



**Warner Board of Selectmen
Work Session Meeting Minutes
Wednesday, September 14, 2016
APPROVED**

Selectman Carson opened the meeting at 3:40 pm.

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

Others present: Judy Newman-Rogers, Marianne Howlett

1. Nonpublic Sessions

A. John said Jim sent an email to legal at NH Municipal Association which read as follows:

Marianne requested to meet with the Board in a nonpublic session, so I sent an email to NHMA legal inquiries about nonpublic sessions for elected officials. I am sending this response to you, based on the attorney's response I am suggesting the Board consider nonpublic session if Marianne requests it, however, in general conducting nonpublic sessions with elected officials needs to be looked at carefully if not avoided completely.

John read NHMA's response: This is a tough call, if the discussion, or parts of the discussion would fall under 91-A, 3, II, (c) for reputation, that might be a way to handle it. However, I agree that in general the compensation or benefits of an elected official don't really fall under RSA91-A, 3, II (a) because an elected official is not an employee. Margaret Burns, Esquire, NH Municipal Association.

B. Jim said this keeps rearing up and he finds NHMA to be the most cautious and the most conservative in their opinions, and he recommends adhering to the rules as closely as possible, not just for elected officials.

2. Tax Collector – Change in Benefits

A. Marianne Howlett, Tax Collector, presented a proposal, she has an opportunity to participate in an alternative health care plan. Marianne provided information to the Board, there is a deadline that needs to be met and she is requesting the Board reach a prompt decision on her proposal. When Marianne spoke with Jim earlier he had two questions, she repeated the response she gave him: *I am requesting reimbursement of my insurance costs for the time period that I am serving as the Tax Collector, and only during that time and I don't plan on retiring any time soon.*

B. Clyde said he has no problem discussing this in nonpublic, Allan was fine with it too. John asked under reputation as suggested? Clyde said yes.

2. Nonpublic Session

Chairman Carson moved to go into nonpublic session under RSA 91-A:3 II (c), reputation. Motion was seconded by Selectman Brown. A roll call vote was taken: Selectman Brown – yes, Selectman Dabuliewicz – yes, Selectman Carson – yes.

In attendance: Allan N. Brown, Clyde Carson, John Dabuliewicz, Town Administrator Jim Bingham and Marianne Howlett – Tax Collector

Marianne explained that she contacted Interlocal Trust and learned she cannot obtain a medicare supplemental plan thru them as long as she is working. She did some research and obtained some prices, which she presented to the Board. If the Board accepts her proposal it would save the town \$400 per month. Her proposal doesn't cover prescriptions, Marianne said she would cover the prescriptions herself. She's requesting to be reimbursed quarterly.

Clyde said there may be others in the future that want to do this, he's wondering if the town should cover the cost for prescriptions as well. If someone is giving up a plan that covers medical and prescriptions costs he feels this is setting a precedent. John pointed out that Marianne is not requesting the Board to do that. Clyde said he's looking down the road for the precedent. John said it's clear from the record now that she's saying she will handle the

prescriptions herself. John said he's not against her getting it. Jim cautioned the Board about setting this precedent because of the unknown future expense. Clyde said he's not talking about the cost for prescriptions, he meant for the town to cover the cost of the prescription premium. Jim asked if he meant Medicare - Part D. Clyde said yes. Jim recommends looking into this suggestion first, he doesn't have any idea about it. Marianne believes it could be about \$20 per month but she doesn't have it in writing yet. Marianne said to Clyde she's fine with it if you would agree. Clyde said he is fine with it, he's just trying to set the policy for the next person. John said it's a precedent not a policy, particularly when the individual is saying she doesn't want us to pay for that. Clyde said to John so you don't think we should set this as a policy and include it in our Personnel Policy? Jim said if it's going to be a policy it should be looked into. John said basically this is a one offer request we don't cover in the policy, he said who knows when it's gonna come up again.

Chairman Carson moved to come out of nonpublic at approximately 6:30 pm. Selectman Brown seconded. A roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Brown – yes, Selectman Carson – yes.

Board Action

Selectman Dabuliewicz moved to accept a proposal presented to the Board by Tax Collector, Marianne Howlett, for the town to pay 93% of the Medicare Part B and the supplemental plan which results in a savings of \$429.00 per month for the town. Chairman Carson added to clarify that it would be whatever the rate is as long as it doesn't exceed, for those two pieces, the town's contribution to health insurance. And the percentage will be what ever the rate is as long as it doesn't exceed the town's contribution to health insurance. Selectman Brown seconded the motion, motion passed 3-0. The Board thanked Marianne.

3. Odd Fellows Building – Soil Removal

- A. Jim reported he received one bid and that the cost for the soil removal could be less than anticipated. The soil may not be hazardous. Clyde asked if it's not hazardous why does it have to be removed. Jim said it has to be removed because its been identified as lead contaminate, non-hazardous has to do with the ratio of lead contamination within the 13 cubic yards of soil. Another cost savings is having the Highway Department supply clean soil after the contaminated soil is removed. Jim is recommending the Board accept the bid and then he will talk to the Director of Public Works and have the soil replacement removed from the total cost resulting in about a \$12K expense. There is about \$19K in the capital reserve.
- B. John asked the only other cost could be for further testing from the receiving facility? Jim said the receiving facility may have a different criteria which may ask the town to go back and do another test sample on the removed material or just basically say we are not going to meet that based on the testing done so far, he feels the test will cost about \$1,000 at the most.
- C. After the soil removal the remaining hazardous material is asbestos, an estimate of about \$20K was obtained. If someone develops the building they may incorporate the removal into their cost.

Board Action

Selectman Brown moved to accept the bid submitted by Enproe for removing the hazardous soil in the Odd Fellows Building ranging from \$11,388 to \$17,301 removing the cost of back flow fill for \$3,500 and \$1,560 for 13 yards of soil and authorizes the Town Administrator to sign the contract. Selectman Dabuliewicz seconded the motion, motion passed 3-0.

4. Hiring of a Temporary

- A. Jim said he wrote up a memo back in early August anticipating a crunch in handling meeting minutes for various meetings. The Board took time to read the memo again. The memo is asking the Board to consider hiring Kimberley Edlemann to cover the Landuse office for a period of time as well as a recording secretary. Jim is requesting 40 hours per month for coverage and minute recording.
- B. Clyde asked to be brought up to date regarding the Bookkeeper. Jim said the Bookkeeper is working from home and is expected to return to the office in early October. Jim said this request has nothing to do with the Bookkeeper. Clyde said he is trying to understand if we are still covering for the Bookkeeper. Jim said no, the only thing that is being done for the Bookkeeper is filing, which takes no more than 15 minutes or less every two weeks. Jim explained the Selectman's office is seeing an increase in customer service on several levels and the meetings are beginning to ramp up. At this time the Selectman's secretary has to put

in extra hours to keep up with the minutes. Jim doesn't see the need to increase the secretary's hours on a permanent basis, he sees this temporary through the budget season up to the Town Report.

Board Action

Selectman Brown moved to hire on a temporary basis, Kimberley Edelman, for up to 16 hours in September and up to 40 hours in October and 40 hours in November. Jim said if he finds the term needs to be changed he will come back to the Board. John added as outlined in the August 4, 2014 memo from Jim to the Board because it talks about waiving the process of posting the position. Selectman Dabuliewicz seconded the motion, motion passed 3-0.

- C. Judy asked what the rate of pay is and the number of hours. Clyde said \$15.00 per hour. Judy said we all know what my Deputy makes, 5 years. Jim said we are hiring on a temporary basis someone who is a professional and has experience doing minutes and does it well. Judy said it's also not being put out to the public to apply to, you have to take that into consideration, she said she understands the need to hire somebody. Clyde said if we went to a temporary agent we would pay at least that. Judy said it's been an up hill battle and a struggle to get the Deputy up to where she is now. And it seems like these other increases are done a lot easier than what it takes for the Deputy to be at a reasonable amount of pay. Jim said he doesn't think the Deputy is alone, there are other employees in town that are....Judy interrupted, and said she is not talking about other employees, she is talking about the Deputy for now. She said it's not a discussion for right now, I understand that. Jim said let's drop it now. Judy said yes, let's do that Jim, let's drop it.

5. Wage Scale

- A. Judy said let's begin with the chart that Jim Bingham handed out for the wages, step 1... Jim, said excuse me, who is recognizing who here? Judy said, I'm just going to leave this, because the chart that you handed out with the pay grades that started at step 1 and then ended with step 14, that you said 2.5%. She said she doesn't know if anyone went over the numbers, but the numbers did not start with the rate of pay, step 1, in the 2016 chart should have been \$10.06, which it was, but then, labor grade 10 started at \$30.50 per hour on the Town Administrator's chart and it should have been \$23.43, so there is a severe miscalculation in that whole chart. So if the Board is going to rely on that to do any kind of compensation then they probably want to recalculate the chart. Judy continued on and said on the other end, step 11, on our current wage chart is the second column and the high end on the Town Administrator's chart is this last column. So the 2016 wage chart that we are using right now, on step 11 doesn't even reach the Town Administrator's step 14 until almost step 7. She said when you're on step 7 on the Town Administrator's chart, you will be where you should be on step 11, so the chart is all off, something is all off. Jim said to Judy that's your opinion because I set up the chart and explained to the Board that the chart was set up so that the hourly rate at step 6 would be the beginning for the following step. Judy asked Jim what does it say at the bottom of the chart. Jim's answer was not audible he then said within a grade each of these steps are 2.5% over the previous step. Clyde said can we just make copies. John said I don't understand why we are starting with this discussion. Jim said I don't either. John said we haven't even decided to use this. Judy said because the chart is just...John said OK, point taken. John said this meeting is about what are we going to do, not necessarily what we are going to do with this chart. Judy said she understands. Jim said his is a proposed chart, it hasn't been accepted and hasn't even been fully evaluated.

- B. The meeting was brought back to its original purpose. Jim said the Board was going to discuss what they want to do in terms of compensation this year and is there enough time to get involved in a new wage and step process. Jim believes the Board is still at the conceptual level with what they want to do. There's the option of longevity pay which would be to keep the current process and do longevity pay for those employees that are max'd out on the wage scale. But, Jim said the problem with the current wage scale is each step is at 5% and it's been made clear that this process doesn't seem to be affordable for the town. Jim said he created a wage scale with 2.5% steps, he explained how he created it. The main reason for recreating a wage scale is to avoid employees maxing out. Jim said the scale doesn't have a 2.5% increase from grade to grade, only a 2.5% increase from step to step, so the idea that the scale is miscalculated is irrelevant because we were not looking at it that way. Clyde said if it comes down to just understanding the method, he thinks that was huge. And he said he's not ready to throw in the towel on getting something for this year, this is about the same conversation we had last year this time. Jim said some towns hire help, Allan said that's what he's been saying all along.

- C. Jim said he took the full time employee's and the part time and split them up to see if we were to transfer them to the new wage and step scale, what would be their increase by transfer. Jim said almost all the part-time employees would receive anywhere between 1.5% - 2%. He said the problem occurs when you look at the full-time employees. There are 8 out of 13 employees that would receive less than 1% while the others are 2% or greater. Jim said he's looking at moving the full-time people in 2 stages, one year then the next or we transfer them all over and make additional compensation for the ones receiving less than 1%, he said he hasn't worked out the numbers yet. Allan asked if there are 9 employee's that are max'd out? Jim said yes.
- D. Clyde said we kind of said we would do this in two stages, ideally we would have someone come in and do a wage study. We said we couldn't do that this year, so the question is can we adopt a more equitable grade and step formula that we can live to? He said coming back to the wage scale Jim created, we should discuss the scale first and then see if it makes sense and the Board understands it and then how do we use it for this budget year. Jim said the wage scale is something that was proposed, the Board and himself have not had time to look at it, and that's one of the reason's why it becomes problematic when something is a working document that is put out to the public, people jump to conclusions. Judy said I think if you look at the chart that I just presented Clyde, your going to see that the high end of our current scale is higher than the high end of the 14 step scale that Jim created. She said you can earn more money on the current scale than the 14 steps, so, to me that doesn't say that's a good way for employee's to go, and she wants the Board to look at it. Jim said that thinking is an assumption that everyone will be in the same grade and step and that's one of the problem's. We're trying to convert to a new formula, what comes first the horse or cart and Jim believes what needs to come first is the work in terms of looking at the job descriptions and whether the town is putting employees at the proper grade and what is the criteria to use when giving a grade. Judy said that was one of the things John brought up, classification. John said he wished he had some understanding on how they were established originally. Jim said part of the problem is there is no data on how the positions were graded. Judy said it was Laura, it was arbitrary the way Laura was presenting things, the department heads were meeting with Laura and she was presenting and they were discussing. John asked Judy how Laura decided which job went into what category. Judy said your right it is missing, it was given to us as a grade with jobs in it, and our positions were put into the grade. Allan believes it was Laura that determined the grade for each position, he said the main idea was to get off the state wage scale.
- E. Clyde asked the Board if they want to put the whole thing on hold until we can hire a firm to do a wage study? Allan said we could decide upon an across board raise or we could do something for longevity and then those below the max line are entitled to a raise or step, land budget for a wage study. Clyde said that's what we have been doing for a few years now. Clyde said we keep coming full circle on this topic. Jim said if the Board chooses to hire a wage study the Board will need to discuss what they want from the study, is the issue competitive wages or is it developing a criteria to evaluate each position. John said if we do the new system how do we decide what grade each job gets, this hasn't been dealt with. John said at the August 2 meeting Clyde said the following:
- Chairman Carson said our compensation goals are:*
1. *Competitive wages*
 2. *Placing positions in the correct grade and having good grade ranges*
 3. *Using the step system so employees see job growth*
 4. *The goal of the compensation system is to attract and maintain qualified employees*
- John said the Board hasn't gone beyond number 2. He's not comfortable with adopting a new system when the Board doesn't know how to place the people in it just because we want to narrow the range so that we can use it. Clyde said to John then he is in favor of waiting until the Board can do it properly? John said in terms of changing the system, then the question is in the interim what do we do.
- F. Jim said he was charged to put something together to have an alternative to look at, to see if it's workable, and that's all we were doing to this point. Jim is also in favor of hiring help with an across the board increase. Allan and John said the Board may even determine on no increase for now and deal with it next year. Clyde said he feels a plan still needs to be in place. Jim threw out to the Board maybe there's another way of doing it, he said in some ways the grade and step is too restrictive. Clyde said we chose this because the old way was unfair. Jim said he is thinking of giving a certain pool of money that the Board and Department Heads could work with to establish a variety of different ways to compensate, raises, year end bonus, longevity etc. it gives more flexibility. John said how do other towns do it and secondly where do you

start people in that system. Jim said the Board needs to bring in someone and open up that conversation about what are some of the best ways for compensation. Allan asked what does the state do. John said they have people who work in the Division of Human Resources, they have a point system that's used to decide what a job is worth. When the points are added up, it equates with the grade that they have, it's based on your job, responsibilities, level on decisions to be made, how many do you manage, do you manage etc. Jim said he could contact a couple of consulting agencies.

- G. Allan asked if the cost of living is known. Jim said that comes out next month, Clyde added he had looked it up and thinks it's less than 1%. Jim said there was a report on the radio that said in the last year the median income in the United States has risen 5% from last year, and poverty has risen. Clyde and John said, but it doesn't tell you who received those raises and if they received raises on a regular basis.
- H. John doesn't feel the Board is in the position to adopt the new wage scale, and he doesn't feel the Board has the expertise and neither does Jim or the time. Allan said this is a time consuming project. Jim said it took the office a bit of last summer to complete a wage comparison. John asked how did the town do in comparison. Jim the town is within a competitive range. It was found the low end of the wage scale was lower than other towns and the high end was lower as well, but the positions were paid comparably.
- I. Clyde wants to find some way to broaden the steps so we can have something during the interim to rely upon. Is that going to be too complicated during the time that is left in the budget process? Jim said if the Board wants to do that he recommends staying with the current wage scale and make an adjustment. Allan said the problem with that is there are 9 employee's max'd out. John said he doesn't understand why being max'd out is the reason you need to change the compensation system, he said he was max'd out working for the state for years, and he accepted that because he liked his job. He said he only received cost of living increases which weren't always available. John said he understands wanting to keep good people and if they are max'd out they may look elsewhere, that's a risk that we take. But why is it we are assuming you have to do something about that. Allan said he doesn't know if you need to change the scale, but he thinks you need to recognize the fact that they have been here for so many years, that's why he brought up longevity pay, that's the way the state recognizes you. John said that needs to be tied to performance. Judy said part of the wage scale was so employee's would know where they would be 10 years out. She also said she doesn't think it's the wage and step and labor grades employees object to, she thinks it's the fact it hasn't been maintained and the process that was told to be in effect was not followed or applied equitably across the board with all employees. Judy also provided a history of the wage scale process developed by the then Town Administrator back in 2007/2008.
- J. Jim said the Board doesn't need to make a decision this evening, the deadline is the end of October. The cost of insurance will be known then as well. Jim will make some calls to see what other towns have done and he will contact Municipal Resource Inc. for information because they deal with towns all over the state. Clyde said he thought the current wage scale was going to be broken down into 2.5% in between steps instead of 5%. Jim said he was charged with creating a scale with 2.5% steps but not at 22 steps, and he did create one with 14 steps. Clyde said but the rates changed so you can't find everyone on it. Jim said a grade and step system can be very confining, where a pooled amount provides flexibility.
- K. Clyde said he is hearing the direction the Board is going in is we are going to do what we did last year for this year and put money away for a study. John and Allan agreed. Jim said you want a system that will grow with the town.
- L. Jim said in the private sector a percentage is provided and distributed based on performance evaluations. Clyde thought favoritism could be a problem, that's what he heard the history was. Jim said the Board would have the final say. Judy said that's in contrast to the way the Board has also hired people and that's why the wage scale is under suspension. The new hires have been moved to a different labor grade and gotten a higher hourly rate. The others who have been here a long time and aren't being put in the current or higher labor grade are feeling that and they know it. Marianne said one of the last increases given was because the Department Head came before the Board and said he's my right hand man, and the Board granted an increase to that person and not necessarily to others. Marianne agrees with John, the jobs need to be defined. Jim said part of that problem is the wage scale starting salaries for each grade is lower than the comparable towns. That's one of the difficulties we run into. John said the state also puts people at higher grades to start if it's justified properly.

- M. The consensus of the Board is to use the same factor's as last year and look at hiring some help. Clyde feels hiring help for a wage study will be very expensive. Jim will research the cost for a wage study.
- N. Judy asked if it will help to have the Department Heads involved with the wage study. Allan said he wants a professional to do it. Judy said she understands that, but she gets very emotional because she has an employee that she is fighting for, it's not for her position, it's for Michele. She says you talk about keeping good, trained, employee's. This is like a slap in the face, she and I are both going to understand why it's being done, but again it's just another hurdle that we're going to have to pass because the people getting the increases over this past year alone was just arbitrary, but when I come in and say here are all the ad's showing the starting rates for the Deputy positions, sorry. The other departments are not being told that. Michele is a part-time employee, doesn't take benefits, that alone saves the town, doesn't get the retirement benefits either. Allan said I thought we advanced Michele two raises last year. Judy said Michele got the step she was supposed to get from the previous years she didn't get. Clyde said if you are looking at the market rates, the question is, is the market rate for a Deputy Town Clerk higher than what we are paying. Jim said when you look at the market rate you have to look at municipality size. Clyde said we had someone come in and say I need to give someone a higher raise because that's what the market is going to bare and we didn't sit down and say what's the size of Warner compared to the other towns, we gave the raise and that's Judy's statement. Jim said the only time we did that is when the Board provided Rick Bixby with a raise because he was here for 15 years and he was paid the same as a new hire. Judy said because the new person was paid a higher wage at the point of higher, triggered the raise increase for Rick.

6. Manifest

Selectman Dabuliewicz moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4326-4341 in the amount of \$33,016.62 (including 23 direct deposits) and Accounts Payable check numbers 52695-52751 in the amount of \$609,840.09 (includes a check to KRSD in the amount of \$472,994.00). Selectman Brown seconded the motion, motion passed 3-0.

7. Consent Agenda

Selectman Brown moved to approve the Consent Agenda for September 14, 2016:

1. Building Permits for:

- ◆ Map 13 Lot 16-1
- ◆ Map 10 Lot 54-3
- ◆ Map 10 Lot 26-2
- ◆ Map 19 Lot 24
- ◆ Map 11 Lot 60-5
- ◆ Map 10 Lot 56

2. Thank you letter to John Matthews, Market Basket

3. Payroll Change Form

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

8. Meetings

- A. Next meeting is scheduled for September 22 which is a work session. Clyde strongly suggested keeping it a work session. The main topic is budget.

9. Split Rock Rd. Attorney Mayer's Opinion

- A. Jim said he received an email from Attorney Bart Mayer. Jim sent out an email to the Board saying based on what he read from Bart it seems like going for an easement would be simpler to get the right-of-way on Split Rock and Clyde suggested that this be put on the agenda for discussion. Allan asked if Bart thought the strip of land carried the problems of the easement. Clyde said this topic needs to be discussed in nonpublic. John asked if the Board needs to deal with it today. Allan said the property needs to be surveyed.

10. Nonpublic Session

Selectman Dabuliewicz moved to go into nonpublic session under RSA 91-A:3 II (d) acquisition/sale of personal or real property. Chairman Carson seconded the motion. Roll call vote was taken: Selectman Carson – yes, Selectman Brown – yes, Selectman Dabuliewicz – yes.

Present: Selectman Clyde Carson – Chairman, Selectman Allan N. Brown, Selectman John Dabuliewicz and Town Administrator Jim Bingham

Chairman Carson moved to come out of nonpublic session. Selectman Brown seconded the motion. Roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Brown – yes, Selectman Carson – yes.

11. Seal and Restrict

Chairman Carson moved to seal the September 14 nonpublic minutes for 1-year under RSA 91-A:3 II (d) acquisition/sale of personal or real property. Selectman Brown seconded the motion. All were in favor the motion passed 3-0.

12. Adjournment

A motion was made and seconded to adjourn at 5:55 pm.

Board of Selectmen

Clyde Carson

Allan N. Brown

John Dabuliewicz

Recorder of the minutes: Mary Whalen