



**Warner Board of Selectmen
Meeting Minutes
Tuesday, March 1, 2016
APPROVED**

Chairman Hartman opened the public session at 6:00 pm.

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

Others present: Ray Martin, Martha Mical, Barbara Annis, John Leavitt, Judy Newman-Rogers,

1. 2016 Town Meeting

- A. Ray Martin, Moderator for Town Meeting, discussed the order of the warrant articles and who will be speaking in behalf of the article.
- B. Given the number of articles the meeting may need to recess until the following day.
- C. Selectman Brown said he likes how the Town of Newbury presents annual expenses. They are presented in one article. John Leavitt asked if that can be done with capital reserve funds? The answer was yes, the expenses are listed separately presented in one warrant article.
- D. There will be 250 yes/no ballots created for Town Meeting.
- E. Judy reported that it took the Supervisor's of the Checklist 87.5 hours between the three of them to complete the necessary work after the Primary. She said the State continues to add work to the Supervisor's. There was also 64,000 new voters in the State of New Hampshire on Primary day.

2. Manifest

Selectman Carson moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4050 ~ 4071 in the amount of \$35,833.88 (including 22 direct deposits) and Accounts Payable check numbers 52004 ~ 52059 in the amount of \$131,431.23. Selectman Brown seconded the motion, motion passed 3-0.

3. Consent Agenda

Selectman Brown moved to approve the Consent Agenda for March 1, 2016:

- Land Use Change Tax for Map 15 Lot 37-6

Chairman Hartman seconded the motion, motion passed 3-0.

4. Meeting Minutes

Selectman Brown moved to approve meeting minutes dated February 16, 23 & 23 nonpublic. Selectman Carson seconded the motion. Motion passed 3-0.

5. Solar Array

- A. Selectman Carson reported once Town Meeting approval is granted for the project the \$75K rebate needs to be addressed immediately. The reason being is the Public Utilities Commission has a small pool of funds to disburse from. In terms of the rebate, the Legislature has cut that back. The rules are proposed for review, there will be a session at the state on Thursday of this week. Selectman Carson spoke with Liz Nixon, who is the person in charge of the rebate program who said if the application is in place before the rules change the rebate would be considered under the current rules. Harmony, the contractor, needs a contract from the town that allows the town to submit the rebate application contingent upon Town Meeting approval.
- B. John Leavitt asked who is paying for Harmony to complete the rebate application. Selectman Carson said there is a commitment of \$3,500 due after Town Meeting. If Town Meeting doesn't approve the project the town will still owe Harmony the money.

- C. At this time Alan Wagner entered the meeting and presented a document for the Board to read into the record (attached).
- D. John Leavitt would like to know what line item the \$3,500 will come from. Selectman Carson said worst case, the money would need to come from the contingency fund. John said there's no line item for solar array. The Town Administrator said because the Selectmen are moving forward with the Solar Array, if they incur any other expenses it will be paid from the Officers of the Selectmen. John asked if the Board is missing his point. Chairman Hartman said we have not had a vote at Town Meeting to not do anything with the Solar Array, this is an initiative by the Board of Selectmen. Selectman Carson said he disagrees with John because the Selectman manage to the bottom line of the budget and if the Board decides to do this and not something else, that 's the Selectman's prerogative. John said that's not what the RSA says. Selectman Carson said the RSA does say that John. John said you have to have a line item in order to expend the money.
- C. Martha said she was expecting the Board to say there was an amendment to the warrant. Selectman Carson said no, there isn't, the amendment is to the contract. Martha asked why isn't there an amendment to the warrant due to the fact that \$30K is not needed now. Selectman Carson said we haven't talked about that, there may be some reason to amend, his main focus is to get the contract ready. Martha asked does the town have to pay the \$30K? Selectman Carson said EverSource has gone out and looked at the poles and said the equipment out there can handle the electricity where at first it was thought it could not. The estimate of \$30K is no longer the case, there will be some ancillary charges from EverSource that could amount to about \$2K. Martha asked if the Board is planning on doing an amendment on the floor. Selectman Carson said we haven't talked about that yet. Selectman Carson stated again that this project is a revenue generator for the town. At the end of the year this project generates more cash than it uses.
- D. Selectman Carson said the City of Franklin is in trouble because their project can't fit under the cap, they are waiting for the Legislature to raise the cap.
- E. All the necessary paperwork will be submitted to the Public Utility Commission by this Thursday.
- F. Selectman Carson will man a table with information on voting day as well.
- G. Chairman Hartman asked Selectman Carson if he is planning on offering the amendment. Selectman Carson said he has no objection to doing that, it makes sense, he's not sure about offering up the entire \$30K, he feels it makes sense to have some money available for ancillary work.

Board Action

Selectman Brown moved to authorize the Chairman of the Board of Selectmen to sign the amended contract and the abatement application for the Solar Array Project with Harmony. Selectman Carson seconded the motion, motion passed 3-0.

6. Roundabout

- A. The Town Administrator provided the Department of Transportation comments on the final design of the roundabout. The Board needs to review the responses from the engineer (McFarland Johnson) so they can get them back to DOT. Then a meeting will be established with DOT to finalize anything regarding the final plans and then at that point it will move quickly to advertise for the bid process.
- B. There is a maintenance agreement in terms of what the towns obligation is once the roundabout is completed. The Town Administrator has also provided a copy to the Department of Public Works.
- C. Selectman Brown said to the audience that some of this stuff was agreed upon in July 2015 and DOT rehashed it again last month because they changed personnel.
- D. Barbara Annis commented on some work over Stevens Brook that is not in the scope of the roundabout project. The Town Administrator said the town is leaving that in the hands of the engineer to push back to DOT to say that work is not the responsibility of this project.

Board Action

Selectman Brown moved to accept McFarland Johnson comments for submittal to the Department of Transportation, and accept the maintenance agreement. Selectman Carson seconded the motion, motion passed 3-0.

- E. Martha asked if there is a chance to meet with DOT before Town Meeting? Selectman Brown said no.
- F. John Leavitt asked if the state approved the plans per the comments? Or are they just looking for a response to the comments. Selectman Brown said if the state does not like what has been reported they will come back with another set of comments and then the town sends back the answers. The Town Administrator said McFarland Johnson mentioned to him on the phone that William Rose from DOT has pretty much provided verbal approval but he wants the responses in writing.

7. Winter Maintenance Policy

- A. Martha Mical noted in the policy in one section it says the next priority is the maintenance of sidewalks which may be cleared of snow but not bare, and then the maintenance of public parks and properties and exits. And then the policy says three paragraphs later the town is not required to perform winter maintenance activities on access roads to public parks and their parking areas. She feels one of them needs to be removed. The Town Administrator speculates the Public Works Department will make a priority to open up certain areas such as the drive to the ice skating rink. It is clear in the policy it is not an expectation. The Town Administrator will talk to the Director of Public Works who created the policy about combining paragraphs 4 and 7 so that it is better explained.
- B. Martha pointed out a typo in paragraph 15 and under plow routes in the first paragraph Kirkland St. is listed twice and Slayton Lane is really Slayton Road in H6.
- C. Selectman Brown wants a disclaimer added at the end of the policy saying at the Director of Public Works discretion he can alter the plow routes at any time.
- D. Selectman Carson asked where the policy was posted for comment. The Town Administrator said it was only posted on the website. Selectman Carson questions if that posting provided enough feedback opportunity for those who work at the Highway Department. Selectman Carson would like to see the policy posted in other areas for comment such as the Post Office, Library and Transfer Station.
- E. An audience member asked if this policy will be posted on the website every year? The Town Administrator said once it's approved the policy will be posted under Regulations/Publications.

8. Town Administrator's Report

Roundabout Design: I spoke with Gene McCarthy of McFarland Johnson about the number of comments on the final design plan from William Rose's office, which are now under review by Gene and his staff. Gene stated that the comments, though numerous, is due partly from new individuals reviewing the plan. A number of these "new" comments have been addressed at prior reviews and meetings. Gene did mention that he had a concern about the DOT's comment that the old guard rails on Rte. 103 over Stevens Brook need to be replaced with new guard rails that meet current safety codes. Gene expressed some concern about this request because the high cost of removing the creosote treated wood posts, which are considered hazardous waste, could significantly increase costs for the town. Gene will talk to William Rose about having the State pick up the full cost of this additional work.

Provan & Lorber: The selectmen's office received a letter from Provan and Lorber announcing the retirement of Terry Lorber and the closing of the business. This letter was email to the Board last week. Terry is referring us to Northpoint Engineering, LLC in Pembroke. This firm has worked as partners with Provan and Lorber on several projects and comes highly recommended. Northpoint is familiar with the 2 upcoming projects that the town has with Provan & Lorber and will be preparing proposals for them. Northpoint plans to contact the Selectmen's Office to schedule a visit to introduce themselves to the Board and the Director of Public Works.

Selectman Carson said the town has considered Provan & Lorber as the town engineer of record, does it mean the town automatically default to Northpoint because Provan & Lorber says we should? He feels they can recommend, it's the town who chooses an engineer of record.

Head Start program inspection: Melvin Furbush, Tom Baye, and I met with Beth Hennessy, Head Start Director for Belknap Merrimack CAP and Domo, BMCAP facilities director to review the head start space in preparation for a major inspection of that area in the week of March 14. There were several safety issues and repair items that were identified, such as areas that need painting, fixing the fence gates and cracked floor tiles, which the town is already addressing. Head Start staff and volunteers are busy cleaning, painting and repairing or replacing their classroom and playground areas as well.

The Town Administrator said there are gaps between the wall and ceiling and where the pipes go through the wall in the inner classroom at Headstart. A contractor was called to obtain quote for that work plus to build a small screen compartment for loose wires for about \$600 and is looking for Board approval for that expense. The Board approved the expense.

Town Report: The town report has been mailed and delivered to the Selectmen's Office.

Building Inspector: Tom Baye, the town's building inspector, is taking a leave of absence from his duties for about three months beginning on Feb. 26. Tom will be out of the state for this time period and has lined up Peter Wyman to cover for him in his absence.

9. New Hampshire Municipal Association – Client files on requests for legal advice

- A. The Town Administrator explained NHMA sent a letter, they are clearing the legal advice files that are older than January 2010. If the town wishes for the information be returned, the documents will be made available. A request needs to be submitted no later than May 1, 2016.

Board Action

Selectman Brown moved to ask NHMA for requests for legal advice that are older than January 2010. Selectman Carson seconded the motion, motion passed 3-0.

10. Map 16 Lot 24

- A. Tim Blagden contacted the Town Administrator requesting a letter from the Board of Selectmen stating that they have an intention to purchase Map 16 Lot 24. This was looked at by the Selectmen in 2015 as a couple of lots that were coming up for state surplus. The Town Administrator informed Tim that this is a short notice. Time wanted the letter tomorrow because someone from the Department of Transportation was going to bring it up before a committee Wednesday afternoon. Selectman Carson recommended a general letter in principal that would allow more time for the town to look at it in more detail.

11. Conditional Purchase & Sales Agreement for Map 34 Lot 15

- A. An audience member asked if any consideration has been made to have the Police Department move to the current Fire Station and the current Fire Station move to the Police Station? Selectman Brown said one of the biggest concerns is the Fire Department does not want to start out on a call below the hill at the Police Station because of the weight of the water in the trucks (1,500 gallons) which will add to the response time. The majority of the calls are on the east side of town.

Board Action

Selectman Brown moved to grant the Chairman authorization to sign the Purchase & Sales Agreement contingent upon further review. Selectman Carson seconded the motion. Chairman Hartman abstained. Motion passed 2-0.

- B. Judy asked if the Selectmen have given any thought as to what would happen with the current fire station as an answer for Town Meeting as well as the house on Map 34 Lot 15. Selectman Brown said as one Selectman he would vote to sell the fire station but he doesn't see anything happening for at least 2 years. The Board has discussed the possibility of selling the house on Map 34 Lot 15, again this may take another 2 years but first he would like to see an architectural study completed, the house may be utilized for the new fire station as office space.
- C. Selectman Brown suggested adding a privacy hedge for the abutting property. It would be about 200' long.
- D. Barbara Annis asked if the emergency lights are immediately turned on when responding to a call. Selectman Brown said yes, it's a requirement. The sirens are optional during late evening and early morning calls; the officer in charge of the truck makes that call.

12. Davisville Forest

Martha reported part of Davisville Forest has been sold to a private owner.

13. Library/Solar Array Project

- A. Selectman Carson said the Solar Array Project is based on the electric usage from all the town buildings. The Library represents about 25% of that usage. EverSource, because the town is considered a commercial operation, the credit is not issued to the individual meters, they will send the town a check which will be recognized as revenue. The question from the Library is, your using our electricity usage to justify the array, but the Library is not seeing the benefit from it, they will still pay the same electric bill every month. The question is, is it fair. Selectman Carson said maybe the Board should look at a way, based on the net profit from the solar array, to consider giving the Library a share of that revenue. Selectman Brown said we are not doing that for any other building. Selectman Carson said he is sympathetic to it and the Board should actively consider giving the Library a share in the revenue. Selectman Brown said he's sympathetic, but this isn't sitting right with him and wants time to think about it, he's feeling they are double dipping.
- B. John Leavitt agrees with Selectman Brown and feels the Library is no different from any other town building and are being treated the same. Selectman Carson said the difference is the town is receiving the revenue and that benefits everything on the town side, the Library has it's own accounting. Selectman Carson encouraged a future discussion.

14. Adjournment

A motion was made and seconded to adjourn at 8:15 pm.

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

Recorder of the minutes: Mary Whalen