

Town of Swanzey, New Hampshire
Board of Selectmen
Meeting – September 14, 2022
Whitcomb Hall, Main Street, Swanzey NH
and remotely using Zoom Meeting

CALL TO ORDER

The meeting was called to order by Chair W. William Hutwelker III at 5:30 pm at Whitcomb Hall, Main Street, Swanzey, NH and remotely using Zoom Meeting. Present at Town Hall were Selectmen Kenneth P. Colby, Jr., W. William Hutwelker III and Sylvester Karasinski. Also present was Town Administrator Michael Branley and Recording Secretary Beverly Bernard. Zoom ID 235 370 4380 or join by phone 1-929-205-6099.

OTHERS PRESENT

Residents John and Sandra Blood, Swanzey Cal Ripken President Jon Hoden, Recreation Director Ashlee Crosby, Department of Public Works Director Joe DiRusso, Town Planner Sarah Bollinger, Planning Board member, Richard Lane, New Hampshire Municipal Association Executive Director Margaret Byrnes and Chad Branon, civil engineer. Kristin Trombly was present via Zoom.

MINUTES

- The regular meeting Minutes of August 31, 2022 were considered. There was a motion by Karasinski to approve the meeting Minutes of August 31, 2022. There was a second by Colby and no further discussion. All were in favor. ***Motion passed.***
- The Non-public meeting Minutes of August 31, 2022 were considered. There was a motion by Karasinski to approve the Non-public meeting Minutes of August 31, 2022. There was a second by Colby and no further discussion. All were in favor. ***Motion passed.***

CONSENT AGENDA

Motion was made by Karasinski to approve the Consent Agenda. There was a second by Colby. All were in favor. ***Motion passed.***

- Payroll Manifest
- Payables Manifest
- 2022 MS – 1 Summary of Assessed Valuations
- Tax exempt properties
- Yield Tax Levy – Map 62 Lots 15,15-2,15-3 and 15-4
- Special Event Permit #2023-01 – Northlands Music and Arts Festival
- Raffle Permit #2022-13 – Cheshire County Republican Women
- Raffle Permit #2022-14 – Swanzey Preservation Society
- Personnel Action Reports

PUBLIC INPUT

Trombly announced that she was present via Zoom. Branley noted he did provide a copy of Trombly's comments to the Selectmen. Trombly asked that she be given time for contribution to the discussion later in the meeting.

APPOINTMENTS

NH Municipal Association (NHMA) Executive Director Margaret Byrnes – Member Visit

Byrnes thanked the Town for membership at NHMA. She noted the legal services provided by the association. She said their legislative efforts help to determine legislative policy which is guided by the membership. She said bills that are targeted to local government sometimes do not work at the local level. She said they look to the members to communicate state representatives to make sure the needs of the local government are met at the legislature. She said they want to hear from the Town. She said they follow over 300 bills per session, which does not include the state budget process. She noted an anti-advocacy bill that will be coming again to the legislature and it is important for local leaders to relate the practical impact of such anti-advocacy legislature. She also noted webinars put on by the association.

Branley complimented Byrnes on the efficiency of the association under Byrne's leadership. Byrnes passed out copies of the final Legislative Bulletin of the latest session. Hutwelker noted Attorney Buckley has been a strong supporter. Hutwelker asked for clarity on what the anti-advocacy stance is about. Byrnes said the anti-advocacy legislation is from those who feel there is a need to stop tax payer funds to be used to influence legislation – no funding of lobbyists. She said the idea that individual town leaders can advocate for themselves is impractical. She also noted the folks sponsoring these bills are not in favor of the positions NHMA takes at the legislature. There was a brief discussion about the Land Use appeals board. Hutwelker thanked Byrnes for being at this meeting and said the Town appreciates her efforts.

Swanzy Cal Ripken President Jonathan Hoden – Lane Field Improvements

Hoden provided a plan of the proposed improvements to the fields. Hoden said they received conditional approval from the Planning Board; those conditions are outlined in the Planning Board Minutes and listed below. Hoden said the crux of the plan is to move activity more internal to the park, with West and O'Brien fields having home plate now to the south, adjacent to the central corridor to the park. Hoden addressed the seven conditions for approval:

- No longer a center gravel road – will be grass
- Show gates with access to north fields on plat
- Move south parking lot entrance west by 30-40 feet
- Move fence northerly away from the parking next to West Field to expand spectator viewing area
- Note 75 foot extension of fence on Put Drive on plat
- Applicant to return for a compliance hearing
- Driveway permit from the State NH DOT must be acquired

Hoden noted there will be a gate to stop cars from moving along the grass center strip, formerly a road. There was a discussion about access for emergency vehicles with Knox boxes. DiRusso said there is no reason for vehicles to be going along that center area. He said it is a safety issue. He said the gravel there currently can be used in the new parking lot. Hoden spoke about the fence extension along Put Drive that was agreed upon. He said they ran out of time in the past, but it should be done this fall, going north.

Hutwelker asked if there was any pushback to this design. Hoden said the challenge is that neighbors want the outside fence to the north to be a temporary fence to allow for sledding. He also spoke about moving soccer to Cutler School and mentioned a problem with dog access because people are not picking up after their dogs. He said the project will cost an estimate of \$300,000 and that problem has to be fixed.

Hutwelker asked if the access road could be shifted south and Hoden said it has already been shifted south.

Karasinski asked if a compromise could be with one field being fenced and one not fenced. Hoden said that doesn't solve the problem of dogs. He said you could build a dog park somewhere else. He said the number one complaint is the dogs because of their feces left on the field.

Crosby said she agrees with Hoden and she noted a couple from Winchester who recently came specifically to the Lane Fields to allow their dogs to run free. Crosby also said eliminating a soccer field poses a problem. Hutwelker said the Town can put up a sign prohibiting dogs but what is the benefit if it is not enforced. John Blood asked if one field could be designated for dogs. He also said a strip of about 60 feet is where the kids slide. Hoden said he could eliminate a soccer field to solve the problem, but to eliminate a soccer field is a problem for Crosby.

Lane said the fields were given to the Town for recreational fields, in general. If we fence it in, we eliminate other types of recreational activity. He said the Planning Board recommended a temporary fence at the West Field. He noted the current plan is entirely different than what was presented in July. He asked the Board to table the decision until the conditions are fulfilled. He asked if the Planning Board was incorrect by allowing the waivers done earlier in the year to apply to this plan.

Branley said Lane is giving his personal opinion and he is not speaking for the Planning Board. Lane agreed that he was speaking from a personal point of view, not as a representative of the Planning Board. Lane said parking was to the north on the original plan, where West Field is now being shown. Hoden pointed out they were asked to change the plan to address concerns. Lane pointed out all the changes from the original plan presented in July. Hoden said the Chair of the Planning Board ruled that waivers were correct to remain as provided in July. Hoden asked Lane if Lane wants to go back to the July plan. Hutwelker said the new plan was a significant improvement. He said the Board cannot act on Lane's request since the Planning Board already approved the waivers. Lane said he thinks that may be a reversible error.

Trombly said in the Minutes for the August Planning Board meeting, she asked for a re-set to follow the correct process. She said the Planning Board Chair was probably directing his comments toward her. Hutwelker said the Planning Board made a decision and it is not within the purview for the Selectboard to change the decision of the Planning Board.

Sandra Blood asked about a revision which doesn't include all included in the first plan. Hutwelker said this is the plan that the Board is reviewing. There was a discussion about the Planning Board and the requirement to show compliance with conditions. Hutwelker said now that it has gone through the Planning Board process they have to comply. John Blood said this is a good job and he didn't think there was anything missing. Blood said West Field was supposed to be turned into a parking lot and it never happened.

Lane asked if the Board would agree to a removable fence. Hutwelker said we haven't gotten that far yet. Trombly said she does not understand why a temporary fence, not a snow fence, is less effective than a permanent fence. She asked for an explanation from Hoden. Hoden said a permanent fence totally enclosed field is the best perspective. Hoden said a temporary fence is not nearly as durable as a permanent fence. Trombly said the technology today must be able to deliver a temporary fence that will last longer. She added a temporary fence will leave a message that the fields are useable for recreation other than baseball. Lane said the high school uses a temporary fence for baseball and when that season is over, they take it down for other sports. He noted temporary fencing in another town was quite good. He said it was about 4 feet in height with a vulcanized cap along the top and there are poles put into the ground and the fencing is stretched to the poles and tied off. It is a heavy duty vinyl and is mesh. The poles are metal and they are driven into the ground. Hoden said the fields are not monitored and therefore the fencing takes a beating. He said the fencing Lane is talking about would cost about \$10,000. The wear and tear happens April through November, with people who are not there for sports. He said it is a challenge to maintain. He said the Cal

Ripken annual budget is \$90,000 to \$100,000 for everything they do. Spending 10% for temporary fence every year would be costly to the program.

Chad Branon said a temporary fence is a security issue, since vehicle access, ATV access, and kids can get onto a field, potentially causing damage. He said he has seen kids get hurt around temporary fences since they are not as rigid as permanent fencing. He said considering the investment for this property, permanent fencing does secure the investment. Temporary fencing would be an on-going expense.

Trombly spoke about the parking. She said the plan does address a lot of issues. She asked the Board to require more No Parking signs. She said there will be a need for No Parking signs on the gates and on the maintenance building since people will be driving up Put Drive to access the few parking spots there and causing a problem if there are no legitimate spaces left. She asked for No Parking signs near to her driveway. Trombly spoke about parking monitoring – most specifically who would neighbors go to get help when there are issues. She noted blocking the through road people will try to turn around and asked for someone to direct traffic to turn them away from there and to direct them to the parking lot. Hutwelker said when the agreement comes up for renewal is the time to discuss these requests. End of 2023, beginning of 2024 would be the appropriate time.

Trombly said she is concerned to know what is going to happen in what order. Hoden said if the two back fields are done, we have to do the parking lot at the same time. Branon said he thought one north field would be done first and parking at the same time. He said he didn't think two north fields would be done at the same time. Karasinski asked about keeping a soccer field. Branon said a soccer field would fit into O'Brien field. Crosby said there would need to be temporary fencing between the north fields. Branon said the parking along Put Drive could be reserved for coaches and have signs to direct drivers to the parking lot. Branon noted a possible need for a turnaround in the small parking lot near to West Field.

Hutwelker asked for any further comments from the public. He asked Hoden to do some research for temporary fencing and figure out a way to accommodate soccer and return to the Board with that information along with Crosby to provide a presentation on use of the fields for soccer. Hutwelker said the Board would be open to signs prohibiting dogs on the fields. Karasinski asked how much of an opening would be needed for temporary fencing. Mr. Blood said 50 to 60 feet. Crosby said she can do a presentation about use of the fields for soccer.

NOMINATIONS

The Board considered recommended appointments to the Energy Commission and the appointment of the Town Administrator to the Southwest Region Planning Commission Brownfields Advisory Committee.

Karasinski **moved** to appoint Barbara Skuly to the Energy Commission for a three year term, to appoint Robert Audette to the Energy Commission for a three year term, to appoint Cheri Domina to the Energy Commission for a two year term, to appoint Mike Kowalczyk to the Energy Commission for a two year term, and to appoint Michael Branley to the SWRPC Brownfields Advisory Committee with gratitude and appreciation. There was a second to the motion by Colby and no further discussion. All were in favor. ***Motion passed.***

NEW BUSINESS

Consideration of Proposals for Recycling Center Storm Water Management Plan

Branley provided proposals from Underwood Engineers and Fieldstone Land Consultants for a storm water management plan at the Recycling Center related to the planned facility improvements, scheduled for 2023.

Karasinski **moved** to authorize the expenditure of up to \$14,000 from the Recycling Center Revolving Fund for a storm water management plan and related work at the Recycling Center and authorize the Town Administrator to sign contract documents with Colby. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

Consideration of Proposal to Paint Thompson Covered Bridge

The Board considered the proposal from Phil's Tree Service to paint the Thompson Bridge covered bridge. DiRusso spoke about the \$62,000 estimate from Phil's Tree Service. DiRusso spoke about the need for a special lift for the project. If he can get it done in 7 days or less assisting with DPW staff, the cost would be \$10,000 less. Hutwelker asked about the condition of the roof. DiRusso said he hasn't had a chance to look at it. He said Phil's insurance would not allow DPW folks to use his crane. Last paint job was estimated to be 1993.

Karasinski **moved** to authorize the expenditure of up to \$70,000 from the Covered Bridges (Restoration and Repair) Capital Reserve Fund for the painting of Thompson Covered Bridge and authorize the Town Administrator to enter into contract documents with Phil's Tree Service. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

Consideration of Proposal to Design Arrowcrest Drive Fire Pond

The Board considered the costs for field survey and pond evaluation of Arrowcrest Drive fire pond. Branley said this is the next step in the process of building the pond. DiRusso noted a culvert needs to be replaced at the site.

Karasinski **moved** to authorize the expenditure of up to \$25,000 from the Fire Pond Expendable Trust Fund to design and permit improvements to the fire pond along Arrowcrest Drive and authorize the Town Administrator to enter into contract documents with DuBois & King. There was a second to the motion by Colby and no further discussion. All were in favor. **Motion passed.**

May Expenditure & Revenue Report

The Board reviewed the report without comment.

PUBLIC INPUT

Resident and Recycling Center employee Charlie Harbeck said the public is looking for the new price sheet at the Recycling Center to be mailed out. Some folks do not have a computer to check online. Branley said he would look into providing some price sheets.

NON-PUBLIC SESSION(S)

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

Motion was made by Karasinski to enter Non-public session pursuant to RSA 91-A:3II(a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to go into non-public session at 7:12p.m. **Motion passed.** Present was Kenneth P. Colby, Jr., W. Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley.

Motion was made by Karasinski to leave non-public session and return to public session. The motion was seconded by Colby, with all in favor. **Motion passed.** Non-pubic session ended at 7:31 p.m.

Motion was made by Karasinski to seal the minutes of the non-public session. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

OTHER MATTERS

Tax Deed property

Branley referred to correspondence with Fred Blais, Realtor Broker, who stated that the might be able to market and sell the property on Winch Hill Road recently taken by tax deed. The Swanzey resident who recently lost his property to the Town via tax deed owes about \$20,000 to the Town in back taxes. Branley pointed out if someone can do the work to get the Town the tax money owed, that would be good for the Town. Branley said he has to check on any existing mortgage involved. He also noted the Town would have to go through the eviction process now that the Town owns the property and he added that the Town only gets the taxes owed, nothing more, if the property sells. He said the former property owner had a 90 day notice prior to the Town taking over the property. The Board agreed by consensus to allow Blais to try to market and sell the property on behalf of the former owner.

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

Motion was made by Karasinski to enter Non-public session pursuant to RSA 91-A:3II(b) the 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 7:37 p.m. **Motion passed.** Present was Kenneth P. Colby, Jr., W. Hutwelker III, and Sylvester Karasinski. Also present was Town Administrator Michael Branley.

Motion was made by Karasinski to leave non-public session and return to public session. The motion was seconded by Colby, with all in favor. **Motion passed.** Non-pubic session ended at 7:40 p.m.

Motion was made by Karasinski to seal the minutes of the non-public session. The motion was seconded by Colby. The Selectmen voted unanimously by roll call to seal the minutes. **Motion passed.**

ADJOURNMENT

Motion to adjourn the meeting was made by Karasinski. The motion was seconded by Colby without further discussion. All were in favor. **Motion passed.** Adjournment occurred at 7:41 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary

Approved on September 28, 2022