

Approved on June 21, 2016

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #1 Minutes – June 21, 2016

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 6:05 p.m. Present was Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley and Police Chief Tom De Angelis.

There was a brief discussion regarding the recommendation of Police Chief Tom De Angelis to hire Jill Robinson as a part-time Administrative Assistant at a pay rate of $14.00 per hour for 20 hours per week.

Motion was made by Colby to make a conditional offer of part-time probationary (non-exempt) employment to Jilene Robinson with the Town of Swanzey as Police Department Administrative Assistant at a pay rate of $14.00 per hour for 20 hours per week, subject to probationary period of six (6) months, a satisfactory criminal background, motor vehicle and/or credit checks, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Karasinski, and all were in favor. ***Motion passed.***

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 6:08 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***.

Respectfully Submitted,

Michael Branley, Town Administrator

Approved on
Unsealed on

Town of Swanzey, New Hampshire
Board of Selectmen
Non-Public Meeting #2 Minutes – June 21, 2016

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 7:20 p.m. Present was Kenneth P. Colby, Jr., W. William Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley.

Motion was made by Colby to make a conditional offer of temporary full-time (non-exempt) probationary employment to Nadya Vitous with the Town of Swanzey as Lifeguard at Richardson Park at a rate of pay of $8.00 per hour and probationary period of six (6)) months subject to satisfactory criminal background check, proof of Lifeguard Certification once received, and completing the necessary forms and also to authorize the Town Administrator to sign a Conditional Offer of Employment letter and any other appropriate documents, including the Personnel Action Report (PAR) for hiring. Second by Colby, and all were in favor. ***Motion passed.***

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 7:25 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***.

Respectfully Submitted,

Michael Branley, Town Administrator

Approved on
Unsealed on

To Cassie Eaton of Swanzey, NH in the County of Cheshire

WHEREAS, there is a vacancy in the office of Conservation Commission in said town and whereas we, the subscribers, have confidence in your ability and integrity to perform the duties of said office, we do hereby appoint you the said

Cassie Eaton as Conservation Commission Member

of said town; and upon your taking the oath of office, and having this appointment and certificate of said oath of office recorded by the Town Clerk, you shall have the powers, perform the duties, and be subject to the liabilities of such office until Town Meeting Day 2023.

Given under our hands this 28th day of July, 2021

_____

_____ **Selectmen of**

_____ **Swanzey**

I, , do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as a Conservation Commission Member according to the best of my abilities, agreeable to the rules and regulations of the constitution and laws of the State of New Hampshire.

STATE OF NEW HAMPSHIRE
CHESHIRE COUNTY, S.S.

Personally appeared the above named Cassie Eaton who took and subscribed the foregoing oath. Before me,

Sworn in Date:_____
Date Received and recorded_____.

_____
Swanzey Town Clerk

TOWN OF SWANZEY

620 OLD HOMESTEAD HIGHWAY P.O.
BOX 10009
SWANZEY, NH 03446-0009
TOWN HALL (603) 352-7411 FAX (603) 352-6250
WWW.SWANZEYNH.GOV

EVENT PERMITS #2021-07

Date: July 23, 2021

Frogg Brewing LLC

The above named is hereby licensed and authorized by the Swanzey Board of Selectman to conduct:

An Event Known As: Vintage Car Show – Benefit for Hops for Hope of American Cancer Society

To Be Held At: Sawyers Crossing Road, Map 56 Lot 3

On the date of: September 6, 2021

Between the hours of: 10:00 a.m. – 2:00 p.m.

Expected attendance: approximately 300

Contact Person: Mike Guitard 603-547-7639

This permit is valid for only the above named event to be held on the above date(s) and if subject to specific requirements, restrictions and/or conditions, please *(see attached).*

_____

_____

_____

Swanzey Board of Selectmen **Date**

Town Review Staff Comments

Police Chief (or designee): Place Signage on Rt. 0 for event Ahead [ ] No Comments
(Check with DOT) 1 OC Officer present @ event will have patrol unit stop in
Please keep vehicles out of Bowers crossing while making tickets.

[ ] See Attached Signature: _____ Date: 7/21/21

Fire Chief (or designee): NEED DEFINED AREA FOR BEER AREA & ASSEMBLY PERMIT BEFORE [ ] No Comments
LIQUIR LIC. INSP FOOD TRUCKS & TENTS

[ ] See Attached Signature: _____ Date: 7/21/21

Director of Planning and Community Development (or designee): [ ] No Comments
Need driveway permit and location marked on site.

[ ] See Attached Signature: _____ Date: 7/21/21

Public Works Director (or designee): [x] No Comments

[ ] See Attached Signature: _____ Date: 7/21/21

Other Review Staff Title: _____ Name: _____

[ ] See Attached Signature: _____ Date: _____

Other Review Staff Title: _____ Name: _____

[ ] See Attached Signature: _____ Date: _____

TOWN OF SWANZEY
PERSONNEL ACTION REPORT

Employee Name: *Joseph Walsh* Employee #: 937

Submitted by: *William Gould, Fire Chief* Date: *July 26, 2021*

Department: *Fire Department*

Check applicable action below. Provide specific details and comments below. Attach pertinent data.

- ☐ New Hire – subject to terms and requirements of conditional offer of employment
- ☐ Probationary Status
- ☒ **Employee Classification/Reclassification**
- ☒ **Pay Rate Change** (see below for effective date)
- ☐ Leaves Requiring Board of Selectmen Authorization
- ☐ Other (Indicate type) _____

Details/Comments: *Lift Probation - Congratulations! Completion of Firefighter I Certification*

Position: *Fire Fighter 1*

Rate of Pay: *$13.21/hour*

Effective Date: *July 1, 2021*

Circle One: Recommended Not Recommended

Department Head or Supervisor Signature: _____ Date: _____

Reviewed by Town Administrator or Finance Office

Signature: _____ Date: _____

Circle One: Approved Not Approved

Selectman: _____ Date: _____

Selectman: _____ Date: _____

Selectman: _____ Date: _____

Board of Selectmen

Distribution by Finance Office following Board authorization:

Original – Personnel File (Town Hall)
Copy 1 – Pay Rates file (Town Hall)
Copy 2 – Time Card file (Town Hall)
Copy 3 – Employee

3/27/2012

TOWN OF SWANZEY
PERSONNEL ACTION REPORT

Employee Name: *Henry Mark* **Employee #:** 929

Submitted by: *William Gould, Fire Chief* **Date:** *July 26, 2021*

Department: *Fire Department*

Check applicable action below. Provide specific details and comments below. Attach pertinent data.

- ☐ New Hire – subject to terms and requirements of conditional offer of employment
- ☐ Probationary Status
- ☒ **Employee Classification/Reclassification**
- ☒ **Pay Rate Change (see below for effective date)**
- ☐ Leaves Requiring Board of Selectmen Authorization
- ☐ Other (Indicate type) _____

Details/Comments: *Lift Probation - Congratulations! Completion of Firefighter I Certification*

Position: *Fire Fighter 1*

Rate of Pay: *$13.21/hour*

Effective Date: *July 1, 2021*

Circle One: Recommended Not Recommended

Department Head or Supervisor Signature: _____ Date: _____

Reviewed by Town Administrator or Finance Office

Signature: _____ Date: _____

Circle One: Approved Not Approved

Selectman: _____ Date: _____

Selectman: _____ Date: _____

Selectman: _____ Date: _____

Board of Selectmen

Distribution by Finance Office following Board authorization:

Original – Personnel File (Town Hall)
Copy 1 – Pay Rates file (Town Hall)
Copy 2 – Time Card file (Town Hall)
Copy 3 – Employee

TOWN OF SWANZEY
PERSONNEL ACTION REPORT

Employee Name: *YARI MCKEON* Employee #916

Submitted by: *WILLIAM GOULD, FIRE CHIEF* Date: *July 19, 2021*

Department: *FIRE DEPARTMENT*

Check applicable action below. Provide specific details and comments below. Attach pertinent data.

- ☐ New Hire – subject to terms and requirements of conditional offer of employment
- ☐ Probationary Status
- ☐ Employee Classification/Reclassification
- ☐ Pay Rate Change (see below for effective date)
- ☐ Leaves Requiring Board of Selectmen Authorization
- ☒ **Separation of Service**

Details/Comments: *Separation of Service, due to lack of participation*

Position: *Firefighter II -Paramedic*

Rate of Pay: *$19.24/hour*

Effective Date: *July 19, 2021*

Circle One: Recommended Not Recommended

Department Head or Supervisor Signature _____ Date: 7-16-2021

Reviewed by Town Administrator or Finance Office

Signature: _____ Date: 7/20/21

Circle One: Approved Not Approved

Selectman: _____ Date: _____

Selectman: _____ Date: _____

Selectman: _____ Date: _____

Board of Selectmen

Distribution by Finance Office following Board authorization:
Original – Personnel File (Town Hall) Copy 2 – Time Card file (Town Hall)
Copy 1 – Pay Rates file (Town Hall) Copy 3 – Employee

TOWN OF SWANZEY

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WWW.SWANZEYNH.GOV

June 24, 2021

Yari McKeon
13 Holbrook Ave
Swanzey, NH 03446

RE: Firefighter/EMT Participation

Dear Yari,

As a member of the Swanzey Fire Department you have certain responsibilities. The most important of course is safety, followed by active membership participation. Your participation is required to assure that all of our members are aware of the changes in the department, maintain proper training levels, and are developing team interactions and building relationships, which are critical to safety and efficiency.

The Human Resource Department reviewed the Fire Departments roster and payroll and there has been little improvement since our meeting in February concerning you lack of participation. As we discussed in February you would increase your participation by working some weekend hours and helping out at the Fairground at events which you agreed to do. Since February your participation was 3.50 call hours and 7.50 at the Covid vaccination site. Your last payroll check was the 3rd week in April of 2021.

You have continued to not meet the minimum participation requirements per our discussion during your annual review. And as outlined in Town policy and If you wish to remain a member of the Department, you must meet with me before July 16th 2021, or your employment will be terminated.

Regards,

William Gould,
Fire Chief

STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

NEW HAMPSHIRE CIRCUIT COURT

8TH CIRCUIT COURT **PROBATE DIVISION-KEENE**

Case No. _____

Town of Swanzey

v.

Office of the Attorney General
Director of Charitable Trusts

VERIFIED PETITION FOR *CY PRES* RELIEF

NOW COMES the Town of Swanzey (hereinafter "Swanzey" or the "Town"), by and through its undersigned counsel, Upton & Hatfield, L.L.P., petitioning this Court for *cy pres* relief, and as grounds therefor states as follows:

Parties

1. The Town of Swanzey is a body corporate and politic, organized under the laws of the State of New Hampshire, with a principal office address of 620 Old Homestead Highway, Swanzey, New Hampshire and a mailing address of PO Box 10009, Swanzey, New Hampshire 03446.

2. The Office of the Attorney General, through its Director of Charitable Trusts, is responsible for overseeing the proper administration of charitable trusts within the State of New Hampshire and has a mailing address of 33 Capitol Street, Concord, New Hampshire 03301.

Jurisdiction

3. This Court has jurisdiction over petitions for *cy pres* relief pursuant to RSA 547:3, II(a) and RSA 547:3-d.

4. Venue is proper in this Court because the real property and trust at issue are in Cheshire County.

Real Estate Bequeathed to Swanzey by Lucy J. W. Carpenter

5. In her Will, Swanzey resident, Lucy J. W. Carpenter (date of death 1928) bequeathed, *inter alia*, the property shown on the Town of Swanzey Tax Map as Map 34, Lot 20 (the "Swanzey Property") to Swanzey. *See* Will of Lucy J. W. Carpenter dated March 27, 1916, attached as **Exhibit A**; s*ee also* Deed recorded at Book 298, Page 118 of the Cheshire County Registry of Deeds ("CCRD") attached as **Exhibit B**. The Swanzey Property includes Ms. Carpenter's homestead which she shared with her husband, George.

6. In addition, Ms. Carpenter bequeathed the property shown on the Town of Westmoreland's Tax Map as Map R5, Lot 13 (the "Westmoreland Property") to Swanzey. *See* Deed recorded at Book 242, Page 159 of the CCRD attached as **Exhibit C**. The Westmoreland Property is approximately 46 acres of undeveloped land.

The Carpenter Home

7. Ms. Carpenter's Will provided:

> "5. …The homestead of my late husband and myself shall be kept practically in the same form as far as its construction is concerned as the same was left by my husband, George Carpenter, or as the same may be at my decease.
>
> It is to be used and occupied as a home for poor and unfortunate residents of the town. The buildings shall be kept in good condition and suitable for the purposes for which it is to be used and occupied. All native persons of said town, who may, by reason of old age, sickness or other misfortune, have been rendered incapable of caring for themselves, may find a home here.

> This is to be done as far as the estate will permit. It is my wish that all real estate outside of the homestead, be at the proper time disposed of and the cash proceeds invested in a prudent manner, the income from the same to be used to pay the expenses of the home. That the income from all investments, and no more may be used yearly, if it is necessary to pay the running expenses, but none of the principal shall be used for any purpose…
>
> If for any reason the said town does not care to receive said property and use the same upon the conditions and stipulations as herein expressed and refuse the same, or if after receiving the same on the terms herein stated said town does not care to continue to keep in use in property in the way as stated, in either case then so much of my estate as herein given to said town shall be and remain my estate, the same I give, devise and bequeath to my legal heirs and the legal heirs to the estate of my late husband, George Carpenter, one half to my heirs and the other half the legal heirs to his estate, and to their heirs and assigns forever."

8. In approximately 1939, the Swanzey voters accepted Ms. Carpenter's gift of the Swanzey and Westmoreland Properties. Thereafter, operated the Carpenter Homestead as a facility for elder care (the "Carpenter Home") until 2019.

9. Unfortunately, in recent years, the home consistently operated at a deficit.

10. To cover the deficit, the Carpenter Home relied on the "Lucy Carpenter Trust Fund" (the "Trust") which was established in 1939 from money bequeathed to the Town from Ms. Carpenter's estate. The principle of this fund was then supplemented by the proceeds from the sale of other real estate bequeathed to the Town by Ms. Carpenter[1]. The income from the Trust has solely been used to support the operations of the Carpenter Home.

11. However, the infusion of funds was not sufficient to cover the operating deficit. As a result, the Town subsidized the operations with considerable taxpayer funding.

12. As part of a larger effort to save the Carpenter Home, the Town subdivided the Swanzey Property in 2018. *See* "2 Lot Subdivision Plan, Map 34, Lot 20, 1 Simeneau Lane,

[1] The Town appoints a board of Trustees who are responsible for investing the funds pursuant to RSA 31:25.

Swanzey, NH 03446" prepared by Cardinal Surveying and Land Planning, recorded as Plan #19064 at the CCRD (the "Plan") attached as **Exhibit D**.

13. Under the authority granted by Ms. Carpenter in her Will to sell real estate to pay the expenses of the Carpenter Home, Swanzey purchased the property identified as "Remaining Map 34, Lot 20" on the Plan for $175,000.00, which was the value established by an appraisal. The sale proceeds were deposited into the Trust with the intent to increase the principal held by the Trust and generate additional interest income to cover the operating deficit. (Proposed Map 34, Lot 20-1 on the Plan includes the Carpenter Home and approximately 3.01 acres of land.)

14. Unfortunately, the Carpenter Home's operating challenges did not improve and only continued to get worse. By 2019, it was apparent it was simply no longer sustainable to keep the home open. The more money that was invested, the more money that was needed. In April 2019, the Board of Selectmen made the difficult decision to close the facility due to ongoing budgetary shortfalls, staffing shortages, difficulty meeting residency requirements, and increased State licensing oversight and requirements.

15. Today, the Town simply is not in position to reopen the Carpenter Home to serve the persons designated in Ms. Carpenter's Will.

Current Status of the Westmoreland Property

16. The Westmoreland Property is the only other remaining property held by Swanzey from Ms. Carpenter's estate. Recently, Swanzey has been approached by a few buyers interested in purchasing the Property.

Approval of *Cy Pres* is Appropriate

17. The purpose or application of the Will has become impossible or impractical, obsolete, or ineffective, or prejudicial to the public interest to carry out. RSA 547:3-d.

18. When operating the Carpenter Home as an elder care facility became impossible, Swanzey formed a committee to seek alternative uses for the home that were consistent with Ms. Carpenter's Will. Despite their best efforts, the committee was unable to identify a sustainable use consistent with the Will.

19. This matter is similar to the challenges faced by the petitioners in *Trustees of Adams Female Academy v. Adams*, 65 N.H. 225 (1889), where the trust required the establishment and operation of an all-female academy in Londonderry. *Id.* After 60 years of operations, the trustees petitioned for relief under *cy pres* because the academy was not able to continue financially. *See id.* The trustees proposed to sell the real estate owned by the trust to establish a fund that would support a school in the district where the female academy was located. *See id.* The New Hampshire Supreme Court applied the doctrine of *cy pres* and approved the plan.

20. Here, it is impracticable for Swanzey to operate a "home for poor and unfortunate" residents of Swanzey at the Carpenter Home given the economic realities and regulatory requirements of operating such a home today. It is in the public interest that the Court authorize Swanzey to sell the Carpenter Home Lot and the Westmoreland Lot and direct that the proceeds from the sales be deposited into to Trust, which is a permanent fund.

21. The Court should further direct that the annual income generated by the Trust only be used by the Town to provide financial assistance to residents of Swanzey who by reason of age, sickness, or other misfortunate have been rendered incapable of caring for themselves.

Limiting the use of the income from the Trust in this manner would maintain the connection to Mrs. Carpenter's intended recipients of her generosity.

Any Possibility of Reverter is Void

22. Paragraph 5 of Ms. Carpenter's Will also provides: "If for any reason…after receiving the same [the Carpenter Home] on the terms herein stated said town does not care to continue to keep and use said property in the way as stated, …then so much of my estate as is herein given to said town shall be and remain in my estate, the same I give, devise and bequeath to my legal heirs and the legal heirs to the estate of my late husband…"

23. RSA 477:3-b, (III)(b)(2) required the holder of an existing possibility of reverter to file a renewal declaration on or before January 2, 2011, to prevent the interest from becoming void. No party filed a declaration, and therefore the possibility of reverter in Ms. Carpenter's Will is void.

Prayer for Relief

Wherefore, the Town of Swanzey respectfully prays that this Honorable Court:

A. Grant this Petition;

B. Award *cy pres* relief from the original charitable purpose stated in the Will of Lucy J. W. Carpenter dated March 27, 1916;

C. Award *cy pres* relief so that Swanzey may sell the Carpenter Home Lot and the Westmoreland Property;

D. Order Swanzey to deposit the proceeds of the sales into the Lucy Carpenter Trust Fund as a permanent fund (the "Trust");

E. Order that the annual income generated by the Lucy Carpenter Trust Fund only be used by the Town to provide financial assistance to residents of Swanzey who by reason of age, sickness, or other misfortunate have been rendered incapable of caring for themselves; and

F. Grant such other relief as may be just and equitable.

Respectfully submitted,
Board of Selectmen, Town of Swanzey

_____
Sylvester Karasinski, Chair

_____
Bill Hutwelker

_____
Kenneth P. Colby, Jr.

Dated: _____, 2021

By Their Attorneys

Upton & Hatfield, LLP

By: _____
Sabrina C. Beavens NHB #17525
10 Centre St., P. O. Box 1090
Concord, NH 03302-1090
(603) 224-7791

TOWN OF SWANZEY

620 OLD HOMESTEAD HIGHWAY
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SWANZEY, NH 03446-0009
TOWN HALL (603) 352-7411 FAX (603) 352-6250
WWW.SWANZEYNH.GOV

Memorandum – Office of Planning & Economic Development

TO: Board of Selectmen

FROM: Matthew Bachler, Director of Planning & Economic Development

DATE: August 2, 2021

RE: Broadband Update

The town issued a Request for Information in 2020 from local internet providers on their local broadband service coverage. Broadband is defined as a minimum download speed of 25 Mbps and a minimum upload speed of 3 Mbps. The town received information from Consolidated and Spectrum and the coverage maps for the providers are included as an attachment. Generally, Spectrum has wide broadband coverage in town with gaps only in more isolated parts of the community. Consolidated has coverage primarily in Swanzey Center, although they are working on expanding coverage currently.

Since that time, staff has been looking into ways to improve broadband coverage. There are two main options currently: bonding or grant funding. Bonding relies on a public-private partnership between the town and a vendor selected through an RFP process. The town finances the build-out in *unserved areas* by issuing a bond. The private vendor develops and operates the network and finances construction in already served areas. The vendor then collects a surcharge from subscribers to cover the cost of the bond. If the majority of the community is already served, the bond can only finance a small portion of the project which reduces the incentive for a private partner to participate.

In terms of grants, there are funding opportunities available at the federal level. The U.S. Department of Commerce currently had a $288 million Broadband Infrastructure Program grant available with a submittal deadline of August 17th. I have reached out to Consolidated and Spectrum about partnering on a grant application, but it does not appear the companies are pursuing the grant at this time. The infrastructure bill currently being discussed in the U.S. Senate would also include funding for broadband projects and this may be another grant opportunity if the legislation is passed.

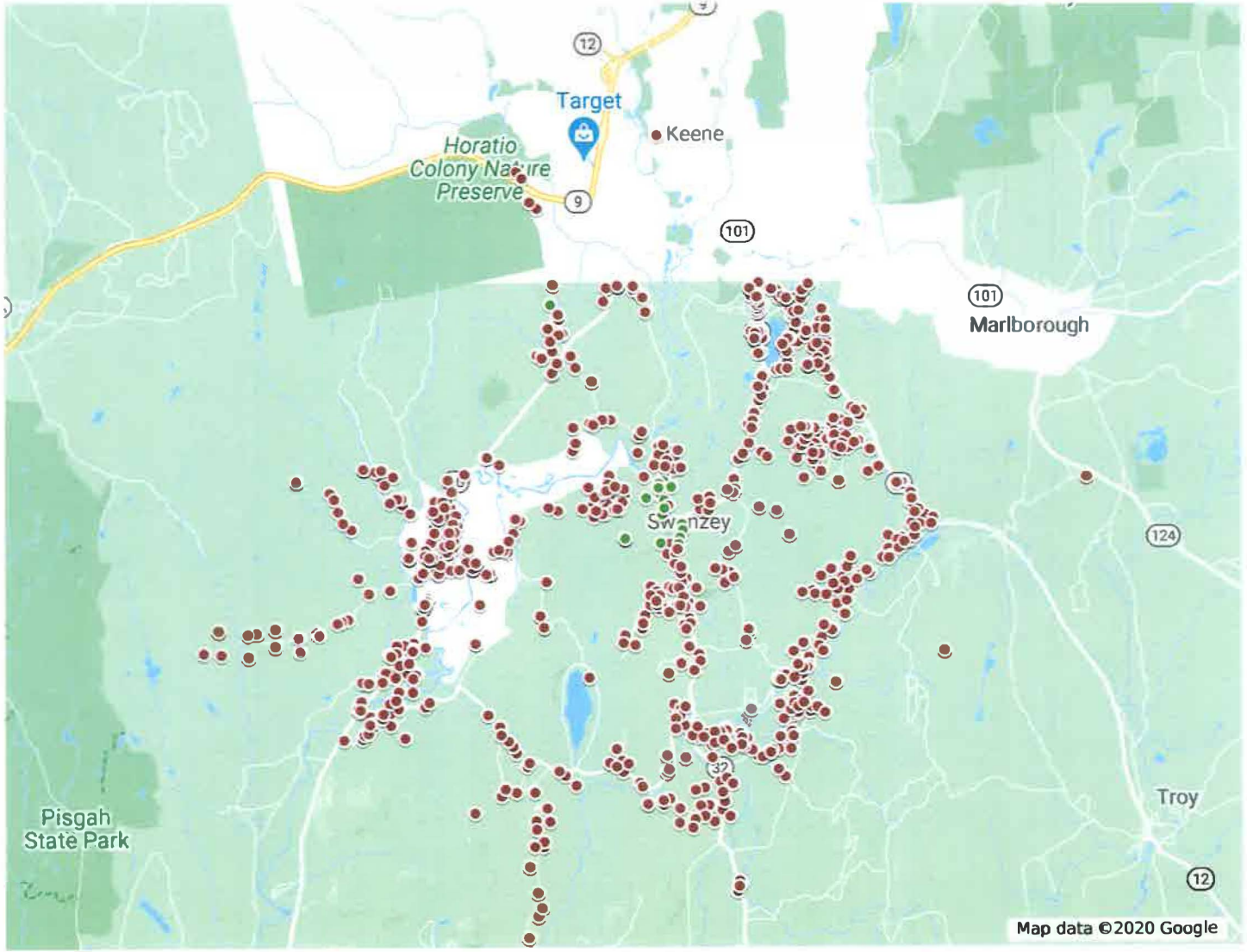
While bonding has been used more in towns with less coverage than Swanzey, I would still recommend we consider issuing an RFP and allow providers to determine if it's worthwhile to submit a proposal. By issuing an RFP now, the town would be able to select a provider and be prepared for a vote on bonding at Town Meeting next March. Even if a vendor is selected, it does not obligate the town to go ahead with bonding. The other benefit with issuing an RFP is the town would get more concrete information on underserved areas and the cost of building out in those places, which would make it easier to apply for future grant opportunities.

Swanzey Broadband Coverage Map

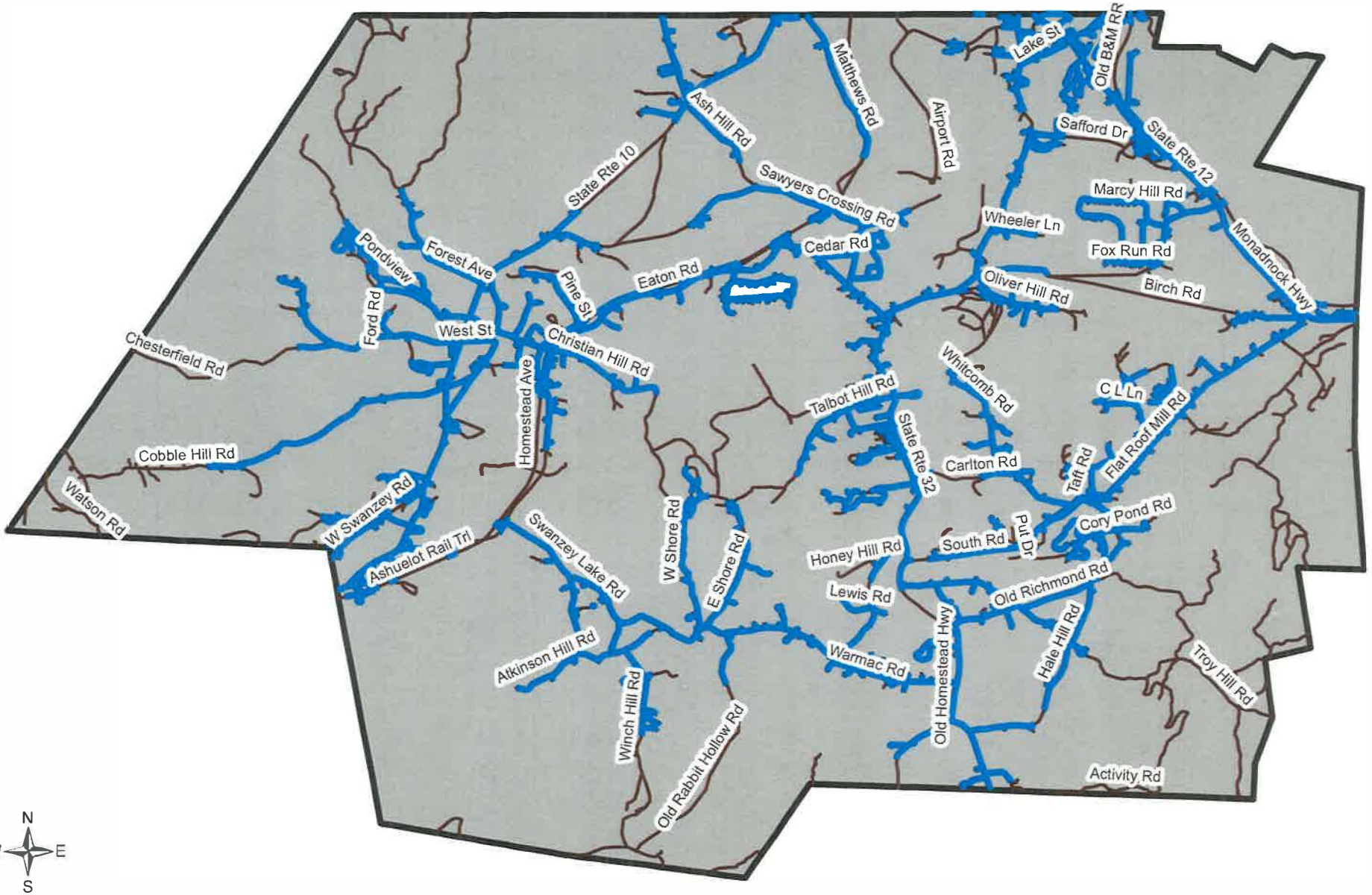
Consolidated Communications RFI Response.xlsx

- No
- Yes

Untitled layer



CHARTER TOWN OF SWANZEY, NH SERVED STREETS



Legend

Charter Served Streets — Streets — Municipal Boundary

0 0.75 1.5 3 Miles

Charter COMMUNICATIONS

TOWN OF SWANZEY

Oak Hill Cemetery Paving

CONTRACTOR INFORMATION

Contractor's Name: J Roy Excavating

Contact Person: Jay or Rebecca Roy

Mailing Address: 83 Clark Rd Winchester NH 03470

Phone Number: 603 239 6045 Email: jroyexc@gmail.com

References (provide at least 3):

	Name / Contact	Phone Number	Year(s)
1.	Harlen Maguire Town of Gilsum	603 352-7943	10+
2.	Harvey Levasseur NHDOT	603 336-5321	30+
3.	Bob Trodell Town of Hinsdale	603 336-5716	30+
4.			
5.			

JRoy

THE TOWN OF SWANZEY
NEW HAMPSHIRE

OAK HILL CEMETERY PAVING
BID SHEET OF UNIT PRICES

ITEM	UNIT	ESTIMATED QUANTITY	UNIT BID PRICE DESCRIPTION	UNIT BID PRICE	TOTAL
203.2	S.Y.	2,200	Common excavation - asphalt: three Dollars and Cents	3.00	$6,600
214	S.Y.	2,350	Fine grade & compaction: one Dollars and Cents	1.00	$2,350
304.2	C.Y.	430	Crushed gravel: twenty one Dollars and Cents	21.00	$9,030
403.11	TON	60	Bituminous pavement 1" - machine method: one hundred fifteen Dollars and Cents	115.00	$6,900
403.11A	TON	260	Bituminous pavement 2" base- machine method (winter binder): one hundred fifteen Dollars and Cents	115.00	$29,900

ITEM	UNIT	ESTIMATED QUANTITY	UNIT BID PRICE DESCRIPTION	UNIT BID PRICE	TOTAL
403.98	TON	32	Bituminous pavement - leveling course (shim): one hundred fifteen Dollars and Cents	115 00	$ 3,680
692	L.S.	1	Mobilization and clean -up: one thousand Dollars and Cents	1000 00	$ 1,000

TOTAL: $ 59,460
(NUMERALS)

TOTAL: fifty nine thousand four hundred sixty dollars
(WRITE OUT IN WORDS)

DATE SUBMITTED: 7-23-2021

RESPECTFULLY SUBMITTED: JAY ROY - J ROY EXCAVATING
Please print bidder / Contractor's Name

Rebecca Roy
Print Representative's Name and Title

83 Clark Rd
Street

Signature

Winchester NH 03470
City, State and Zip Code

RECEIVED
JUL 27 2021
Town Administrator

NOTICE

The New Hampshire Department of Safety is promulgating rules, Saf-C 8200, The proposed rulemaking action adopts, Saf-C 8200, to established the Blue Alert program, which is a program to be activated and used when, in the line of duty, a law enforcement officer has been killed, or injured or is missing, and there is sufficient information available regarding the law enforcement officer's last known location, or physical description of an offender or vehicle involved, and the Department determines that a public notification may aid in apprehending a suspected offender who poses an imminent threat to law enforcement personnel, or in locating a missing law enforcement officer. The rules establish procedures for local law enforcement agencies to determine if a condition exists sufficient to activate a blue alert, procedures for said implementation, and a plan to provide relevant information to the public when necessary.

A public hearing will be held on these rules on these rules on August 12, 2020 at 10:00 am at:

Department of Safety
2nd Floor Conference Room
33 Hazen Drive
Concord NH 03305

To request a copy of the rules or submit a comment please email mary.e.maloney@dos.nh.gov or call 603.223-4362.

This notice is being sent pursuant to RSA 541-A:39, I, in order to allow municipalities a reasonable opportunity to submit data, views, or comment with respect to these rules.

The deadline for submission of materials or comments in writing, in electronic format is August 19, 2021.

TOWN OF SWANZEY

620 OLD HOMESTEAD HIGHWAY
P.O. BOX 10009
SWANZEY, NH 03446-0009
TOWN HALL (603) 352-7411 FAX (603) 352-6250
WWW.SWANZEYNH.GOV

Press Release - For Immediate Release

For Additional Information Contact:
Michael Branley, Town Administrator
mbranley@swanzeynh.gov
603-352-7411 ext. 107

July 30, 2021

South Winchester, West, and Swanzey Streets Reconstruction Project Update #3

The Town of Swanzey has engaged B.U.R. Construction, LLC from Newport, N.H. to serve as the general contractor for this project to reconstruct the following streets: South Winchester Street, West Street (east of Rt. 10) and Swanzey Street. Motorists can expect one lane traffic and minor delays during working hours. The upcoming expected work schedule is as follows:

Monday August 2nd – Friday August 6th

- Drainage Work:
  - South Winchester Street at the intersection of West Street
  - West Street from South Winchester Street to Swanzey Street
  - Swanzey Street at the intersection of West Street

Monday August 9th – Friday August 13th

- Drainage Work:
  - West Street from Swanzey Street to Route 10

Questions or concerns should be directed to Director of Public Works Joe DiRusso at jdirusso@swanzeynh.gov or 352-7116.

This project is funded by the following sources:

- The last portion of $3 million bond for road reconstruction projects approved by voters at the 2019 Town Meeting
- The Road Reconstruction Expendable Trust Fund as appropriated to annually by the voters
- The Municipal Transportation Capital Reserve Fund funded by $5 added to each motor vehicle registration
- Federal funds from a $500,000 Grant under Northern Borders Regional Commission (35% Grant Funds; 65% Local Funds)
- The West Swanzey Sidewalk Committee Fund
- A grant from the Monadnock Alliance for Sustainable Transportation

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TOWN HALL (603) 352-7411 FAX (603) 352-6250
WWW.SWANZEYNH.GOV

Press Release - For Immediate Release

For Additional Information Contact:
Michael Branley, Town Administrator
mbranley@swanzeynh.gov
603-352-7411 ext. 107

July 30, 2021

Town of Swanzey to begin Swanzey Center Sidewalk Improvement Project

The Town of Swanzey has engaged JRoy Excavating to work with the Public Works Department to replace two sections of sidewalk in Swanzey Center. Work is expected to start next week with the current sidewalks being removed and pedestrians should use caution during construction. The project is expected to be completed by the middle of August, with approximately 2,000 linear feet of sidewalks along Rt. 32 and Sawyers Crossing Road replaced with new asphalt sidewalks. These Town sidewalk improvements will complement new sidewalks installed as part of the State's Rt. 32 / Sawyers Crossing Road intersection, which was constructed in 2020.

Swanzey Center is one of the main population centers in Swanzey and includes destinations such as Mt. Caesar Elementary School, Monadnock Regional Middle-High School, Mt. Caesar Union Library, Town Hall, and the Mt. Caesar hiking trails. The area benefits from existing sidewalks that provide an alternative mode of transportation to these destinations, however existing sidewalks are in poor condition and have begun to create tripping hazards for pedestrians. The planned project will improve pedestrian safety and hopefully encourage greater usage of the sidewalks.

This project is funded by a grant of $41,550 from the Monadnock Alliance for Sustainable Transportation through the Complete Streets Implementation Grant Program, which focuses on street designs that balance the needs of people walking, bicycling, driving a car, using wheelchairs or other mobility devices, etc. The grant will be supplemented by labor and materials from the Town Public Works Department.

Questions or concerns should be directed to Director of Public Works Joe DiRusso at jdirusso@swanzeynh.gov or 352-7116.

End

New Hampshire DOT
Department of Transportation

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Victoria F. Sheehan
Commissioner

July 28, 2021

William Cass, P.E.
Assistant Commissioner

RECEIVED
AUG 0 2 2021
Town Administrator

Sylvester Karasinski, Chairman of Selectmen
Town of Swanzey
PO Box 10009
Swanzey, NH 03446

Re: Swanzey Highway Block Grant Aid – in Accordance with RSA 235:23
Payment for Maintenance, Construction and Reconstruction of Class IV and V Highways

Dear Mr. Karasinski:

The following is notification of State Highway Block Grant Aid available to your town in State Fiscal Year 2022 (July 1, 2021 thru June 30, 2022) based on estimated revenues through June 30, 2021. The Block Grant Aid payment includes highway revenue from Senate Bill (SB) 367 that was effective July 1, 2014. The total could possibly change based on final audited State Fiscal Year 2021 revenues. The resulting adjustment will be reflected in the April payment. Funding is anticipated to be available upon the availability and continued appropriation of funds in the future operating budget.

State Highway Block Grant Aid anticipated to be available to the Town of Swanzey during Fiscal Year 2022 (July 1, 2021 to June 30, 2022) is as follows:

July 2021 Actual Payment:	$55,730.59
October 2021 Actual Payment:	$55,730.59
January 2022 Actual Payment:	$37,153.73
April 2022 Estimated Payment:	$37,153.74
TOTAL FOR FY 2022:	**$185,768.65**

In generalized terms and in accordance with statutory provisions for distribution of Apportionment "A" and SB 367 funds, a disbursement is made of approximately $1,430 for each mile of Class IV and Class V highway inventoried by each municipality and approximately $13 for each person residing in a municipality based on the state planning estimate of population. Apportionment "B" is distributed this year to 18 small towns under a somewhat more complicated formula as specified in RSA 235:23, which recognizes the economics of maintaining their Class V highway mileage when considered in relationship to their equalized valuation tax base.

Please contact us at 271-3344 if you have any questions.

Sincerely,

C. R. Willeke

C. R. Willeke, PE
Municipal Highways Engineer
Bureau of Planning and Community Assistance

CRW/dmp

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