



# Warner Board of Selectmen

Meeting Minutes  
Wednesday, February 19, 2014  
APPROVED

Chairman Hartman opened the meeting at 7:05 p.m.

In Attendance: Selectman David E. Hartman – Chairman, David Karrick, Jr. – Selectman, Clyde Carson – Selectman and Jim Bingham – Town Administrator

Others present: Martha Mical, Barbara Annis, Marianne Howlett, John Leavitt

## **1. Heavy Hauling Permit**

- A. Martha Mical has added verbiage to the Heavy Hauling Permit regarding the condition of a Class VI roads during/after a logging operation. Selectman Carson in a previous meeting expressed his concern about the stones being too large for all terrain bicycles, pedestrians and horses. Martha and Selectman Carson went out and looked at Hoyt Lane because 6" rock was used and then covered with 3" stones. Selectman Carson said there wasn't too much 3" stone laid down but if there were he feels it would have been too rough for bikes and walking. He did see another site that used a finer stone that would work well with all terrain bicycles, walkers and horses. Martha said if it is required to remove the 6" stones a larger/deeper hole may result. Selectman Carson recommended obtaining some recommendations from loggers and other towns.
- B. Barbara Annis said the hauling permit does not address culverts. She recalled a logging operation from about 7 years ago that crushed an old stone culvert.
- C. Selectman Carson added that the roads should be passable for horseback riding and all terrain bicycles without dismounting.

## **2. Tax on Land of Another**

- A. Chairman Hartman has signed several notices of intent to tax personal property on land of another and a notices of intent to tax real property on land of another; the letters must be mailed by April 1 of each year.

## **3. Town Warrant**

After the Zoning Ordinance Amendments the warrant reads as follows:

### **Article 6**

Shall the Town raise and appropriate the sum of \$ 2,967,008.00 (Two Million, Nine Hundred Sixty-Seven Thousand, Eight Dollars) as a 2014 Operating Budget? This amount does not include amounts from any other warrant articles. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

### **Article 7**

Shall the Town vote to have rental proceeds from the lease agreement between New Cingular Wireless PCS, LLC and the Town for a Communications (Cell) Tower located on Town Forest land off North Road be placed in the general fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

### **Article 8**

Shall the Town raise and appropriate the sum of \$20,000.00 (Twenty Thousand Dollars) to be added to the already established Property Revaluation Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

**Article 9**

Shall the Town raise and appropriate the amount of \$45,000.00 (Forty Five Thousand Dollars) to be added to the already established Exit 9 Improvements Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

**Article 10**

Shall the Town raise and appropriate the sum of \$175,000.00 (One Hundred Seventy Five Thousand Dollars) to be added to the already established Highway Road Construction Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

**Article 11**

Shall the Town raise and appropriate the sum of \$100,000.00 (One Hundred Thousand Dollars) to be added to the already established Highway Equipment Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

**Article 12**

Shall the Town raise and appropriate the sum of \$10,000.00 (Ten Thousand Dollars) to add to the already established Police Department Vehicle Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

**Article 13**

Shall the Town raise and appropriate the sum of \$70,000.00 (Seventy Thousand Dollars) to be added to the already established Fire/Rescue Vehicle Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

**Article 14**

Shall the Town raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) to be added to the already established Fire Department Building/Renovation Capital Reserve Fund? (Recommended by the Board of Selectmen; Not Recommended by the Budget Committee)

- A. Article 14 is the only article that the Budget Committee did not recommend. The Town Administrator asked the Board is they wish to show the tally, Budget Committee member Kimberley Edelmann requested the tally, but it is the Board's decision.

*Shall the Town raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) to be added to the already established Fire Department Building/Renovation Capital Reserve Fund? (Recommended by the Board of Selectmen; Not Recommended by the Budget Committee)*

At this time the Town Report has gone to print. The Town Administrator recommended announcing the vote during Town Meeting.

**Board Action**

Chairman Hartman moved to not indicate the tally of the vote in the Town Report but to report the tally at Town Meeting. Selectman Carson seconded the motion; all were in favor, the motion passed.

**Article 15**

Shall the Town vote to establish a contingency fund in accordance with RSA 31:98-a for the current year to be used by the Board of Selectmen for unanticipated expenses that may arise and further to raise and appropriate the amount of \$10,000.00 (Ten Thousand Dollars) to go into the fund? This sum is to come from fund balance and no amount to be raised from taxation. Any appropriation left in the fund at the end of the year will lapse to the general fund. Majority vote required. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

**Article 16**

Shall the Town raise and appropriate the sum of \$25,000.00 (Twenty Five Thousand Dollars) to be added to the already established Bridge Replacement & Maintenance Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

### **Article 17**

Shall the Town vote to authorize the creation of The Odd Fellows Building Capital Reserve Fund for the purpose of hazard mitigation of this Brownfield site, to raise and appropriate \$5,000 (Five Thousand Dollars) to be placed in this Fund and to name the Board of Selectmen as Agents to expend? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

### **Article 18**

Shall the Town raise and appropriate the sum of \$5,000.00 (Five Thousand Dollars) to be added to the already established Transfer Station Equipment Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

### **Article 19**

Shall the Town raise and appropriate the sum of \$5,000.00 (Five Thousand Dollars) to be added to the already established Town Hall Building Improvements Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

### **Article 20**

Shall the Town vote to authorize the Trustees of the Pillsbury Free Library full duties and powers under RSA 202 - A:11 in managing the operation of the Library?

- A. This article reaffirms the Library Trustees have the authority to expend from their private endowments and funds. However, the library is still obligated to report on the expenditures they use those funds for in the Town Report. John Leavitt asked what would happen if this article is defeated at Town Meeting and the Town Administrator explained that the library is dictated by the RSAs. The article emphasizes that the Library Trustees have full duties and powers.

### **Article 21**

Shall the Town vote to rescind the Board of Selectmen's authority to act as authorized agents of the Highway Equipment Capital Reserve Fund? All expenditures henceforth must be approved by the majority vote of the legal voters present and voting at an annual or special town meeting as per RSA 35:15. (By Petition)

### **Article 22**

RESOLVED, the people of Warner, NH stand with communities across the country to defend democracy from the corrupting effects of undue corporate power by amending the United States Constitution to establish that:

1. Only human beings, not corporations, are endowed with constitutional rights, and
2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.

BE IT FURTHER RESOLVED, that the People of Warner, NH hereby instruct our state and federal representatives to enact resolutions and legislation to advance this effort.

(By Petition)

### **Article 23**

To transact any other business that may legally come before the meeting.

### **Board Action**

Selectman Karrick moved to present the 2014 Warrant as written to the voters. Selectman Carson seconded the motion; all were in favor, the motion passed.

### **4. Tax Collector - Research Contract**

- A. Tax Collector, Marianne Howlett, presented the annual Research Contract from Jane Sanders in the amount of \$871.20. Marianne said because of the changes on the Merrimack County website, Ms. Sanders is thinking of adding a disclaimer on her work saying "at the time of the research this is what was found". Another item discussed with Ms. Sanders is the list of potential deeding properties has always been about 15, last year it was 30 and this year is about 27. Ms. Sanders explained to Marianne that she is willing to do

the research for deeding as well as the liens; there would only be one charge for doing both sets of research for the same parcel.

### **Board Action**

Selectman Carson moved to approve entering into an agreement with Jane Sanders in the amount of \$871.20 (\$10.89 per search). Chairman Hartman seconded the motion; all were in favor, the motion passed.

### **5. Other Selectmen's Business**

- A. Selectman Carson who is also a State Representative, said there was a healthy debate on whether town's should be able to appoint their Town Clerk's and his committee recommended not to change, to keep the position as an elected position. The House supported the committee's recommendation by a large majority.
- B. Chairman Hartman said he has asked for advice from the NH Division of Forests & Lands about what types of tree would be hardy enough to be planted around the proposed round-about. Barbara Annis said Pellettieri Landscape has also offered assistance in the past to the Planning Board.
- C. Selectman Carson noted that no one has signed up to run for the Municipal Budget Committee vacant position, he asked what are the options to fill the position if no one runs. Martha Mical said the school will contact the Town for a representative.
- D. Selectman Carson would like to know if Betterment Assessments is something that could be applied in Warner.

### **6. Service Agreement – Bartlett Loop Project**

- A. The Provan & Lorber Service Agreement has been reviewed and approved by the State.

### **Board Action**

Selectman Carson moved to accept the service agreement provided by Provan & Lorber for the reconstruction of a culvert for Bartlett Loop. Selectman Karrick seconded the motion. All were in favor, the motion passed.

### **7. Energy Analysis – Proposed New Fire Station**

- A. Selectman Carson said an opportunity came through to the Energy Committee, a UNH Engineering student is available to review the new fire station building plans as part of his senior capstone project. It would be a six week project and there would be no cost to the town. After the analysis is completed the student will make a presentation to the Selectmen. The Town Administrator ran this opportunity by the Fire Chief and he too was in favor.

### **Board Action**

Selectman Carson moved to support the energy analysis offer for the proposed fire station. Chairman Hartman seconded the motion; all were in favor, the motion passed.

### **8. Transfer Station – Container for the Compactor**

- A. The Town Administrator said there is one 45 yard container currently at the Transfer Station, it's an older style and cumbersome to be pulled, dumped, and shipped plus due to its age the container is not holding up very well and the Director of Public Works would like to use it for a back-up. Currently, when a back-up is needed, Naughton provides it. The Director of Public Works is recommending that a 40 yard compact container be purchased for \$6,250 as the main container and use the current container as the back-up.
- B. Selectman Carson asked if this cost was included in the operating budget. The Town Administrator said the funding would come from the Transfer Station Equipment Capital Reserve that has a balance of \$26,000.00. Selectman Carson asked the Board if this recommendation should be considered before Town Meeting or after, would the Board make a different decision if the capital budget were not approved, would the purchase of the container be a top priority. The Town Administrator said the Director of Public Works feels the purchase should be a priority, the older and larger container has been discussed in the past about the need to replace it. The new container will also function better with the hauler and their equipment, the current container hangs over the back of the hauler's truck; the new container will compact tighter as well and will

be easier to haul. Chairman Hartman asked if the current container is the original container, the Town Administrator was not sure of the age.

### **Board Action**

The Board agreed to meet with the Director of Public Works on March 4<sup>th</sup> to further discuss this recommendation. John Leavitt said that he never heard about the container being a possible expenditure during the Budget Committee meetings and Martha Mical who is also a Budget Committee member remembered the discussion, as well as the compactor and furnace repairs. Marianne Howlett commented that she has been at the Transfer Station when the 45 yard container was full and asked if the smaller container is going to be able to accommodate the amount of trash that passes through the Transfer Station. The Town Administrator said during those times the hauler is called, even on a weekend, and the container is swapped out.

### **9. Town Administrator's Report**

Dept Heads Meeting: The Dept. Heads met with Laurel Brown, PSNH Community Liaison for Warner on Feb.4 to learn about the reorganization of service crews with the impending closing of the PSNH service center in Hillsborough. The three crew trucks presently in Hillsborough will be reassigned to the service center on Rte. 114 in Bedford, NH. During the work day, the crew working nearest to Warner will respond to any emergency calls and that response time will be no different than what is currently experienced. The most significant impact that Warner residents will notice is potentially longer response time for emergency calls for service after business hours during on-call periods. The Hillsborough center is expected to be closed in April.

Emergency Management Committee: The meeting was held on Feb. 6 at the Emergency Operation Center in the fire station. Fire Department, Police Department, Village Precinct, Administration, and Public Works were represented. Discussion focused on scheduling future meetings and how the review of the Emergency Operations Plan would be managed. The first steps are to insure that each member of the committee is trained in National Incident Management System (NIMS) to the level required for their function and role. The resource inventory will be emailed to each member and the inventory will be completed with a service or supply vendor for each category listed. Local/regional vendors will be contacted to determine if they are willing to be "on-call" for their service in the event of an emergency.

Broadband Meeting: Selectman David Karrick and the Town Administrator attended a meeting on the status of Broadband service for Merrimack and Belknap Counties hosted by the Central NH Regional Planning Commission. There were representatives from Loudon, Webster, Henniker, Warner and the Dept. of Resources and Economic Development. Discussion focused on gaps in Broadband access and strategies to address them, cable lease agreements with towns and ways to negotiate for improved cable and internet service when the lease agreement comes up for renewal and the legislation (HB 1484) that should open the door for more competition for cable and internet companies in the region. The Town Administrator notified TDS about their cable franchise lease agreement with Warner that is to be renewed by June and asked that some meetings be scheduled with the Board of Selectmen starting in March. Tom Murray at TDS emailed me that he will schedule some meeting dates after Town Meeting.

Candidates Night: The Town Administrator contacted the KACC to assist in organizing a candidates' forum. KACC will host the event and moderate the discussion. The event will be held on Tuesday, Feb. 25 at 7 pm in the Town Hall downstairs meeting room. The Chamber will contact the candidates to invite them to participate and do most of the promotion; the event is announced on the town website.

### **10. Manifest**

Selectman Carson moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 3008-3025 in the amount of \$32,337.52 (including 17 direct deposits) and Accounts Payable check numbers 49345-49379 in the amount of \$154,285.55. Chairman Hartman seconded the motion; all were in favor, the motion passed.

### **11. Consent Agenda**

Selectman moved to approve the consent agenda for February 19, 2014 for the following items:

- Timber Warrant and Certificate for Map 16 Lot 30 in the amount of \$1,364.72
- Building Permits for Map 14 Lot 42, Map 34 Lot 16 & Map 3 Lot 36
- Property Tax Exemptions for Map 6 Lot 15, Map 10 Lot 83 & Map 34 Lot 26
- Annual temporary Sign Permit for Map 3 Lot 24

Chairman Hartman seconded the motion; all were in favor, the motion passed.

### **12. Meeting Minutes**

Selectman Carson moved to approve meeting minutes dated January 16 & 21, 2014. Selectman Karrick seconded the motion; all were in favor, the motion passed.

### **13. Barbara Annis**

- A. Planning Board member Barbara Annis, reported there is a meeting coming up on March 20<sup>th</sup> in Concord regarding a federal program called Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21). Navigating MAP-21 Workshop attendees will:
- Learn how to maximize funding in the new Transportation Alternatives program
  - Learn how to utilize all MAP-21 funding programs for bike/ped at the state and local level
  - Learn the key characteristics, requirements, and opportunities of these programs
  - Discuss favorable factors for bicycling and walking investments
  - Understand the important role of advocates, agency staff, and elected officials in securing this funding
  - Share knowledge and experiences in the local context, working together to develop a list of local priorities and strategies for funding bicycle and pedestrian projects and programs
- Barbara will be attending the meeting and is requesting the Board's permission to allow Planning Board member Aedan Sherman to attend as well. The Board provided their approval.
- B. Barbara Annis said there has been past discussion about expanding the park & ride. She is meeting with Ruairi O'Mahony from Central NH Regional Planning Commission about the possibility of expanding the park & ride. Chairman Hartman said there has been discussion with the McFarland Engineering about expanding the park & ride with the round-about project. Barbara will bring back some information.
- C. Barbara Annis provided information regarding the Nancy Sibley Wilkins Fund for the start up costs for the Exit 9 round-about instead of a loan from the bank. The money would still need to be paid back to the Fund at a lesser interest rate.
- D. Barbara asked about the status of the annual traffic count. The Town Administrator is waiting for feedback from the Highway Department and the Police Department.

### **14. Nonpublic Session**

Chairman Hartman moved to go into nonpublic session at 8:45 pm. under RSA91-A:3 II (a), dismissal, promotion or compensation of any public employee. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Karrick – yes; Selectman Carson – yes; Selectman Hartman – yes.

In attendance: Chairman Hartman, Selectman Carson, Selectman Karrick, Town Administrator – Jim Bingham

Chairman Hartman moved to come out of nonpublic session at 9:07 p.m. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Karrick – yes; Selectman Hartman – yes; Selectman Carson – yes

### **15. Seal and Restrict**

Chairman Hartman moved to seal and restrict the February 19, 2014 nonpublic meeting minutes for one year per RSA91-A:3 Selectman Karrick seconded the motion; all were in favor, the motion passed.

### **16. Nonpublic Session**

Chairman Hartman moved to go into nonpublic session at 9:08 pm. under RSA91-A:3 II (a), dismissal, promotion or compensation of any public employee. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Karrick – yes; Selectman Carson – yes; Selectman Hartman – yes.

In attendance: Chairman Hartman, Selectman Carson, Selectman Karrick, Town Administrator – Jim Bingham

The Selectmen discussed the continued employment for the Town Administrator, his one-year contract expires on March 18, 2014. There was one stipulation in the contract for the Town Administrator to take residency in the Town of Warner subject to market conditions. Selectman Karrick noted that this was not required of the previous Town Administrator. The Town Administrator said at this stage of his life with his wife, relocating at this time would be a financial burden. However, the Town Administrator and his wife are becoming more involved in the community, and one of the Town Administrator's goal is to find a way to stabilize the tax base through economic development.

The Town Administrator is asking the Selectmen for feedback on his performance and is also asking for a waiver on the requirement to relocate to Warner. Selectman Carson recommended the Board review the Town Administrator contract for further discussion at the next Selectman's meeting.

Chairman Hartman moved to come out of nonpublic session at 9:31 p.m. Motion was seconded by Selectman Karrick. A roll call vote was taken. Selectman Karrick – yes; Selectman Hartman – yes; Selectman Carson – yes

### **17. Adjournment**

A motion was made to adjourn at 9:31 p.m.

Board of Selectmen  
David E. Hartman – Chairman  
David Karrick, Jr.  
Clyde Carson

Respectfully submitted,  
Mary Whalen  
Recording secretary