



**Warner Board of Selectmen
Meeting Minutes
Tuesday, April 26, 2016
UNAPPROVED**

Selectman Carson opened the meeting at 5:30 pm.

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

Others present: Ray Martin, Marianne Howlett, Barbara Marty, Martha Mical, Janice Loz, Tim Allen, Barbara Annis, Judy Newman-Rogers, John Leavitt

1. Town Hall Front Lawn

A. At 5:30 pm the Board went outside to the Town Hall front lawn to review a proposal from Tyler Lawn Care for rehabbing the lawn.

2. Fall Foliage Festival

A. Ray Martin from the Fall Foliage Festival said ever since Simonds School built the new field the festival had to move partially down on Depot St. Since then there has been a desire to move the festival back up to where the festival has been for the last 66 years.

B. Ray said he has spoken to Ron and Deb Moore who owns the field behind the Town Hall. The idea would be to hold the oxen pull in this field, gravel will need to be applied. Ray said the Moore's are also putting in their deed that the Fall Foliage Festival has perpetual use of their property.

C. Ray has spoken with Weaver Bros. who is coming up with some ideas to grade and level the field, about 200' x 200' in area. Ray has also submitted an application to the School District to use all the paved areas at the school.

D. Ray said he has spoken to the Director of Public Works who said he could help with the field. The area requires some gravel for a parking area for the oxen pull and the area they would be pulling in. Ray is asking the Selectmen to support the move and contribute gravel and transportation of the gravel. Chairman Carson asked if the area will be left open to general downtown parking. Selectman Brown and Ray said that's what it sounded like to them.

E. Selectman Dabuliewicz asked who will oversee the work? Ray said the Festival, Moore's and Weaver Bros. Selectman Dabuliewicz said the Board needs to see the cost for this and then there should be an agreement created with the Moore's guaranteeing the parking.

F. Ray will obtain the cost for trucking and gravel as well as talking to the Moore's about downtown parking after the Fall Foliage Festival. The Board provided a general consensus to Ray to go ahead and move forward with the plan.

2. Status on Tax Payments on Properties Slated for Tax Deeding

Board Action

Selectman Brown moved to waive tax deeding on properties that are slated for tax deeding for 90 days. Selectman Dabuliewicz seconded the motion, motion passed 3-0.

3. Zoning Board of Adjustment

A. Barbara Marty met with the Selectmen to express her interest in volunteering as a Zoning Board of Adjustment member. Selectman Dabuliewicz asked Barbara why she would like to be on the ZBA. Barbara said last October she was involved with an issue with the ZBA and through several months of hearings and getting to know what the ZBA does it became apparent to her how important the ZBA is to the town. Selectman Dabuliewicz asked Barbara to tell him more about her understanding on the role that ZBA plays in the governance of the town. Barbara said she understands the ZBA enforces the Planning Board's Master

Plan, they write and enforce the zoning ordinances that are already in place and they take care of amending those ordinances when they know longer are representing the wishes of the town. Selectman Dabuliewicz said that authority doesn't belong to the ZBA, the ZBA is an appeals body, he also assumes Barbara is not familiar with the statutes that govern the duties of the ZBA. Barbara said no she is not. He also asked Barbara if there is any particular issue or area she believes important for the ZBA to be cognizant of? Barbara said through her involvement, having a database of all the existing special exemptions and variances at their fingertips would be helpful. A missing special exception became an issue when dealing with a neighboring property. Selectman Dabuliewicz asked Barbara if there is any reason she wouldn't be able to regularly attend the ZBA meetings that are held monthly if necessary and would she be able to attend available training. Barbara said yes to both.

- B. Chairman Carson said he understands Barbara's interest was peaked because of a specific issue, he asked Barbara if she could be an impartial participant in the ZBA deliberations. Barbara feels she could be impartial, there is the mechanism of recusing if there is any type of conflict.

Board Action

Selectman Brown made a motion to appoint Barbara Marty as an alternate Zoning Board of Adjustment member for a 3 year term. Selectman Dabuliewicz seconded the motion, motion passed 3-0. Selectman Dabuliewicz moved to amend the motion to a 2 year term. Selectman Brown seconded the motion, motion passed 3-0.

- C. Zoning Board Chairman Janice Loz talked to the Board about moving one of the alternates up to full membership. Janice is recommending Howard Kirchner, he has been an alternate longer than the other 2 alternates and has very good attendance. Selectman Dabuliewicz said Corey Giroux expressed to him that he also would like to be a full member, and he also feels the longest as an alternate gets moved up is the most important qualification, the qualification to understand how to apply the laws and the facts is very important as well. He said he's not venturing an opinion about anyone about this in particular, he's just saying in general a couple of appointments have been based on tenure only, as opposed to who brings the most to the Board. Martha Mical added that the alternates can still provide their input. Janice said the ZBA did discuss experience at their last meeting and Corey never said anything to her about wanting to move up. Selectman Dabuliewicz said he read those minutes and couldn't figure out what the consensus was and asked Janice if in the end they left the decision up to her and Janice said yes.

Board Action

Selectman Brown made a motion to appoint Howard Kirchner as a full time member to the ZBA for a 3 year term. Chairman Carson seconded the motion, motion passed 3-0.

4. Firearms – Gift

- A. A public hearing to accept a gift of firearms will be held on May 10th beginning at 7:00 pm.

5. Highway Department Proposed Work Plan

- A. Tim Allen, Director of Public Works, asked the Board if they have any questions for him regarding the 2016 work plan he presented to them at their last Selectman's meeting. Tim would like the Board to prioritize the projects that are not regular maintenance projects.
- B. Chairman Carson noted the Simonds School project has a large cost associated with it. Selectman Brown said a discussion needs to take place, he is meeting with the school tomorrow morning about replacing the building that will be torn down. He needs to know what they want before he can price it out. Selectman Brown said if the Odd Fellows Building is not rehabilitated the town still needs the land from the school for its own parking. The actual out of pocket expense is about \$18,500, this will cover the property transfer, move a building and recreate the dumpster pads, the cost of the retaining wall is not included. Chairman Carson asked Tim if the Board identifies this as a priority what would happen to the other projects. Tim said it depends where he is in the whole schedule as far as the money is concerned. The Board agreed it makes sense to get this project completed this year.
- C. Another project that needs to be completed this year is fixing the catch basin at Waterloo Road. Chairman Carson would like to see where the problem is to understand it better.
- D. The Board agreed the drainage issue on Lating Lane is not a priority.

- E. Tim would like to complete a short piece on Pleasant Lake Road near the pit because he will have equipment at the pit being used for reclamation purposes.

6. North Village Road Culvert Repair

- A. Three competitive bids have been received for the engineering and Tim has met with all 3. The bid amounts are \$6,700, \$12,000 & \$26,000. The Board would like to obtain another bid from North Branch Construction and the others will be contacted for more information.

7. Town Administrator's Report

Roundabout Design: The Ad for Request for Bids was submitted to the Concord Monitor and ran on Monday, April 18. Gene has submitted final plans and contract documents for the Roundabout on their bid portal and has announced this project to a full list of viable contractors on-line. The Selectmen's office has received a print copy of the final plans and contract documents for public viewing. Public bid opening is scheduled for Thursday, May 5 at 2 pm.

Gene has submitted a revised maintenance agreement between the State and the Town for the Roundabout, which has been signed. The construction easement document from McDonalds Corp. has been signed by the Board and returned to Gene. The McDonalds restaurant at Exit 9 is under new ownership, the Napoli Group of Amherst, NH. The Napoli Group owns a number of McDonald franchises in NH.

#2 Waterloo St Environmental Assessment: Scott Nerney, Sanborn Head Project Manager, agreed to contact Alan Piroso and Ali Mock to interview them about the old State DOT property and include their remarks in the revised Phase I report, which will be forwarded to the Town. I had previously received permission from Alan Piroso and Ali Mock for Sanborn Head to contact them.

Bartlett Loop: I called the NHDOT Office of Planning and Community Assistance on 4/20 to inquire about the status of our reimbursement request. Left message.

Interlocal Trust: The town has received a reimbursement from Interlocal Trust, our health insurance carrier. The reimbursement is in the amount of \$1,654.74, \$115.83 of this amount represents the employees' share of this reimbursement based on their contribution towards the premium payments. Potential reimbursements to individual employees range from \$2.23 to \$8.47. Since this is pre-tax money, the most expedient way to make these refunds is to include it with the payroll checks whereby appropriate taxes can be deducted. Seeking Board approval to make these refunds in this manner.

Town Hall: Damien St. Cyr has been hired as the light and sound technician for the Palace Theater in Manchester. As this full time position is mainly weekends and evenings Damien cannot continue covering custodial duties at the Town Hall and has given his 2 week notice. I have notified the dept. heads about the impending opening and Mary has a notice on the town website.

Library Trustees: At their last meeting, the Library Trustees has recommended the following individuals: Judy Pellettieri appointed as a trustee until March 2017 and Joe Eisenberg as an alternate to the Board of Trustees. The Trustees have asked that the quarterly payment plan continue through the end of 2016. They also ask to have any balances owed the town by the library at the close of each quarter be deducted from the next quarterly payment. Presently, the agreement calls for the library receiving the full amount allocated each quarter with any balances reconciled at year end or invoiced.

Emergency Management: The Emergency Management Committee will be meeting tomorrow morning @ 9:30 at Sugar River Bank to review a draft of the Emergency Operations Plan, particularly the revised emergency support functions that were evaluated by the consultant after work sessions with him, department heads and key support function agencies. The new emergency generator for the DPW garage is installed and the generator from the garage is being installed at the Police station. Now, both facilities will be fully powered in the event of a power failure.

8. Pillsbury Free Library Trustee Appointments

Board Action

Selectman Brown made a motion to appoint Judy Pellettieri as a Pillsbury Free Library Trustee until March 2017 election and Joe Eisenberg as an alternate until April 1, 2019. Selectman Dabuliewicz seconded the motion, the motion passed 3-0.

9. Handicapped Lift

- A. The Town Administrator provided the Board with a copy of the Request for Proposal for installing a new lift at the Town Hall. Selectman Brown asked if structural work is needed in the shaft. The Town Administrator said at this point it doesn't look like it. Chairman Carson asked how the specifications for the new lift were identified. The Town Administrator said the specifications are identified by the type of lift that will fit in the current shaft, a standard specification. The lift will handle a 750 pound capacity and move 18 feet per minute, with alarms, emergency lighting etc.
- B. Martha asked if the doors need to be redone. The Town Administrator said the doors and the door jams will be replaced with new doors that will have a window.
- C. Selectman Dabuliewicz said the RFP is calling for certified/qualified vendor, he asked how will we know they are certified. The Town Administrator said the equipment the vendor's are representing needs to be certified and meet current ADA guidelines.
- D. Bids will be opened at the May 24 Selectman's meeting.

10. Town Hall Front Lawn

- A. Chairman Carson asked the Board if they want to consider pursuing what Tyler Lawn Care proposed for the front lawn this year. Selectman Dabuliewicz is not against the concept, but, he would like to pursue other vendors as well for a cost comparison. Selectman Brown feels before anything is done a decision needs to be made about the trees. The Board will obtain more quotes first.

11. Other Business

- A. Selectman Dabuliewicz asked the Town Administrator for a status report on liability insurance carriers. The Town Administrator said he is waiting to hear from 2 companies, Primex and Towne & Tully (State Farm).
- B. Selectman Dabuliewicz provided a draft copy of the charge for the Economic Development Committee for the Selectmen to review. Selectman Brown had a question on membership, he asked why would we ask the Area Chamber of Commerce to make a recommendation on one of our own businesses. Selectman Dabuliewicz said he got that from input. Chairman Carson recommended amending it to a Warner representative from the Area Chamber of Commerce. They then decided not to have the Chamber recommend a business, just to have a Warner business representative on the Committee. Chairman Carson said because it's Selectman's Committee a Selectman should be on the Committee. Selectman Dabuliewicz disagrees, it's an advisory committee. Chairman Carson said we have Select representation on all the other Committee's it makes sense to him.
- C. Selectman Brown reported the land for the new fire station has been purchased and will be listed on the town's liability insurance. The Fire Station Building Review Committee will be visiting the site. Lois Lord has resigned from the Committee and Selectman Brown said David Hartman is interested in taking Lois' place. The Board was fine with David sitting on the Committee. Selectman Brown is still waiting to hear back from the landowner of the strip of land that runs along Split Rock Road. There is also a meeting with North Branch Construction on May 19th, North Branch will explain the design build concept.
- D. Selectman Dabuliewicz reported that he and the Town Administrator started going over the Personnel Policy and first laid out a schedule meeting weekly. As sections are completed it will be brought before the Board indicating any changes along with an explanation for those changes. Selectman Dabuliewicz talked with most of the Department Heads, the biggest item that came up is the holiday policy.

- E. Barbara Annis asked if the money spent on the Brownsfield grant for Waterloo St. has been figured out. The estimate was \$4,200 and the actual cost was \$5,500. The Town Administrator is waiting to hear back on the significant difference.
- F. Barbara Annis researched what has been spent on Exit 9 using Town Reports, she said her research shows \$117,456.32 has been withdrawn by the Trustees of the Trust Funds and the Bookkeeper shows \$12,800 has been expended. The Town Administrator said up to this point \$164,000 has been spent, the \$12,800 reported by the Bookkeeper was taken from the operating budget to pay for the first \$42,000 for Phase I. The \$117,456.32 receipts were paid from the checking account, those expenses are sent to the Trustees of the Trust Funds requesting reimbursement from the capital reserve fund to go back into the general fund. Chairman Carson would like to see a spread sheet on each phase. The Town Administrator recently sent such a spread sheet to the Board, he is waiting for one more invoice before Phase II is finished. When the bid is approved the town can submit for reimbursement. Chairman Carson said during the construction phase he would like to have a review at each Selectman's meeting. John Leavitt asked if this will be reported in the Town Report and the Board said yes.
- G. Marianne talked about how in 2015 Highway Department expenditures for Bartlett Loop were originally coded to be paid from a capital reserve fund and then recoded to be paid from the operating budget. Marianne wants to know if towns in general have a criteria set for how they determine what should be paid, how they should operate their capital reserve funds. Selectman Dabuliewicz said the only criteria is the expense has to meet the purpose of the capital reserve fund, he said to Marianne he thinks she's talking about an accounting issue versus how to use the funds. Marianne said I guess that's my question. John Leavitt said in addition to that the Town Administrator mentioned the surplus in the Highway Department was going to be artificially high and the deficit in the capital reserve fund would probably be artificially low so the Town Administrator adjusted the numbers so money would not need to be appropriated into the capital reserve and it would bring the highway budget down to a more accurate figure. John said his argument last year with the highway department surplus and going back and forth with the numbers it makes it very difficult to get an accurate depiction of what's happening with the highway budget.

The Town Administrator said what happened with Bartlett Loop and Waldron Hill Road is that the invoices came in and originally coded and sent to the Trustees to have the money taken from the capital reserve fund. At the end of the construction season the DPW was aware he had a large surplus in his operating budget and has now depleted two capital reserve funds, one for road construction the other for bridge construction. So the large invoices for paving and other things was recoded to the operating budget and the money the Trustees sent was given back to be placed back into those capital reserves to be used for next year. Marianne said if there was money in surplus from truly accounting what you were doing then at Town Meeting you could take money from surplus and fund the reserves that way.

John said in December the Highway Department had a \$145K surplus and by January the surplus was \$104K and the Budget Committee was told at the time that the decrease was due to invoices coming in and now he's learning that it was due to juggling coding. Selectman Dabuliewicz said either way the money is meant to be spent on highway, he's not sure why this is a big deal. John Leavitt said the surplus was spent incorrectly. Selectman Dabuliewicz said that's a matter of opinion. The Town Clerk asked if these transactions were documented and the Town Administrator said yes, we keep a binder in the office of capital reserve transactions.

12. Manifest

Selectman Dabuliewicz made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4124 ~ 4136 in the amount of \$31,141.74 (including 20 direct deposits) and Accounts Payable check numbers 52209 ~ 52265 in the amount of \$85,138.80 (check #s 52250 & 52251 totaling \$215,266.90 previously approved). Selectman Brown seconded the motion, motion passed 3-0.

13. Consent Agenda

Selectman Brown made a motion to approve the Consent Agenda for April 26, 2016:

- Intents to Cut for Map 12 Lot 18 (previously signed)
- Timber Tax Warrant for \$1,116.88 (previously signed)
- Building Permits for:
 - 2 for Map 12 Lot 40 (previously signed)

- Map 10 Lot 41 (previously signed)
- Map 30 Lot 003 (previously signed)
- Map 34 Lot 11
- Map 13 Lot 008
- Timber Tax Levy – initials needed only
- Timber Tax Levy in the amount of \$295.70
- Current Use Penalty for Map17 Lot 27
- Forest Fire Report/Bill for \$201.55
- Town Clerk request for refund for Andrea LeBlanc in the amount of \$10.00

Selectman Dabuliewicz seconded the motion, motion passed 3-0.

3. Adjournment

A motion was made and seconded to adjourn at 8:40 pm.

Board of Selectmen

Clyde Carson

Allan N. Brown

John Dabuliewicz

Recorder of the minutes: Mary Whalen