



**Warner Board of Selectmen
Meeting Minutes
Monday, March 7, 2016
APPROVED**

Chairman Hartman opened the meeting at 4:17 pm.

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

1. Town Meeting

- A. The Town Administrator brought the Selectmen up to speed on what will be transpiring at Town Meeting in regards to the anticipated ballots, the order of the warrant articles and other anticipated discussions.
- B. In regards to the fire station site it is anticipated that there will be discussion about are we going to follow RSA 41:14a, and will there be 2 public hearings. The Town Administrator read RSA 41:14a into the record as follows:

41:14-a Acquisition or Sale of Land, Buildings, or Both. –

I. If adopted in accordance with RSA 41:14-c, the selectmen shall have the authority to acquire or sell land, buildings, or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 7 days no later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to the sale of and the selectmen shall have no authority to sell:

(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 547:3-d.

- C. There are two letters addressed to the Planning Board and Conservation Commission. It may take about a month to receive their recommendations due to their meeting schedule and with the 2 public hearings it could take 45 to 90 days before a decision can be made. Selectman Brown said that's not the time frame the property owner was looking at, he was looking after Town Meeting, not in the middle of summer.
- D. Chairman Hartman asked what the attorney's position is. The Town Administrator said the attorney looked at what was passed last Town Meeting. At the 2015 Town Meeting there was a warrant article that created a new capital reserve fund for the purpose of purchasing a new fire station site, designing and constructing a fire station and to name the Board of Selectmen as Agents to expend from that fund. So the expense from that fund must meet the purpose of that fund and the voters authorized the Selectmen to do so, that's the opinion of the attorney.
- E. Selectman Brown read part of the opinion from the attorney:
Jim, it appears to me the original article gave the Selectmen all the authority they needed to purchase property. While I commend the Selectman's interest in transparency, the process under RSA41:14a was unnecessary. More over I was given to understand some of the things were dated back because of the petition. Consequently I conclude the petition could not have been in response to the proceedings under the statute.

- F. Selectman Carson said the way he understands RSA41:14a is that it gives the Selectmen the authority to buy and sell land between Town Meetings. Selectman Brown said that is basically the way he sees it too. Selectman Carson said he has no problem asking the legislative body again for this specific piece of property on Wednesday night. If the voters approve, he doesn't think RSA 41:14a comes into play. Selectman Brown agreed. The Town Administrator asked Selectman Carson how he sees this playing out at Town Meeting. Selectman Carson said the feedback he has received since the informational session, he doesn't think there will be much objection. He thinks if people say they want to learn more about it, he has no objection having another informational session. Chairman Hartman said I would hold a session after the Planning Board and Conservation Commission provides their input. Selectman Brown said I think by law we have to have the Planning Board and Conservation Commission input. Chairman Hartman said if we don't do RSA41:14a we don't need their input. The Town Administrator said but it is a courtesy to do so, and following the RSA will bring the time line out considerably. Selectman Brown said if Town Meeting authorizes us to purchase the property then they gave us the authority to do so. Selectman Carson agreed, but the correct way to do it is RSA41:14a is the process that takes place when there is no Town Meeting, so if the legislative body says to purchase then we should do it. The Town Administrator made a suggestion, he asked the Board how they feel about getting the vote on the warrant article and then look at getting at least a straw vote on the property being presented. Selectman Carson said he would welcome an amendment that says the money is to be used for the purchase of the land.
- G. Selectman Carson said the neighbor next to the property has not spoken in objection. Chairman Hartman said it behooves us to not make it appear as though we are trying to ram something through against the town's will. And if too many questions come up about the public hearings, we should just volunteer to have 1 public hearing. Selectman Brown feels someone from Town Meeting floor will say why?
- H. Chairman Hartman said it's almost the same feeling he has about doing away with the requirement to hold a public hearing before we expend for road construction. He said if everyone is outraged, and that the Selectmen did a horrible job, we will have a public hearing. It's not like we are hiding anything. Selectman Carson said it all goes back to the street sweeper. The Town Administrator said the purpose for rescinding that requirement is to be able to handle situations that are unforeseen. Selectman Carson thought the way it was written we could act in an emergency. Chairman Hartman said that was for equipment purchase not for road construction. The Town Administrator said it was not written in the article for road construction to be able to act in an emergency. This concerns the Director of Public Works.
- I. Selectman Carson said we also need to be prepared with an amendment to reduce the amount for the solar array warrant article because \$30K is no longer needed for equipment upgrade, \$28K less in the amendment. The Town Administrator said he would create that amendment.

2. Bartlett Fund Request

- A. Simonds Elementary School is requesting funds from the Bartlett Fund to help support a program on April 15, Plymouth State will present Beyond Borders. The request is for \$875.62.

Board Action

Selectman Brown moved to approve funds from the Bartlett Fund in the amount \$875.62 that will support a Plymouth State program called Beyond Borders. Chairman Hartman seconded the motion, motion passed 3-0.

3. Other Business

- A. Selectman Carson said Rural Development needs a projected 2017 operating budget to confirm the town can pay monthly payments on the solar array. The Town Administrator will be contacting Rural Development for further clarification on what they need.
- B. Selectman Brown is waiting to hear back from the state on whether there is a requirement to have a flashing yellow light in front of a fire station.
- C. Chairman Hartman said he has been in contact with the entity that will do the lift at the Town Hall.

4. Nonpublic Session

Selectman Brown moved to go into nonpublic session at 4:43 pm under RSA 91-A:3 II (d), consideration of acquisition, sale or lease of real or personal property. Motion was seconded by Selectman Carson. 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 4:55 pm.

5. Seal and Restrict

A motion was made and seconded to seal the March 7 nonpublic meeting minutes. All were in favor the motion passed 3-0.

6. Adjournment

A motion was made and seconded to adjourn at 4:55 pm.

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

Recorder of the minutes: Mary Whalen