



# Warner Board of Selectmen

Meeting Minutes  
Tuesday, July 22, 2014  
APPROVED

Chairman Hartman opened the meeting at 6:05 p.m.

In Attendance: Selectman David E. Hartman – Chairman, Clyde Carson – Selectman, Allan N. Brown – Selectman, and Jim Bingham – Town Administrator

Others present: Bill Chandler – Police Chief, Ron Carter – Sargent, John Leavitt, Marianne Howlett, Judy Newman-Rogers, Martha Mical, Fred Arnold,

## **1. Police Department**

- A. Police Chief, Bill Chandler, met with the Selectmen and reported that the Police Department obtained a 50/50 grant for bullet proof vests. Bill said the States portion of the grant will be available August 1.
- B. Bill has met with John Leavitt from the Capital Improvements Plan Committee. Bill said on the CIP schedule he is slated to purchase a new cruiser this coming year but he would like to hold off on that purchase and continue to use the 2010 and then reassess the vehicle by the latter end of 2015. Bill said he is requesting \$15K this coming year, last year the \$15K was cut back to \$10. Bill would like to build the reserve up because the 2007 SUV is scheduled to be replaced in a couple of years when there will be a double year purchase, cruiser one year the next year the SUV.
- C. Bill said he spoke with Adam Bates in relationship with the Fall Foliage Festival. The Festival would like to close Kearsarge Mt. Road from Main St. to Geneva St. Last year there was traffic backing up because of the bus stop in front of the Town Hall. This year the bus stop will be in front of the statue and he will know more in two weeks what will be going in the rest of the area.

## **2. Nonpublic Session**

Chairman Hartman moved to go into nonpublic session at 6:17 pm. under RSA91-A:3 II (b), hiring. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Brown – yes; Selectman Carson – yes; Selectman Hartman – yes.

In attendance: Chairman Hartman, Selectman Carson, Selectman Brown, Town Administrator – Jim Bingham, Police Chief Bill Chandler and Sargent Ron Carter

Chairman Hartman moved to come out of nonpublic session at 6:29 p.m. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Brown – yes; Selectman Hartman – yes; Selectman Carson – yes

## **3. Seal and Restrict**

Chairman Hartman moved to seal and restrict the July 22, 2014 nonpublic meeting minutes for one year per RSA91-A:3, Selectman Brown seconded the motion; all were in favor, the motion passed.

## **4. Nonpublic Session**

Chairman Hartman moved to go into nonpublic session at 6:29 pm. under RSA91-A:3 II (a) compensation. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Brown – yes; Selectman Carson – yes; Selectman Hartman – yes.

In attendance: Chairman Hartman, Selectman Carson, Selectman Brown, Town Administrator – Jim Bingham, Police Chief Bill Chandler and Sargent Ron Carter

Chairman Hartman moved to come out of nonpublic session at 6:45 p.m. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Brown – yes; Selectman Hartman – yes; Selectman Carson – yes

#### **5. Seal and Restrict**

Chairman Hartman moved to seal and restrict the July 22, 2014 nonpublic meeting minutes for one year per RSA91-A:3, Selectman Brown seconded the motion; all were in favor, the motion passed.

#### **6. Wage Increase – Police Department**

Selectman Brown moved to authorize a wage increase for Ben Tokarz from step 6 (\$21.82) to step 7 (\$22.91) effective on the first pay run after completing his August training. This increase will not affect his scheduled pay increase in 2015. Selectman Carson seconded the motion; all were in favor, the motion passed.

#### **7. Conditional Offer of Employment**

Selectman Carson moved to hire Justin Crotty as a full time patrolman conditional upon completing the following requirements. Requirements may include but are not limited to:

- medical health examination
- physical agility test
- psychological written examination with a follow-up
- polygraph examination
- signed release of information form
- complete background information
- successful meeting with the Board of Selectmen

Rate of hourly pay will be \$20.78 per hour. Selectman Brown seconded the motion. John Leavitt asked if there will be any drug testing. Selectman Carson said that has already been done. All were in favor, the motion passed.

#### **8. Town Clerk & Tax Collector's Accrued Leave Time – Update**

- A. The Town Administrator reported that he has met with both the Town Clerk and Tax Collector to receive their input regarding his memo. Resolution has been achieved with the Tax Collector who said she does not need the accrued time and that she enjoys the flexibility of establishing her hours while meeting the needs of the position and from this point on her pay stub will not show any accrued time.
- B. The Town Administrator also met with the Town Clerk and talked about utilizing the personnel policy as adopted and having the Town Clerk use the maximum hours accrued at that time and to use them over the next 2 or 3 years. The Town Clerk's office has a fully trained assistant so she has the option to adjust schedules. The Town Administrator said he put this proposal in writing to the Town Clerk and has not heard back yet whether any changes need to be made.

#### **Board Action**

Chairman Hartman moved to affirm that elected officials in the Town of Warner are not eligible for fringe benefits provided to the Town employees in accordance to RSA 273-A:1 (defines employee) unless otherwise specifically authorized by vote of the legislative body at Town Meeting. Selectman Brown seconded the motion. The Town Administrator said the RSA defines what a Town employee is and points out elected officials are not Town employees. Selectman Carson said this motion may be in order when there is full agreement and when both parties impacted by this have signed off on what they are going to do and he thinks it would rather saying "unless otherwise specifically authorized... it would be appropriate to put in those items that are specified and amended over time as needed (health insurance and retirement). Chairman Hartman withdrew his motion and Selectman Brown withdrew his second. The Town Administrator will recreate a motion for the Board that includes what has been authorized to date.

## **9. Round-about**

A. The Selectmen were provided a copy of McFarland & Johnson's response to the Selectman's wish list for the round-about. The next step would be to schedule an appoint with William Rose from the Department of Transportation. Chairman Hartman asked if McFarland has met with the property owner at Exit 9. The Town Administrator was not sure. The Board would like time to read McFarland's response and will address it at their next meeting and the Town Administrator will arrange a meeting with William Rose around the 3<sup>rd</sup> week in August. The Board will meet on Thursday, July 24 at 2:30 pm. to go over McFarland's response letter.

## **10. Hartshorn Lane – Motion**

Selectman Carson moved to authorize the Town Administrator to send the letter he created to property owners on Hartshorn Lane. Selectman Brown seconded the motion, all were in favor, the motion passed.

*Mr./Ms. Resident/Owner*  
*\_\_\_\_\_ Hartshorn Lane*  
*Warner, NH 03278*

*Dear \_\_\_\_\_:*

*In the past, maintenance of Hartshorn Lane has alternated between private residents and contractors in some years and by the Town Hwy Department in recent years. Town tax maps show that Hartshorn Lane is a private road and under this present legal status, any property damage or personal injury that is incurred during road maintenance by town employees and equipment would not be covered under the town's liability insurance policy.*

*The Board of Selectmen has been informed by Property Liability Insurance Trust, the town's liability insurance provider, that continuing maintenance of Hartshorn Lane poses a serious insurance liability for the Town as well as being in violation of NH RSA 231:59. With regret, the Selectmen's Office is notifying all property owners on Hartshorn Lane that the town will no longer be able to provide winter and summer road maintenance. The Town plans to cease all town road maintenance of Hartshorn Lane effective June 1, 2015.*

*It is hoped that this announcement at this time will provide ample lead time for the residents to organize and develop a plan to obtain services for road maintenance by no later than May 2015. Here are two options that the residents of Hartshorn Lane can consider in addressing the need for road maintenance:*

*1. The residents of Hartshorn Lane can form a homeowners association and as such can contract for road maintenance from a private contractor or devise other suitable means of conducting snow plowing and road repairs.*

*2. The residents, as an organized group, can petition to the Board of Selectmen to lay out a road to town specifications and be accepted as a town road. This was recommended a few years before and it does require each resident to be willing to grant Right-of-Way (ROW) easements on their property in order for the town to create a road of sufficient width for town vehicles to use.*

*The Board of Selectmen is willing to meet with you and your neighbors to discuss these options and consider options that you may suggest. If you wish to meet with the Selectmen at one of their regularly scheduled Board meetings, I will be pleased to add you to the agenda. Please feel free to contact the Selectmen's office with any questions that you have.*

*Yours truly,*  
*Jim Bingham*  
*Town Administrator*

## **11. Bartlett Loop – Contractor of Record - Motion**

Selectman Brown moved to send a letter to the Department of Transportation to approve Weaver Brothers Inc. as the contractor of record for the Town of Warner Bartlett Loop project. Selectman Carson seconded the motion; all were in favor, the motion passed.

## **12. Capital Improvements Program Projects**

- A. The Town Administrator reviewed what the Selectmen submitted last year to the CIP Committee:
- Exit 9 improvements for \$100K - \$45K was approved leaving \$145,680K in the capital reserve which is being utilized for the design work.
  - Town Hall improvements for \$10K - \$5K was approved leaving approximately \$17K in the capital reserve. A new lift has been listed as the next project which will cost about \$50K.
  - Old Graded School improvements – no money to date has been approved for the weatherization project.
- B. For this year's CIP the Odd Fellows Building should be submitted. Another project to be considered is the Solar Array project. Selectman Carson reported that an RFP is being created for the project which will be presented to the Board at the August 5<sup>th</sup> meeting. The goal is to have the bids back in early September in preparation for Town Meeting. Public Utilities will be announcing a grant program by the end of this month; the intention is to apply for it. Rural Development grants are also being researched. John Leavitt expressed his doubts regarding this project, he is not positive that it will benefit the Town.

## **13. Transportation Alternatives Program**

- A. The Town Administrator explained the Department of Transportation has consolidated various federal funding for various transportation alternative programs such as Rail Trails, Safe Routes to School etc. into one program.
- B. Selectman Carson said he attended a meeting where William Rose (administrator of the program) announced a series of grants that will be available for towns that will encourage biking and walking. Selectman Carson said the Energy Committee thought this would be an opportunity to put in for a grant for sidewalks from downtown to Exit 9. A letter of interest would need to be submitted by August 6. The Board agreed to send a letter of intent. Marianne Howlett suggested using the downtown parking study as a project as well.

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

Fire Department: The Town Administrator met with the Fire Chief yesterday to review CIP projects. The chief will be submitting a project request form for funding the scheduled replacement of air packs and turn-out gear for the dept. as well as updates on the on-going projects of fire vehicle replacement and a new fire station.

Department of Public Works: Warner only suffered minor washouts from the recent rain storms last week. There were washouts on West Joppa next to the Bridge and on Retreat Road in the area of the road layout issue. Water damage occurred on Victor Kumin's Driveway and there was one plugged culvert on the top of Horne St. caused by poor drainage from a driveway. The work crew is still removing the old pavement on Red Chimney Rd. Some places the old hot top is 12" and at other places it is only its 3". About 6" to 10" of good gravel was found during excavation that they will be able to use over. Two more good days of crushing and they should have all our gravel processed.

The Cat M-312 Excavator is waiting for 2 parts to be put back together. The Bookkeeper provided a history of repair costs for the past 3 years and it is approximately \$22,000.00.

The DPW director is reviewing equipment replacement schedule and the road maintenance project schedule for updating CIP request forms and will meet with the Town Administrator next week.

Town Buildings: Gerard Leone Slate & Copper Roofing reviewed the gutter needs at the Town Hall and the Library. Gerard was skeptical about whether standard copper gutters would adequately handle the water volume coming off the roof of the Town Hall addition. He suggested that a copper box be installed into the roof at the valley near the side door to catch the concentrated runoff and direct it to the catch basin across the driveway. They strongly suggested repairing the loose and missing slate shingles on the roof and provided a quote for that repair job. Ed Mical is contacting two other slate roof contractors for quotes on repairing the Town Hall roof.

Resident Issues Brought to Selectmen's Office: The issue of the class 6 ROW off of Willaby Colby Road seems to be resolving itself. Mr. Dorrington has accepted that the ROW exists and the logger has a right to access it to remove the timber harvest from the neighboring lot.

The Selectmen's Office received two complaints on Monday from neighbors of Mr. Wayne Akins at 674 Route 103 about several unregistered vehicles on his property near Rte.103. One neighbor is trying to sell his home and claimed in a letter to the BOS that two prospective buyers commented that they would not buy a home with a 'junkyard' across the street. The Town Administrator notified Chief Chandler about it and he will look into the number of vehicles on the property and the status of each vehicle. The Town Administrator reported that he did speak to Mr. Akins about removing some of the vehicles and Mr. Akins said that he would take care of it.

#### **15. Fire Station Review and Assessment Committee**

- A. The Board talked about the charge for the Fire Station Review and Assessment Committee. The Town Administrator suggested starting with the current design with the idea the design was completed for a 50-year life span; the committee could look at it from the perspective of what is needed for a 25 year life span. Selectman Brown said the Board also needs to determine how much money they want to spend; the current design has a \$3 million dollar price tag, guidelines need to be established. His thought process all along has been build what is needed for the next 15 – 20 years with room for expansion because it is truly unknown when and if the Fire Department will be a full time department. The Town Administrator said the Committee could also look at if any of the properties will be able to handle a dual entrance facility. Selectman Brown said all the sites that were looked at will be able to accommodate dual entrances.
- B. Chairman Hartman said a determination also needs to be made regarding the existing buildings, is it possible to use the current building in conjunction with the new one? Selectman Brown said the current building could be sold and if the Town keeps the building, items would need to be addressed that do not meet current codes.
- C. The Board discussed the membership of the Committee. Selectman Brown said the representative from the Budget Committee is Kimberley Edelmann and Selectman Carson said from the Energy Committee, Peter Ladd was nominated. John Leavitt from the Budget Committee also expressed an interest. Selectman Carson nominated Selectman Brown to be the Selectmen's representative and Chairman of the Fire Station Building Committee. Selectman Brown accepted. Martha Mical recommended soliciting members on the Town's website as well.
- D. The Board will provide their ideas regarding guidelines to the Town Administrator and he will put something together for review.

#### **Board Action**

Chairman Hartman moved to form a Fire Station Review and Assessment Committee. Selectman Carson seconded the motion and added the Committee will be made up of a Selectmen, Budget Committee member, Energy Committee member, 2 members from the Fire Department, Town Administrator and a member at large. All were in favor, the motion passed.

#### **16. Bagley Field**

- A. Selectman Brown was approached by Alan Piroso who mows the field and said the edges of Bagley Field have not been mowed for 3 years. Selectman Brown said his son has offered to mow it for the hay. Selectman Carson and Chairman Hartman felt this is a reasonable offer and accepted it.

#### **17. Right-of-way**

Chairman Hartman said Fred Arnold spoke to him about placing a warrant article for the next Town Meeting for the Town to abandon the Town's right-of-way that goes across his property. Selectman Brown will do some research on the right-of-way as well. An article will be placed on the next warrant.

#### **17. Manifest**

Selectman Carson moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 3218-3233 in the amount of \$28,395.34 (including 16 direct deposits) and Accounts Payable check numbers 49900-49945 in the amount of \$609,335.55. Selectman Brown seconded the motion; all were in favor, the motion passed.

### **18. Request for Funds from the Trustees of the Trust Funds**

Chairman Hartman moved to request the following funds from the Trustees of the Trust Funds:

- \$8,982.58 from the Bridge Replacement Fund for Bartlett Loop
- \$3,068.44 from the Employee Health Expendable Trust
- \$18,331.66 from the Exit 9 Fund
- \$14,000 from the Revaluation Fund

Selectman Brown seconded the motion; all were in favor, the motion passed.

### **18. Consent Agenda**

Selectman Brown moved to approve the Consent Agenda for July 22, 2014:

- Intent-to-cuts for:
  - Map 14 Lot 47
  - Map 13 Lot 3-1
- Building Permit for Map 3 Lot 4 – 2
- State of NH Deputy Warden Appointment forms for:
  - Daniel Fisher
  - Jonathan France
  - Sean Toomey
- Reimbursement for overpayment of the first tax bill issue in the amount of \$1,376.20 for Map 33 Lot 14
- Application for Reimbursement to Towns and Cities in Which Federal and State Land is Situated

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

### **19. Meeting Minutes**

Selectman Carson moved to approve meeting minutes dated, June 19, June 24 and July 8. Chairman Hartman seconded the motion; all were in favor, the motion passed.

### **20. Barn Easement for Map 15 Lot 9**

- A. Barbara Marty spoke to the Board about the Barn Restoration Easement that she and Steve Bridgewater applied for. Barbara provided the Board what the old assessment was on the barn (\$12,750). She said in 2014 there was a reassessment on the barn changing the quality of condition from average to good, raising the assessment by 103% (\$25K). Then when she received the paperwork to sign for the easement the assessment had been doubled again (\$46K). Barbara understood the reason for the easement was to minimize the tax impact, and from what she can see the easement has quadrupled the assessment on the barn. Barbara is requesting the Selectmen to use the 103% increase on the value of the barn and to not penalize her and Steve for requesting the easement.
- B. The Assessing Clerk, Martha Mical, explained the \$25K was removed by the Assessor because the amount was an estimate. The actual assessed value by the Assessor is the \$46K (after improvements were made), the \$12K amount is before any improvements were made. The Selectmen approved 50% for the barn easement which will be from the \$46K (\$23,330). Typically an easement is applied for before any improvements are made and if granted the reduction in taxes helps off-set the cost of the renovation. In this circumstance the improvements were made first and the reduction is now based on a higher assessed value. Barbara said she would have liked a chance to be present during the Assessor's visit because there are still issues with the barn. Martha suggested that if Barbara disagrees with the assessed value she should apply for an abatement.

### **21. Nonpublic Session**

Chairman Hartman moved to go into nonpublic session at 8:30 pm. under RSA91-A:3 II (e), legal. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Brown – yes; Selectman Carson – yes; Selectman Hartman – yes.

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

The Town Administrator and the Board determined an August date for a site inspection pertaining to Map 3 Lot 76. The Town Administrator also suggested using the fines as a bargaining chip for a way to limit the number of vehicles that are parked in the front of the Map 3 Lot 76 property. Selectman Carson also recommended meeting with the neighbors before the inspection to let them know that the Selectmen have not given up on trying to remedy the clean up of Map 3 Lot 76, it appears that the court system has.

Chairman Hartman moved to come out of nonpublic session at 8:52 pm. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Brown – yes; Selectman Hartman – yes; Selectman Carson – yes.

### **3. Adjournment**

A motion was made to adjourn at 8:52 pm.

Board of Selectmen  
David E. Hartman – Chairman  
Clyde Carson  
Allan N. Brown

Respectfully submitted,  
Mary Whalen  
Recording secretary