



Warner Board of Selectmen

Meeting Minutes Tuesday, June 20, 2017 APPROVED

Chairman Dabuliewicz opened the meeting at 6:00 pm

Attendance: Selectman John Dabuliewicz – Chairman, Selectman Clyde Carson, Selectman Kimberley Edelman and Town Administrator – Jim Bingham

Others present: Judy Newman-Rogers, Martha Bodnarik, John Leavitt, Barbara Annis, Marianne Howlett, Bill Chandler

1. Highway Safety Committee Recommendations

- A. Police Chief and Chair of the Highway Safety, Bill Chandler, said the Highway Safety Committee met on June 13 which was a continuation from the April 5 meeting. The Committee received a request to lower the speed limit on Kearsarge Mt. Road to 25 mph from Main St. up to 87 Kearsarge Mt. Road. The Police Department utilized the radar trailer for some data. The average speed from 415 vehicles was 36-37 mph. The Highway Safety Committee voted unanimously to recommend to the Selectmen to reduce the speed limit to 30 mph from 115 Kearsarge Mt. Road coming south and from 115 Kearsarge Mt. Road heading north, the speed limit will be 35 mph. John commented that he has noticed hardly any patrol enforcement on Kearsarge Mt. Road. Bill said the road is patrolled all the time, Bill personally patrols it as well, they don't sit in one spot. Kimberley said she see's patrols, moving and parked, up near her home a lot.
- B. Kimberley said the radar trailer needs to be upgraded so more data can be achieved. She would like to investigate if Warner should have their own trailer, the one currently being used is shared between 3 towns (Webster, Boscawen, Warner). Bill said usually you can obtain a 50/50 Highway Safety Grant, the town's portion would probably be around \$7,500.
- C. The second request the Highway Safety Committee considered was lowering the speed limit on Main St. from 30 mph to 25 mph. The Committee did not identify the center of Main St. as a raceway and agreed that it is difficult for a vehicle to drive over 30 mph in the village area. Bill said for the reduction to be considered by the Department of Transportation an engineering and traffic study will need to be completed. Bill said the chance of DOT reducing the speed limit is not in the town's favor. The Highway Safety Committee voted not to recommend.
- D. Jim said if the Board approves the recommendation, what is the time line to incorporate the new speed limit. Bill said if the Board approves he will contact the Director of Public Works and then shortly after the signs will be installed.

Board Action

Selectman Carson made a motion that the Board supports the recommendation of the Highway Safety Committee lowering the speed limit to 30 mph from 115 Kearsarge Mt. Road to Main St. and 35 mph from 115 Kearsarge Mt. Road heading north. And the Board accepts the advisement of keeping the speed limit on Main St. the same, no change. Chairman Dabuliewicz seconded the motion, motion passed 3-0.

- E. The Highway Safety Committee will investigate getting a fuel sign south of exit 8. The hope is to divert fuel trucks from using exit 8 coming through town to fuel up at exit 9. The Committee will also investigate illuminated school zone signs on Kearsarge Mt. Road.

- F. Barbara Annis said Dean Williams from Central NH Regional Planning Commission may be able to help regarding the radar trailer grant.

2. Police Department Staffing

- A. Bill talked about considering another full-time position. At this time the part-time position is vacant. Per the FBI statistics for NH since 2015 say there should be 2 full-time officers for every 1,000 population. Bill would like to discuss this later in the year. Kimberley asked Bill if the Liquor Store and the Gun Range will change the needs of the department. Bill said with more volume comes more work.

3. Solar Array Construction

- A. Clyde reported that there is ledge at the solar array site and will require more site work than originally estimated. The Public Works Department was able to complete some site work, the time line was extended because there was a change in the orientation that will require an additional cost for renting equipment. John said Harmony should absorb the rental cost. Clyde said Harmony will absorb some of that cost, also the Public Works Department was going to use some overtime labor to get the work done. But at this point the Public Works Department will not be using overtime labor. John said the Public Works Department was not expecting to be doing anything on this project, the DPW was assured the site was taken cared of, which it wasn't. John said Harmony fell down on the job by not checking the site.
- B. Clyde said the Public Works Department expects to have the site work completed by the close of Thursday, at that point the equipment rental cost will be known, Harmony will be paying for the rental cost. John asked the full cost? Clyde said Harmony said they will pick that cost up. Clyde said the other thing that goes along with that is the town took a long time getting the contract set up so that Harmony can get their initial engineering check, he thinks to sit down with Harmony and say they are responsible to pay for the rental costs without giving them their engineering check is kind of bad form, so the paperwork has been filed that will allow Harmony to get their check for the engineering work. Clyde said once that is done the town can have a conversation with Harmony about the rental costs.
- C. Clyde reported notification has been received, the town will be receiving \$43K from the Rural Development Grant.
- D. Clyde said because the site has ledge, pads will need to be poured to anchor the arrays. This will push construction out till after July 4.
- E. Jim asked Clyde about the site prep. and the arrangement with Chuck Rose, why was the town surprised with the extra site work that needs to be done. Originally the Director of Public Works quoted \$13K for site work and materials in the first array quote that went before the town and from last year till now that cost was removed, how did that get lost. Clyde said it didn't get lost, he thinks last year the money was in there thinking the town would do the site work and that was the estimated labor. Clyde said the Director of Public Works worked the same deal the Water District did with Chuck Rose, clearing the site for the timber and that's when he (DPW?) said OK that should come off the table (\$13K?). Clyde said when they got into it, one way or the other, he thinks there was a set of mis-expectations between Chuck and Tim (DPW) in terms of what they were looking for in having the site finished. John said Harmony as well who assumed the site would be usable, John does not feel it's all on Tim and Chuck Rose.
- F. The Board reviewed the budget for the Solar Array. The total cost of the array \$357K to complete the array and the available funds are \$381,800, there is about \$25K that will not need to be financed. There may be money needed for site work, the Board will wait to see what the final cost will be at the end of the project.
- G. Clyde said in the future he would like to have a discussion about signage at the site and there are a couple of local residents that would like to volunteer some time to help out with that.
- H. Jim said he talked to Joe Harrison from Community Development Finance Authority who informed Jim that CDFA only release funds based on the invoices submitted to them and when the project is done all the released funds will be tallied and that will result in the loan amount.

4. Corrective Action Plan – Town Hall

- A. Jim reported the panic pads for the two glass doors located at the front entrance of the Town Hall have been installed.
- B. Quotes for EXIT signs are being obtained.
- C. The fire alarm upgrade will cost about \$100 for each.
- D. Storage areas are being cleaned out.
- E. The hope is once the EXIT signs are installed the use of the lower meeting room may be granted with an occupancy limit as the town moves forward to installing a sprinkler system, Jim is obtaining quotes. The Director of Public Works is creating a cost for bringing a 6" line from Kearsarge Mt. Road into the back of the building. The plan is to do the water line, along with burying a power line and adjusting the back drive at the Town Hall at the same time.
- F. A company will be coming in on July 1 to quote the cost for cleaning and treating with flame retardant the draperies in the main hall.
- G. Clyde reported there is a surplus in the Legislature that will be coming back to the towns in the form of highway money. There is \$30 million that will be coming back for road construction. Clyde said he heard the amounts coming back will be similar to the Block Grant amount, it will be one time, and can be used effectively beginning July 1, to be used this year. Clyde feels this funding could help the project for the sprinkler system line from Kearsarge Mt. Road.

5. Economic Development Committee

- A. Clyde reported the EDC met with Central NH Regional Planning Commission's Director, Mike Tardiff, with regards to economic development. The request to the Selectboard is that the Board authorizes and approves their membership for up to 12 members and the existing members would like to be appointed. The EDC would like to have staggered two-year terms. John said the Board will wait for the EDC's recommendation on the staggering, then the Board can make the appointments.
- B. Clyde asked if the Board appointed Charlie Albano as the towns representative to SEDS (State Energy Data System) Board? John doesn't recall doing so.

Board Action

Selectman Carson moved to appoint Charlie Albano to the Central NH Regional Planning Commission SEDS Board as a town representative. Selectman Edelmann seconded the motion, motion passed 3-0.

6. Employee Compensation Analysis

- A. The Board reviewed the draft work services agreement. Jim will incorporate the Board's changes and send a draft to Thornton Associates.
- B. The Board needs to determine which towns to use for comparables. Marianne Howlett suggested looking at what towns were used by the Wage Study Committee back in early 2000.

7. New Fire Station Project

- A. Kimberley met with Allan Brown last week, there are some contracts that need to be signed for SMP Architect, North Branch Construction and Ransom. Jim said Ransom is through SMP, and he just received a contract from North Point Engineering and he believes North Point is also through SMP which needs confirmation. The North Branch Contract will be ready for the Board next week.
- B. Bonds will need to be investigated at some point. Fire Station Building Review Committee member Jonathan Lord will be looking for any available grants. The FSBRC Chair, Allan Brown, approached George Packard and

asked him if he would be willing to do a video that explains why we need a fire station, unfortunately George was not available. Allan and Kimberley also need to discuss if they can get North Branch to build a sign that says "Site of Future Fire Station".

- C. For the June 29th meeting, Anthony Mento from SMP Architect, is recommending the FSBRC break up into sub-committees to tackle some issues like communication, the house moving, grants etc.
- D. The Energy Committee will be providing suggestions.
- E. One sealed bid has been received for the house, another may also be submitted. Bids will be open on June 27th.

8. Personnel Policy and Policies

- A. Kimberley completed an inventory of all the policies. Her focus is the Personnel Policy and will be presenting her thoughts in a couple of weeks.

9. Selling Town Parcels

- A. Six properties will be presented to the Board for market consideration.

10. Town Hall Front Lawn

- A. Clyde said he would like to discuss the lawn in more in depth at the next meeting, he will advertise for public input. Martha Bodnarik said she came to this meeting to discuss the front lawn, now to learn there will be no discussion until next week. She also commented on the website, she said it's not as friendly as it should be. Clyde said the Economic Development Committee wants to take the website on.
- B. Marianne Howlett, who is a member of the Lawn Committee said the Committee is focused on de-cluttering the front lawn.

11. List of Towns Used in Compensation Analysis

- A. The Board will have a further discussion on June 27th.
- B. Jim reported the employee orientation will take place on Thursday, June 29 at 1:30 pm. John recommended inviting the Budget Committee as well.

12. Minutes

Selectman Carson moved to approve meeting minutes dated June 6, 2017. Selectman Edelman seconded the motion, Clyde provided corrections, motion passed 3-0.

13. Manifest

Selectman Edelman moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4786-4834 in the amount of \$44,983.97 (including 20 direct deposits) and Accounts Payable check numbers 53828-53867 in the amount of \$458,435.59 (includes a check to KRSD in the amount of \$224,781.33). Selectman Carson seconded the motion, motion passed 3-0.

14. Consent Agenda

Selectman Carson moved to approve the Consent Agenda for **June 20, 2017**:

1. List of new addresses for Nichols Mill Lane (previously signed)
2. Sign Permits for:
 - Premier Coach
 - Liquor Store
3. Building Permits for:
 - Map 4 Lot 008
 - Map 30 Lot 009
 - Map 19 Lot 26
4. Abatements for:
 - Map 10 Lot 18-2 for 456.03
 - Map 10 Lot 18-3 for 462.38

5. 2016 Abatement denied for Eversource

6. 2016 Abatement denied for SBA Tower

7. Property tax refund for Map 31 Lot 36

Chairman Dabuliewicz seconded the motion, motion, passed 3-0. John said the State Liquor Store per the Zoning Ordinance is exempt from needing a Sign Permit.

15. Other Business

A. **Road Agent:** Clyde feels the town should still be appointing a Road Agent. He said a lot of towns are in the same situation as Warner and still have a Road Agent. Clyde said he spoke with Allan Brown who told him absolutely, the town should have a Road Agent because that's the only position defined in the statutes. John said he has yet to see any specifics as to how it will help the town and he said to Clyde that he didn't answer his question about if there's a liability issue that's any different from any other town employee. John said the Road Agent statute is something the Selectboard has power over and the Board are the one's that direct the Director of Public Works as a town employee, he doesn't need the additional power of a Road Agent. There is a legal opinion from NH Municipal Association saying it is not necessary to appoint a Road Agent and RSA 231:66 says the Road Agent shall render to the Selectmen weekly statements of their expenditures and shall receive money from the Treasurer only on the order of the Selectmen. Also, under RSA 231:68, highway agents shall keep accurate accounts showing in detail all monies received by them. John said that is done by the Bookkeeper. John said he doesn't see the need for a Road Agent, Clyde disagrees.

Judy asked if it would be a liability to the town not to have a Road Agent. John said any one who wants to bring a lawsuit can do so, and he would rather rely on the advise of NHMA on this issue than hypothetical. John said to Judy that he knows she's a stickler for trying to pay attention to the statutes, if the town makes the Director of Public Works a Road Agent the town will have to change the financial policies and John doesn't see the need just because someone might sue the town.

Jim said he checked with NHMA Legal, Margaret Burns, about if the town is protected against potential civil litigation without having a Road Agent. Margaret told Jim that many towns have moved on from the Road Agent focus and have incorporated full Public Works Departments that incorporate all the duties and responsibilities that a Road Agent normally had in the past. And if the Selectmen have established a Highway Department and a full-time Director of Public Works and the Road Agent responsibilities are in the job description, the Board has basically covering all the obligations of a Road Agent, then you have met the statutory requirement. Jim then called Primex who said they defer to NHMA.

Kimberley said to the Board that there is no advantage or disadvantage that she can see, she asked the Board if they agree. John feels there is a disadvantage. Clyde said why wouldn't you want a Road Agent. John said he gave his reason. Kimberley asked if they know how the Director of Public Works feels about this. Jim said the DPW has no opinion on it, he said he works under the direction of the Board of Selectmen.

B. Clyde reported last Wednesday he went to the NH Commission on Scenic Byways and presented was the Currier & Ives extension through the village area up to Kearsarge Mt. which was approved by the Commission. Signs can now be posted.

C. Clyde said in the past when the town took down a tree or loses a tree the town would replace the tree, he wants to bring that back. Jim said the town should be cautious about putting trees back in a right-of-way. John asked Jim to check with the Director of Public Works about this.

D. Kimberley asked that letters received by the public are replied to, acknowledging their receipt.

E. John talked about the vacancies on Boards, Committee's, etc. he said after this past election he heard and read a lot about people who want to be involved in government. John is hoping the people that read the minutes say maybe they should get involved if I want to see change. There are current vacancies for a representative to the Central NH Regional Planning Commission, Conservation Commission, a voting member and an alternate member is needed on the Planning Board, an alternate is needed on the Zoning Board of Adjustment.

John asked the Board to consider moving Planning Board Alternate Peter Anderson to a full member. Clyde said typically it would be a longer seated alternate that would be moved to full membership and he would be acceptable if that is checked first. Kimberley suggested asking the opinion of the Chair of the Planning Board on which alternate is ready to move to a voting member.

- F. John said to the Town Clerk that he had asked her some weeks ago if she could provide John with a list of all the documents that should be filed with her from the Selectman's office. He said Judy has stated several times that the Selectman's office did not provide to her things that should have been filed with the Town Clerk. John asked Judy for a list of those items that should be filed with the Town Clerk on an annual basis along with relevant RSA's if there is one, he asked Judy if she has made any progress. Judy said she didn't remember this request of John's. John asked Judy to work on his request.

16. Public Comments

No comments received.

17. Nonpublic Session

Chairman Dabuliewicz moved to go into nonpublic session at 8:30 pm under RSA 91-A:3 II (d) acquisition/sale of personal or real property. Selectman Edelmann seconded the motion. Roll call vote was taken: Selectman Carson – yes, Selectman Edelmann – yes, Selectman Dabuliewicz – yes.

Present: Selectman John Dabuliewicz – Chairman, Selectman Clyde Carson, Selectman Kimberley Edelmann, Jim Bingham - Town Administrator

Chairman Dabuliewicz moved to come out of nonpublic session 8:38 pm. Selectman Edelmann seconded the motion. Roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Edelmann – yes, Selectman Carson – yes.

18. Seal and Restrict

Chairman Dabuliewicz moved to seal the June 20 nonpublic minutes for 1-year under RSA 91-A:3 II (d) acquisition/sale of personal or real property. Selectman Edelmann seconded the motion. All were in favor the motion passed 3-0.

19. Adjournment

Meeting adjourned at 8:39 pm.

Board of Selectmen
John Dabuliewicz – Chairman
Clyde Carson
Kimberley Edelmann

Recorder of the minutes: Mary Whalen