



**Warner Board of Selectmen
Meeting Minutes
Wednesday, March 16, 2016
APPROVED**

Selectman Carson opened the meeting at 4:00 pm.

In attendance: Selectman Clyde Carson, Selectman Allan N. Brown, Selectman John Dabuliewicz, Town Administrator – Jim Bingham

Others present: Rick Davies, Barbara Annis, John Leavitt, Ed Mical, Matt Esenwine, Martha Mical, Aedan Sherman, Jonathan Lord, Ed Raymond

1. Vote for Chairman

Selectman Brown moved to elect Selectman Clyde Carson as Chairman. Selectman Dabuliewicz seconded the motion, motion passed 3-0.

2. Board of Selectmen Board/Commission Assignments

Highway Safety Committee – Selectman Brown
Parks & Rec – Selectman Brown
Budget Committee – Selectman Brown
Energy Committee – Chairman Carson
Nancy Sibley Wilkins – Selectman Dabuliewicz
Planning Board – Selectman Dabuliewicz
Road Committee – Selectman Dabuliewicz
Planning Board Alternate – Selectman Carson
Website Committee - Selectman Carson

A. The Town Administrator recommended reactivating the Road Committee, he will work with the Chairman on a more definitive plan. Chairman Carson recommended making the Road Committee an agenda item to talk about how the Board wants to use the Road Committee. He also suggested a sub-committee from the Road Committee that focuses on the roundabout. There is also talk about creating an Economic Development Committee, Selectman Dabuliewicz would be interested in that committee.

3. Meeting Procedure

A. Selectman Dabuliewicz asked what rules of order are followed during a meeting. Selectman Carson said we follow the agenda and we are informal. Selectman Dabuliewicz said maybe in some circumstances Roberts Rules would make sense.

4. Fire Station Site (148 West Main St.)

A. The proposed site is located at 148 West Main St. The Selectmen discussed what the next steps will be to secure this site. The Selectman's office has sent letters to both the Planning Board and the Conservation Commission asking for some input on the proposed property. Selectman Dabuliewicz asked since attorney advice said the town does not need to follow RSA 41:14a because the legislative body (Town Meeting) approved the purchase of 148 Main St., what is the purpose of receiving input from both the Planning Board and Conservation Commission in terms of purchasing the lot, not construction, that's a separate issue. John said RSA 674:54 lays out a process that says the town has to notify the Planning Board and Conservation Commission at least 60 days prior to construction with plans. He doesn't understand the roles of the Planning Board and Conservation Commission on whether the town should purchase the lot or not in this circumstance.

B. Chairman Carson called upon Rick Davies who is the Planning Board Chair. Rick said he was going to ask the same question as Selectman Dabuliewicz. The Planning Board did receive the letter from the Selectboard at their last meeting. He is confused as to what the Planning Board could add at this point, typically they only respond to a set of plans.

- C. Selectman Brown said he can see the Selectboard getting a letter back from the Planning Board similar to what was sent for Map 34 Lot 20-2. He said he has spent hours talking to the two abutters of 148 W. Main St. about screening their properties from the fire station. He spoke to them about how the town will take care of the drainage issues. A state driveway permit has already been granted. He said there shouldn't be a traffic concern because the state allowed in 1986 to build a town road so there shouldn't be an issue with sight distance. He, himself doesn't know what the Board can give the Planning Board that wasn't already discussed at Town Meeting.
- D. Barbara Annis said for this particular parcel the town has received approval from Town Meeting to purchase.
- E. Chairman Carson said he would like to be on the side of over communicating as opposed to under communicating. If the Planning Board returns saying we have nothing to say at this point, that's OK. Selectman Brown said we spent the money to have legal counsel guide us and legal counsel says Town Meeting trumps all other rules. The Legislative body approved the purchase and Selectman Brown said he made it very clear which property would be purchased. He said the Selectman do not need to follow RSA 41:14a which is specifically for property purchases without Town Meeting approval.
- F. John Leavitt agrees that Town Meeting provided the Selectmen with the authority to purchase 148 West Main St. Selectman Brown said he doesn't want to see this drag out to the point the town loses the land.
- G. Judy Newman-Rogers said the vote at Town Meeting asked to put money into a fund to buy property and in the discussion the property was identified. Judy thinks RSA41:14a comes into place where now the Board has the money to buy the land, so she thinks to have the public hearings and to follow RSA41:14a which was previously adopted, to be the next step.
- H. Rick suggested, unless it's imperative to have a response by the Planning Board pursuant to what Judy was saying, it would make more sense if there is input from the Planning Board as the conceptual design progresses in the schematic phases, 60 days before building a fire station.
- I. Selectman Dabuliewicz said in regards to what Judy said, we are talking about what it says in the article that established the capital reserve fund (2015), not the one we voted on last week. That's the one (from 2015) that authorized the Selectmen to buy land and act as agents to expend from the fund. The article last week just added money to the previously establish capital reserve fund.
- J. Ed Mical said he understands RSA41:14a, the Board held 2 public information meetings prior to Town Meeting that explained what the Board was looking to do and in addition the public was noticed as well, he feels the Board is good to go.
- K. Selectman Brown added as the process moves forward the Board intends on holding public meetings on every aspect of the project. When the Fire Station Building Committee comes up with a specific amount of square footage needed, there will be a public meeting on that so the public can agree or disagree. He said he doesn't want to do a lot of planning and find out know one will support it. The question is will the voters support a new design or will the public support a \$2.7 million dollar 14,000 square foot building? That was the price tag in 2011, \$2.7 million for the building, plans already available.
- L. Selectman Dabuliewicz said just to close the previous discussion about the 2015 article 12 which said.

Shall the Town establish a Capital Reserve Fund under the provisions of RSA35:1 for the purchase a new fire station site, and design and construction of a new fire station on that site, and further to raise and appropriate the sum of \$165,000 (One Hundred Sixty Five Thousand Dollars) to be placed in this fund? Further, to name the Board of Selectmen as agents to expend from said fund?

Selectman Dabuliewicz said that's the authorization, he feels the Board should move forward and purchase the property.

Board Action

Chairman Carson made a motion to move forward with the purchase and sales agreement for 148 West Main Street. Selectman Brown seconded the motion, motion passed 3-0.

5. Winter Maintenance Policy

- A. The Town Administrator explained the policy was available for viewing and comment on the website for several weeks and has been posted at the Library and the Post Office. Since then the Town Administrator has looked over the policy and has reorganized it a bit and clarified Class III and Class IIIa roads.
- B. Chairman Carson asked if any comments were received. The Town Administrator said no, only the comments during the last time this was discussed. He also asked if the Director of Public Works has looked at this version. The Town Administrator said no, but the DPW is aware of the changes he was making and was good with them.
- C. Chairman Carson recommends putting the policy in practice to see how it works.

Board Action

Selectman Brown moved to accept the Winter Maintenance Policy as written as of 03/16/16. Chairman Carson added subject to the Director of Public Works final review. Chairman Carson seconded the motion. Selectman Dabuliewicz is choosing to abstain because he did not have a chance to read it. Motion passed 2-0.

6. Summary of Town/Department Projects

- A. The Town Administrator said the purpose for this discussion is to give an overview of projects for this year.
- B. Chairman Carson said it would be better to focus on a few projects and do them well as opposed to doing many projects and not being able to complete them.
- C. Selectman Brown said the lift needs to be completed this year. Another is the roundabout.
- D. Video system within the Police Department needs to be upgraded. The Police Chief is obtaining quotes, one quote was for \$12,900 and is busy obtaining another. This project was brought to the Town Administrator's attention well after the budget process began and recommended putting the project on hold to see what happens during the course of the year. If it's found the Police Department has surplus in their budget it can be recommended to the Selectmen to complete this project from the operating budget. Chairman Carson asked if there was discussion about this during the budget process. Selectman Brown said yes, at the end of the process when the budget process was finishing up.
- E. Chairman Carson feels Economic Development should be on the list as well.
- F. Energy lighting will be supported with a grant from EverSource.
- G. The Board prioritized the projects:
 - Lift – all agreed it's a priority.
 - Surveillance System – all agreed to hold off till later in the year and would like to meet with the Police Chief for further discussion.
 - Fire Department – all agreed that it is a priority. The Fire Station Building Committee will convene in the beginning of April.
 - Odd Fellows Building – The Town Administrator said this is the most complex project because the town has to proceed with mitigating the hazardous material and make sure the town is in compliance with the Department of Environment Services and the Environment Protection Agency without spending more money that needs to be spent. He feels it should be considered to bring in an Environmental Consultant to get an overview on what they feel is the best way to handle the identified hazardous materials. Chairman Carson would like to put this on high priority. Selectman Brown reminded the Board members the test results are only good for one year, he doesn't want to spend the money twice.
 - Personnel Policy – this policy needs clarification in some areas. Chairman Carson suggested on focusing on some key areas. Selectman Dabuliewicz volunteered to help.
 - Property from the School District – this property would allow for parking at the Odd Fellows Building. The Town Administrator said he received an email from School Board member Ken Bartholomew regarding the status of this lot line adjustment, he will forward the email on to the Board members.

- Roundabout – all agreed it is a priority. There needs to be an overseer of the project even though the engineering firm is providing an overseer. Selectman Brown feels it is important to have the DPW involved. Barbara Annis said she is concerned as well and would like to see someone from the Selectboard observing the project. Chairman Carson suggested a regular status report at every Selectman’s meeting. Selectman Brown said he will stay involved in the project.

7. Town Meeting – Request to Change the Day to Saturday

- A. Matt Esenwine has lived in Warner for 8 years, he moved here from Weare where is he was active in the town government. Matt said following Town Meeting he spoke to several people in town who were disappointed at the low turn out at Town Meeting and disappointed in the way some articles turned out because of the lack of participation. Matt has spoken to several people who feel there would be a better turn out for a Saturday Town Meeting. Matt wanted to bring this to the Board's attention.
- B. Martha Mical said Saturday Town Meetings were tried out and it didn't work out so well at that time, couldn't get enough people. But that was a long time ago, and family's have changed since then. Chairman Carson said he is open to Saturday, and in the next Newsletter we can solicit input.
- C. Martha Mical suggested putting the change to Saturday on the ballot on one year to change it the following year.

8. Traffic Counts

- A. Planning Board members Barbara Annis and Aedan Sherman met with the Board. This past February a letter was received from Central NH Regional Planning Commission with a collection of traffic counts. Barbara said she and Aedan met with Dean Williams from CNHRPC, and the Director of Public Works. The CNHRPC would like to see a 3-year cycle, each cycle has 10 counts. Barbara said there will be 5 priority and 5 secondary counts. Chairman Carson confirmed the counts are a consensus of the emergency responders, the DPW and the Planning Board. Barbara said yes.
- B. Selectman Brown asked why there are state roads listed for a count. Aedan explained those state road counts are for planning purposes, especially at exit 9. Selectman Brown said the state usually counts their own roads so the town didn't have to use up our space on the CNHRPC counts. Aedan said there has been a change in that. He said when we put this together it was sent to CNHRPC to see if there was any duplicates as far as other towns and the state; the only one found was in Hopkinton. Also, the state may be phasing the road count system out.
- C. Chairman Carson asked if it would make sense to have the same group look at the report and then come back with recommendations. Selectman Brown said the report is a great tool. When he ran the Highway Department he used the road counts every year when he was putting together projects.

Board Action

Chairman Carson moved to ask the Planning Board submit the traffic count recommendations on behalf of the town. Selectman Dabuliewicz seconded the motion. Aedan asked the Board if they want the Planning Board to take this over entirely. Chairman Carson suggested the Police Department and the Highway Department should be a part of that working committee and if that's the case he would be in favor. All were in favor, motion passed 3-0.

9. Economic Development

- A. The Town Administrator explained Buxton Inc. who is traveling throughout the country looking for sites for national and retail chains will provide a presentation on Wednesday, March 22 at 3:00 pm.

10. Requests for Audio Recordings of Board and Committee Meetings-Review to Revise 2008 Policy

- A. The Town Administrator would like to table this discussion because he is still looking at minutes where this discussion came up. The 2008 policy had the town place the audio recordings on the website and apparently that was not feasible. And there was discussion a few years back which needs to be verified if there was a decision made.
- B. Martha Mical said that was precipitated by a town vote to put the audio's on the website and when it was done it crashed the website. She said the Town of Webster has no problem putting their audios on their

website. The Town Administrator asked who is their internet provider. Martha was unsure, but she said it is certainly feasible. Chairman Carson said Webster uses a subscription called Virtual Town Hall, and with that comes a lot of different features, we couldn't do that on our own. Martha would like to see the Selectmen say that audio's can be copied until the policy discussion continues. Martha said a copy was refused earlier this week. The Town Administrator said yes it was refused, and then after looking at the current policy he reversed his decision and a copy was provided.

- C. The Town Administrator said the reason to revisit this policy is there is always potential trouble when you have the official meeting minutes and then you have an audio, we need to decide as a town how do you want to handle that. From a legal standpoint it has created difficulties with other towns. The policy needs to be cleaned up.
- D. Jonathan Lord said for the Virtual Town Hall software you would need to upgrade the hardware. Jonathan asked if there is an ability on the website to put the question about Saturday Town Meetings, yes or no, with a real time tally. Chairman Carson said the last time he checked it cost \$800 per month for Virtual Town Hall.
- E. Judy said when she went to pick up an audio version of a meeting at the Selectman's office she was told those requests were being put on hold. She was told that attorney's said it was problematic to have a number of audios out in the public, and New Hampshire Municipal Association agreed. Judy said in her eyes it supports the town documentation of the minutes that are on file because the audio has the detail. She has never agreed with destroying audio's. Judy would like to know what prompted this discussion because if it's going to be a problem to put the audio anywhere, or to make it available, then at the very least she would like the Board to agree we can still get the audio.
- F. Selectman Brown said he thought the Board had this discussion last year, we didn't want both audio and written minutes out there, only one would be the official record. He said if the Board approves the minutes then you don't want the audio as well. The Town Administrator said because minutes are not verbatim and because the audio is released it causes people to compare the two. The advice from attorney's is to use the audio as a tool to create the minutes and after the minutes are approved erase the audio. Since this has not been made clear in the current policy, it's coming up again.
- G. Judy said if the Board is going to destroy audio's then they need to be more diligent when they approve minutes. She said we always had Board's and Committee's that had secretaries, and they attended the meetings and when you take that away to someone who is just listening to a meeting you are opening it up to more interpretation. She said when she has to research something there are a lot of people who are happy that there are detailed documents and tapes to defend the town.
- H. Until the policy is reviewed audio's will be made available.

11. Resignation – Almoner of the Foster & Currier Funds

Selectman Brown moved to accept the resignation of O. Fred Hill as an Almoner and appoint Jere Henley until the next election in 2017. Selectman Dabuliewicz seconded the motion, motion passed 3-0.

12. Other Business

- A. Selectman Brown said he spent time with John McGilvary, an abutter to the property that will house a new fire station. He will also convene the Fire Station Building Committee.
- B. Selectman Dabuliewicz reported that the Conservation Commission Chair, Nancy Martin, would like to come before the Board to talk about the lot on Bartlett Loop next to Children's Brook.
- C. Barbara Annis said 2 years ago the Selectman's office asked the Planning Board to create a list of individuals we thought would be on the Economic Development Committee and submitted it to the Selectman's office. The Town Administrator said at that time it was agreed to leave Economic Development for this year and he does have the file with the names provided by the Planning Board.
- D. Selectman Brown will work on the Quit Claim Deed for an old right of way in regards to a portion of Mill Pond Lane that has been reverted back to the abutting property owner of Map 16 Lot 37.

13. Manifest

Selectman Dabuliewicz moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4072 ~ 4090 in the amount of \$33,499.12 (including 21 direct deposits) and Accounts Payable check numbers 52060 ~ 52110 in the amount of \$403,296.75. Selectman seconded the motion, motion passed 3-0. Selectman Brown seconded the motion, motion passed 3-0.

14. Consent Agenda

Selectman Brown moved to approve the Consent Agenda for March 16, 2016:

- Thank you letter to R.C. Brayshaw
- Building Permits for:
 - Map 10 Lot 19-1-1
 - Map 34 Lot 010-1
 - Map 3 Lot 58
- Cemetery Deed (Replacement)
- Intent to Cut for Map 36 Lot 1-2
- Application for Tax Credit/Exemption
 - For Solar Map 19 Lot 16-1
 - For Veteran Map 15 Lot 49 (2)

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

15. Meeting Minutes

A. Judy asked about the meeting minutes that were not created because the recorder had died. She said someone at the meeting was supposed to create those minutes and she is wondering if that was ever done. Chairman Carson recommended a high level statement be created for the section that was not recorded.

Selectman Brown moved to approve meeting minutes dated March 1, 2, 3, and March 7 public and nonpublic. Chairman Carson seconded the motion. Selectman Dabuliewicz abstained. Motion passed 2-0.

16. Town Administrator's Report

Roundabout Design: The invoices and backup documents for the Phase I and II design for the Roundabout have been compiled and is ready to be submitted to NHDOT upon receipt of final invoice from McFarland Johnson and final approval of the design plans.

Bartlett Loop: Nancy Mayville at NHDOT has approved payment of the final invoice from Morello Construction, which included the cost overruns of \$16,638.83. Our final payment of this amount will be made next week and our request to NHDOT for reimbursement of approximately \$134,000 will be made next week as well.

Head Start program inspection: Melvin Furbush has worked at the CAP building during the past week addressing most of the items that came up during our inspections, such as areas that need painting, fixing the fence gates and cracked floor tiles, etc. Burrington Construction came in to fire taping of the head start classroom and build an enclosure for the telephone wiring in the hallway so that it was not open to the children. Head Start staff and volunteers clean, painted and repaired or replaced items in their classroom and playground. There are some issues regarding the plumbing and the proper use of the sinks in the Head start space that are being addressed so that unnecessary repairs can be avoided.

17. Adjournment

A motion was made and seconded to adjourn at 6:30 pm.

Board of Selectmen
Clyde Carson
Allan N. Brown
John Dabuliewicz

Recorder of the minutes: Mary Whalen