



Warner Board of Selectmen

Meeting Minutes Monday, January 11, 2016 APPROVED

Chairman Hartman opened the meeting at 6:00 pm and stated the purpose of the meeting was to first have a nonpublic session.

1. Nonpublic Session

In attendance: Selectman Allan N. Brown, Selectman Clyde Carson, Selectman David Hartman

Others present: Calvin Rogers, Peter Wyman, Paul Raymond, Brian Monaghan, Michael Henley, Dan Fisher, Ed Raymond, Town Administrator Jim Bingham

Chairman Hartman moved to go into nonpublic session at 6:00 pm under RSA 91-A:3 II (d), consideration of acquisition, sale or lease of real or personal property. Motion was seconded by Selectman Brown. A roll call vote was taken: Selectman Hartman – yes, Selectman Brown – yes, Selectman Carson – yes.

Chairman Hartman moved that this nonpublic session adjourn, seconded by Selectman Brown. A roll call vote was taken: Selectman Hartman – yes, Selectman Brown – yes, Selectman Carson – yes. Meeting adjourned at 7:27.

2. Public Session

In attendance: Selectman Allan N. Brown, Selectman Clyde Carson, Selectman David Hartman, Town Administrator Jim Bingham

Chairman Hartman stated he would not be present at the Budget Committee meeting on Thursday night.

3. Generators

- A. Bid proposals for new generators at the Highway Garage – Jim Bingham noted the Selectmen have a spreadsheet to review.
- B. Selectman Brown: There are only two comparisons, one for \$38,000 and total price is less than \$200 difference.
- C. Town Administrator: The difference is Clough does everything soup to notes and Yastrzemski wanted the highway department to move the old generator down to PD and put it on a new pad. For the \$200, we will spend much more than that having highway tied up to do that.
- D. Selectman Carson: How are we paying for this?
- E. Town Administrator: We have surplus at the highway and we encumbered money back in December on that. Tim and I both looked it over. Jim then passed out the Yastrzemski bid and clarified that Clough will move it and set it up and is a better deal. When you look at the two bids, I am more comfortable with Clough because they specify things a lot more clearly.
- F. Selectman Carson: The precinct has no interest in the one at the PD?
- G. Town Administrator: I don't know, they were and then they weren't. The bottom line is that it's going to be 4-6 weeks before the generators are available because they have to custom make them. I've talked to Bill Chandler and said we need to go ahead and get the PD generator repaired and serviced so they have something.

- H. Selectman Brown: Clough does their own propane work because that's what they sell.
- I. Town Administrator: There's \$250 in the Clough quote under PD just in case we have to go to a bigger pad.
- J. Selectman Brown: The pad was wide enough but 6 inches short which shouldn't make any difference.

Board Action

Selectman Carson made a motion that the Board of Selectmen move forward with the quote from H.R. Clough to purchase a Kohler 38RCELQSS 38 kilowatts for a total cost of \$28,719.00. Selectman Brown seconded the motion. A voice vote was taken with all in favor.

4. Review Schedule of Public Hearings

Town Administrator: I want to make sure we have everything. In the 2nd of February we have a Public Hearing for the grader at 7:00 pm, on the 3rd the solar panel array at 7:00 pm, on the 4th the Budget Committee will have their public hearing at 7:00 pm. They are being posted and will be in the paper next week.

5. Review of Warrant Articles

- A. Selectman Carson: Are you asking for us to say yes or no before we submit them to the state?
- B. Town Administrator: They have been put into the Department of Revenue Administration system at this point but I haven't asked for review yet. I can ask for pre review and will probably do that next week.
- C. **Solar Array**
Selectman Brown: This first article, we don't mention the \$25,000 from Rural Development or we don't know we're doing to get that yet?

Selectman Carson – I think it should be in there. If we ask for it we are probably going to get it.

Town Administrator: These are older numbers so when the application went in some of it has changed a little bit. The amount that Clyde and I came up with was \$352,400 Of that amount \$75,000 would be a rebate, we can add \$25,400 as a grant, and that would also be coming from Rural Development. That left a financing of \$252,000.

Selectman Carson: What's everybody's experience with Rural Development, will they adjust the numbers upwards if they have extra grant money?

Town Administrator: I don't know, they may and the question is we need to put the \$10,000 for the first loan payment or?? To which Selectman Carson replied I would think so. The number has to be \$362,000 for a total amount then the \$10,000 goes in.

- D. **Grader**
Town Administrator: The numbers you see for Article 4 for the grader are based on the Komotsu grader which was the higher cost of the two.
- E. **Article 5**
Town Administrator: There are a couple of things coming in that I want to recommend to the Budget Committee that they put in. One is \$12,900 for new surveillance camera system for the PD. Theirs is only working at 50% capacity, they can't record anything and it sits with a potential liability. I asked Bill for information earlier and just received it from him which is why this was not addressed earlier. We also have word that one of his officers who is out on leave is coming back later than originally planned so there will be some money in the health insurance line that we can transfer over.

Selectman Carson: We've said we're going to have the operating budget by a certain date and if we're making changes this late in the game are we saying if something else comes through we'll change that.

Town Administrator: That's what Bill came up with; we can put it off and see what comes up during the year. There's a good possibility we only have to ask for about half that amount but I have to look at the numbers

on the health insurance side to see what we would potentially be saving.

Selectman Carson: Is there a savings on the salary line as well? To which Jim replied quite possibly.

Selectman Brown: I wonder if we could put it off till the end of the year because I realize that might be a liability.

Town Administrator: Let's do that, see what things are looking like midsummer and we'll have a better idea.

F. **Article 6**

Town Administrator: There are two ways of handing this; we can put the money into the Capital Reserve fund which is fairly clean and the other option that DRA had suggested is that we establish a non-lapsing appropriation per RSA 32-7:VI. I like the latter one better because it clarifies the fact we have to make this non-lapsing which we have to do because it did lapse. Secondly, we don't get into the problem of spending the money, asking the trustees for the money and the trustees having to get back to us which is another level of paperwork that is wrought with time and not being on the same page. This puts that amount of money in the reserve box of the General Fund.

Chairman Hartman: Is there money in the Capital Reserve Fund now?

Town Administrator: There is \$89,000 minus \$45,000 leaves us another \$44,000 that I have to track to find out if we're waiting for reimbursements to be requested.

Chairman Hartman: What else is the balance in the Capital Reserve fund being used for?

Town Administrator: We have \$45,000 that was set aside towards construction and will stay there until the work is started.

Chairman Hartman: If you say it's going to be cleaner doing it that way I will accept that. I don't see anything wrong with putting it all in the Capital Reserve fund.

Town Administrator: We could do that, it's fine either way and will just have to be explained that it lapsed and this is the way we reserve it until the construction is completed.

Selectman Carson: Let's go with number two. Is it easy to pull the money out of there?

Town Administrator: Once it's established as a Capital Fund Reserve money yes. Then we just know that amount is there and it's in there now but not spoken for.

Selectman Brown: The \$45,000 that's in the Capital Reserve fund, to draw that money out is that one of those funds we have to have a public hearing on? To which Jim replied no.

Town Administrator: The advantage of going with a Capital Reserve fund is everyone understands it. The other way saves moving money out of the general fund and it's just another way of doing it and I don't want to make it any more complicated than it is.

Selectman Carson: It's easier to explain.

The board decided to go with the first option.

The Town Administrator stated Articles 7-14 are all monies going into Capital Reserve funds which I rearranged so that they are grouped by department.

Selectman Brown: On Article 9, we're going to approach the Budget Committee for \$45,000 to add to that fund.

Town Administrator: Do you want to do \$25,000? My hope was maybe to give Tim Grant a call to see if he can give me a ballpark to see if you're going to do a full analysis including identifying buildable area,

wetlands, the cost of permitting, etc. as a starter. What I want to do is if I get that figure, come back to the board and say this is large enough that I think it's appropriate to go out to bid on as opposed to using one engineering firm.

Selectman Carson: I'm guessing that's going to be a ballot vote.

Selectman Brown: I think we have just barely enough money to work with now and we shouldn't rile the waters and not put that on the thing and let it set for a year. Do what we need to do, get into a purchase and sale agreement with Whiting, negotiate a price, get this site analysis. Everything I keep hearing from the Budget Committee is that we want to know what it's going to cost. You can't do that even for \$200,000 and this is going to stir things up again.

Selectman Carson: We should be able to get the Whiting property for the assessed value.

Selectman Brown: If we were to do the Whiting property I think we could get that plan assessment done for \$12,000-\$15,000. He asked if we would need to address at this year's town meeting, taking the first piece of property purchased for a Fire Station off the market to be sold.

Town Administrator: We were directed to sell it. We set the price at a point where I don't think most people are going to touch it but we probably have to go back to town meeting as part of the package. And there are people who would like us to hold on to that other property for a number of reasons. So, Article 9 do you want to drop it?

Chairman Hartman: I don't have a feeling on it one way or another and certainly there is a reason to put money into the Capital Reserve fund for a new Fire Station. This directs it to purchasing stuff but it's easy enough to construe it to be able to be saved for the new Fire Station.

Selectman Brown: I think the public is going to want to see an overall package and what it's going to cost as I've heard it so many times. I'm content with keeping that at 0 and not even putting it in.

Chairman Hartman: We sat around the table here with the Fire Department and said this is the game plan which included a \$45,000 Warrant Article.

Selectman Brown: I think we have enough money to do what we need to do and get it before the public and then we'll have to raise and appropriate the money for the engineering and building design.

Town Administrator: Shall we get a motion to take that out?

Selectman Brown made a motion to not present Article 9, motion seconded by Chairman Hartman. A voice vote was taken and all were in favor.

Selectman Brown offered to take Tim Grant down and show him what we want. Selectman Carson was in agreement as long as it ultimately was put out to bid. Jim stated it would give them a ballpark figure and would help delineate the specifications they want in the proposal.

Selectman Brown: Asking Jim how we're going to respond to Article 13, one of the Budget Committee member thought it should be lower. Their rationale is that even though we're going to take care of the grader issue we have a loader coming up.

Town Administrator: We need the money to play catchup.

Selectman Carson: I believe the argument was that if you're going to lease the grader you're going to lease other things.

Town Administrator: You're going to need it whether you lease or purchase and John Leavitt did make the point that we haven't kept to the CIP plan and now we're up against the wall. His concern is that now we have to lease but I think his mind set is like leasing a car and then we have to give the car back. This is a

lease to purchase. Tim Allen tried to explain that to him and he needs a few days for that to process.

G. **Article 15 Odd Fellows**

Town Administrator: I would like to see that doubled.

Selectman Brown: We know it's going to cost \$25,000 to remove that soil. The Budget Committees take on this from my recollection is that until we know what we want to do with the building they don't want to do anything with the dirt.

Town Administrator: That's some of the more vocal members; I think some of the quieter ones know we need to put that money in there.

Selectman Brown: I think we should build this fund and no matter what we do with the building at least we will have money in the fund. We're going to deal with it sooner or later and it won't get cheaper.

Town Administrator: It was fairly clear from DES and Lisa Cameron's company that you really need to get somebody who knows about environmental issues and mitigation so that we don't over spend money or do more than we need to.

It was clarified that there is \$100 in the fund currently. The board discussed needing to hire an environmental consultant, what it might cost, and that another \$25,000 might need to go into the fund.

It was agreed that the amount for this article should be increased to \$25,000.

H. **Building Improvements – Elevator**

Town Administrator: When I met with the Trustees of the Trust Fund their ending balance was higher than mine so I want to go back and double check on something but we may be able to go back and drop that \$40,000 by \$5,000-\$10,000. We're going to leave it at \$40,000 and I will let you know hopefully in the next day or so what that is.

I. **Library Funding**

Selectman Brown: The Library is going to get up and speak for themselves.

Town Administrator: Yes, only because they don't have numbers to back it up higher or lower. That's been the uncertainty over there for quite some time.

J. **Article 22**

Town Administrator: Submitted by the Conservation Commission and it's a procedural thing that allows the Warner Conservation Commission to contribute to land conservation outside the bounds of Warner.

Selectman Brown: Does this mean that the taxpayers of Warner would spend their money in Sutton, Webster, and Hopkinton?

Town Administrator: Yes, you're giving the Conservation Commission the authority to expend funds for contribution to qualified organizations which means, say the Society for the Preservation of NH Forests wanted to get a big swath out of Henniker that borders us, they can say they will give them some money.

Chairman Hartman: Is that what RSA 36-A is? This article doesn't say that.

Town Administrator: You can contribute to qualified organizations such as foundations like the Ausbon Society, somebody who is purchasing property and facilitating transactions is covered there too so you may contribute toward a survey or something like that. He stated he wanted to read RSA 36-A more closely as this came up in Goffstown and it was in theory that they could contribute to an organization that's working on something outside of the bounds of the town.

It also allows Conservation Commission to give money to an organization that's looking at property in Warner so the Conservation Commission doesn't have to deal with it but are supporting that move but then the

stewardship would sit with that other organization, not the Conservation Commission. We have executive interest in it even if the organization folds. That might be something Nancy Martin and I have to get up and explain in Town Meeting.

The other article is one I'm hoping the board will take on because I feel that we've got so many public notices and such it's starting to slow down our work and process and I don't see the need for a Public Hearing if we're going for road construction. Tim needs to pull money out of Capital Reserve fund to finish up we'd have to hold a Public Meeting prior to that and I think it ties our hands too much and don't see the point of it.

Chairman Hartman: Why don't we do the same thing with the highway equipment Capital Reserve fund?

Town Administrator: We could, that's still more of a touchy issue than this. There are still people out there who say you shouldn't have bought a sweeper but not many who say you shouldn't have done Red Chimney Road. I want to get the towns folk used to saying you can rescind something that's no longer viable.

K. **Mill Pond Lane Article**

Selectman Brown: I've done some research on that and there's one deed missing that wouldn't come up on the computer. The one deed I wanted to find and did find is we did reserve a right of way over that railroad track. Selectman Brown read a portion of the deed as follows:

Accepting reserving here from the perpetual right and easement of the town of Warner to construct, operate, maintain and repair sewer or water pipelines or other municipal utilities on the premises hereby conveyed. Including the right to enter by the premises for said purposes of doing so doing no unnecessary damage but subject to the obligation to restore the premises to former condition in the event that such repair or maintenance is needed.

That was when we were talking about maybe hooking up Bradford to Warner for the sewer facility and water lines. It says other municipal utilities and is a rail trail a utility?

Town Administrator: That would be something they would discuss in court I'm sure and I think there would be a strong interpretation of that right of way set up strictly as a mechanical construction right of way as opposed to recreational right of way.

Selectman Carson: If we're going to rewrite it we could alter the terms of that.

Selectman Brown: You can't on the railroad tract because this is the railroad deed but I guess if we don't have a right of way over that railroad right of way then perhaps we shouldn't give up that old road. If you ever want to put that rail trail down there that could be used to take the traffic off Rte. 103.

Town Administrator: Mrs. Donovan is requesting we bring this to town meeting but if we don't she won't pursue it. We're not even close to someone wanting to make a rail trail or snowmobile trail down there.

What does the road right of way have with respect to future development if she was to sell off lots and someone wanted to subdivide it and put up houses? Is the right of way a plus or a minus?

Selectman Brown: An absolute plus. Then they petition the board to lay out a class V road, they get hit with all the expense but the layout is there.

Town Administrator: From town planning purposes does it make sense to give it up or let sleeping dogs lie?

Selectman Brown: It probably makes more sense to get rid of it so that we don't have to ever deal with a development down there.

Town Administrator: Suggested postponing it for a year.

Board Action

Chairman Hartman moved that we take the article of Mill Pond Road discontinuance off. Selectman Brown seconded the motion. A voice vote was taken with all in favor.

6. Adjournment

Selectman Brown made motion to adjourn, seconded by Chairman Hartman. A voice vote was taken with all in favor. Meeting adjourned at 8:36 pm.

Board of Selectmen

David E. Hartman

Clyde Carson

Allan N. Brown

Recorder of the minutes: Lois Lord