



# Warner Board of Selectmen

**Meeting Minutes**  
**Tuesday, August 22, 2017**  
**APPROVED**

Chairman Dabuliewicz opened the meeting at 6:00 pm

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

Others present: Nancy Martin, Scott Warren, Rich Cook, Tim Allen, Martha Mical, Rebecca Courser, John Leavitt, Barbara Annis

## **1. Conservation Commission Fund**

- A. Nancy Martin, Conservation Commission Chair, is before the Selectmen requesting the release of \$26,000 from the Conservation Fund to cover the cost for an easement associated with the Children's Brook Easement Project. There are 3 parcels involved, one from the town and the others owned by Scott and Joan Warren. Nancy provided the Selectmen with maps showing the easement size. The Warren's are planning on donating their parcels and putting an easement along the floodplain/stream so that the children who fish in the Fishing Derby every year will be able to do so into the future.
- B. John clarified that the easement on the Warren property is on a portion of their lots, the town parcel will have an easement that will cover the entire lot. John asked how will the boundaries be marked if the property hasn't been surveyed. Scott Warren said it will be surveyed and marked with monuments.
- C. The Conservation Commission held a public hearing on August 5, 2017, there were no public comments at the hearing. Kimberley asked what does the easement do. Scott Warren said he wants to keep the integrity of the brook so the annual fishing derby can continue for many years and to keep the brook protected. The easement would remain even if the Warren's sell their property. Five Rivers Trust will enforce the easement.
- D. Nancy explained how the money will be allocated as follows:
- |                |  |
|----------------|--|
| • Survey       | \$5,000  |
| • Title Search | \$6,000 (\$3,000 for each easement)                  |
| • Stewardship  | \$7,500 for town lot<br>\$7,500 for both Warren lots |
| Total          | \$26,000   |
- E. Clyde asked Rich Cook from Five Rivers Trust what happens after Five Rivers Trust approves it. Rich said Five Rivers would provide to both parties a model easement where the terms will be negotiated, survey completed, title search, after which the easement will be executed and recorded. Clyde confirmed negotiations will take place on the town's parcel? John said typically the Conservation Commission conducts the negotiations and reports back to the Selectmen, he also pointed out to Nancy for future reference to provide a copy of the budget she was talking about in section D.
- F. Kimberley asked if the Warren's wanted to ensure the brook was safe in the future can't they do the easement themselves? Rich Cook explained there has to be someone to enforce and benefits from the easement in a legal way. The land will be open for public access.

## **Board Action**

Selectman Carson moved to authorize the release of \$26,000 for the next step in the easement for Children's Brook. Chairman Dabuliewicz seconded the motion. John asked how much is in the Conservation Fund. Nancy replied approximately \$123,000. All were in favor, the motion passed.

## **2. State Surplus Land**

- A. Nancy Martin said she received a letter on July 11, 2017 from the Department of Transportation saying they are willing to talk with the Conservation Commission about a purchase by the town of river front property that they have in surplus, Map 16 Lot 24.
- B. Nancy said she see's difficulties because the report she read, the state believes the abutters own to the mid-line of old Route 103 and there seems to be deed restrictions as well. Nancy would like someone with more expertise to review the DOT appraisal report. Nancy said the Conservation Commission has been interested in this parcel for a long time. Jim asked if this parcel has any relation to the rail trail and Nancy replied yes. The property is also one of the top rated accesses for kayak's in the state. **Nancy will have Brian Hotz from the Forest Society look into the deed restrictions, which may result in additional costs.**

## **3. Block Grant Funding from Senate Bill 38 (SB38) and Update**

- A. Director of Public Works, Tim Allen, reported road side mowing is under way. Shim work will take place on Red Chimney, East Joppa and around Pleasant Lake. Then the department will deal with the drainage issue on Waterloo St.
- B. Tim would like to use about \$85K to \$90K of the Block Grant money for paving. One of the projects that was started in 2014 was overlaying Schoodac Rd., Tim wants to get Schoodac back into the scheduled projects, he wants to pave the road from the Webster town line up to Courser's sugar house. The amount of money being distributed to the town is a little over \$111K. In addition Tim would like to use \$25K for 4,000 yards of gravel to add to the gravel roads. John asked Tim if he had planned to do any of this work this year and Tim's reply was no. Kimberley confirmed that the money must be used on an un-budgeted project. Clyde asked where does Schoodac Rd. fit in the priority list. Tim said he feels it's important to get the road surfaced, if not, and the road keeps failing the way he has witnessed, the cost will be three times more to get the road back to standard. Kimberley said ride a motorcycle on the town roads, that will show you how much of the roads need attention and Schoodac Rd. is one of those roads.
- C. Clyde asked Tim for his thoughts about the project for lowering the driveway at the Town Hall. Tim feels the project needs to be looked at further to come up with a better plan. Jim said there is no pressure to do this project this year because Eversource granted the town an extension on burying the power line. Tim feels the town should take advantage of the current cost of hot top because it's down to \$62.00 per ton versus \$75.00 to \$80.00 per ton, and complete a project. Kimberley said another thing that is good that the citizens may not know is this money is non-lapsing, if it's not used this year, it can be used next year.
- D. Jim said it's well known that it is more cost effective to keep up a good road than to try to let a good road wear down to the point of re-building it. This is an opportunity to extend the life of Schoodac Road for a minimum amount of money for another 15 years. It is also a clean way to use the money in the manner that DOT has outlined. Kimberley asked Tim if he was given a choice, is his preference to utilize the money as soon as possible, Tim's reply was yes.
- E. John asked the Board if they are in agreement with Tim's recommendation. Kimberley said yes, Clyde agreed as well but would like to see a strategy plan for the sprinkler system and lowering the driveway at the Town Hall. Jim agreed with Tim about needing more time to plan for the driveway and sprinkler system. Tim said he talked with an engineer from Henniker, and he has agreed to help Tim layout the driveway plan, he said it's easier for him to look at a plan so you can see what is actually taking place.
- F. A public hearing to accept and expend the funds will be arranged for September 5 at 7:00 pm.

## **4. Solar Array**

- A. Clyde said the pads to hold the arrays have been poured, site work has been completed, the trench work was completed last week, the cabling is ready to connect and at this point the equipment has to arrive to build the arrays. Construction is expected the week of September 11 and will take about 2 weeks.
- B. Before reviewing the array budget, John explained the budget includes costs to the town that were not fully budgeted because we were not fully aware on what was required at the site. John said there are costs for the site work which won't necessarily have to pay from the borrowed funds, but, the DPW is trying to

establish a history that shows what it has cost to do certain projects for the town for labor, equipment use, materials etc. so that he can have a history when it comes to figuring out if it is more cost effective for the town to complete the work or should the project be hired out. **John asked Jim to prepare a draft budget that would include those costs.**

- C. Clyde asked if the dirt that was hauled off to create the parking area in back of the Town Hall have a true value of \$10,000, because that material was used at the solar array. Clyde said the DPW told him he has the soil that was excavated from the parking lot and that he would just use that material at the array. Clyde wasn't aware that material had a value of \$10K. Jim said he can check with the DPW on that. Jim said the town has received the first interest bill in the amount of \$14.13 and since we are  $\frac{3}{4}$  through the year he reduced the budget amount of \$10K for loan interest payment down to \$1,000. **Clyde would like to sit down with Jim and go through this budget.** John pointed out that he has received several emails over the last couple of months about having a revised budget that never really resulted in anything, John wanted to make sure to have something to work from.

### **5. Town Hall Corrective Action Plan**

- A. Jim reported the drapes have been treated with flame retardant for \$2,545.00 which will be paid from the capital reserve. The illuminated EXIT signs and upgrades on emergency lighting, Jim presented two quotes to the Board back on August 1, he was asked to go back and obtain a revised quote from one of the vendors. Jim contacted the vendor, he and Building Maintenance walked through the Town Hall with the vendor in July but never received a second quote. Jim said he phoned him, text him and emailed him three weeks ago and has not received any reply. Jim is recommending his original recommendation, he spoke with Harry-O Electric which will honor the original quote in the amount of \$3,825.00.

### **Board Action**

Chairman Dabuliewicz moved to accept the proposal submitted by Harry-O. Selectman Carson seconded the motion, motion passed unanimously.

- B. **Jim said once the electrical work is done he will contact the Fire Chief** and ask him to re-evaluate the Fire Marshal's report and hopefully the Fire Chief will grant limited assembly access to the lower meeting room.

### **6. Economic Development Committee**

- A. Clyde reported the EDC is working on developing a community survey, and the thought is to send the survey out in the tax bills, more discussion is needed.
- B. Clyde said he informed the EDC to think about budget items for next year, they have a couple of projects in mind that have a cost associated, he advised them to get with Jim about this. One thought is a Geographic Information System for the website. This was presented last year in the Capital Improvements Program but the Board decided not to move forward with it. The EDC has identified the GIS as a priority.
- C. Kimberley noted that the Board did not vote to change from Economic Development Advisory Committee to Economic Development Committee. John said they are still advisory.
- D. Jim said he spoke with EDC member Peter Anderson who said the committee is interested in putting money away to revamp the website as priority one and the GIS as priority two. Martha Mical said at a Town Meeting from a straw poll, the voters said no to putting information on-line and Martha said if the Board decides to do this there should be a vote.

### **7. Compensation Study**

- A. Jim reported that Thornton Associates received the questionnaire's, information from the chosen towns and job descriptions. Interviews with the employees will take place August 28 & 29. Clyde asked if there are any other Selectmen besides him interested in being interviewed? John said why, we are not part of the study, and what would be the purpose of that. Clyde said he wants to go through the process to see what it is about. **Jim will contact Thornton Associates and will make arrangements for Clyde.**

## **8. New Fire Station Site**

- A. Kimberley reported that a rough plan has been submitted to move the house by Bob Irving, Bob has also expressed an interest in the garage. The trees that will be removed for the house removal have been flagged. John said there has been interest from others for the remaining trees on the property, the question is how will they remove them. At this point because of a proposed grant for the Emergency Operation Center, nothing can be disturbed on the property. **There will be further discussion in the future about tree removal.**
- B. Kimberley said at the Fire Station Building Review Committee meeting on September 6 there will be some critical decisions made because they are at the point where they have to have pricing work done, such as will there be a small basement for mechanicals, type of heating system etc. Clyde asked how does the Board get updates along the way. Kimberley said you have a Selectman's representative that just provided an update, there are minutes. Clyde said should the Board have a discussion on if this is going in the right direction? Kimberley said to Clyde that he can also attend the meetings. Clyde said he was thinking that the FSBRC can come and brief the Selectmen on where they are, an overview on what the Committee will be moving forward with, a milestone meeting. Kimberley said that can be done after September 6, or Clyde can come to the meeting, John said he will be at the September 6 meeting. The Board discussed having an update provided at the September 12 Board meeting. John Leavitt asked what if the Board decides they don't like the plan? Kimberley said there is still time for feedback to make changes. John Leavitt asked who has the final say as to what will be presented to the construction manager for design, is it the Committee? Kimberley said from her point of view, the Committee is the one who is working with....the town has said to the architects, your in charge of giving something to North Branch.

## **9. Personnel Policy**

- A. Kimberley reported that she is working on the Holiday aspect of the policy. She spoke with the DPW and the Police Chief and came up with an idea of providing either a floater day or Holiday pay for those who are scheduled to work on a Holiday, this change would allow for the Department Head to make that decision on whether the employee will receive a floater or Holiday pay.
- B. Kimberley will be working on the overtime section of the policy next.
- C. Kimberley is recommending reducing the probationary period for new hires to at least 3 months.
- D. Kimberley will be adding the definition of an employee and the definition for an elected official with the inclusion of the Town Meeting vote several year's ago to treat the Town Clerk and Tax Collector as employees.
- E. Clyde recommends a work session at some point to review the changes Kimberley will be making.

## **10. Selling Town Parcels**

- A. A memo dated July 31 was sent to the Board making recommendations on which parcels to sell. What ever the Board decides regarding the properties, the first step is notifying the abutters. The Board discussed 3 properties that can be fast tracked, the previous owners will also be notified. The Board decided to first research all the laws involved before moving forward. Kimberley wants to know if waiting for the third year after a property is taken by the town makes a difference when selling the property. The Board will re-visit the parcel inventory after the needed information is provided. Jim is suggesting sending a letter to the abutters to the two of the 3 properties they have discussed, because the abutters have expressed an interest in those properties which are located on Horne St. and Chemical Lane.
- B. The Board talked about some donated lots on Kearsarge Mt., Clyde recommends keeping the lots or donating them to the state park. Martha Mical showed the Board which lots about the state park. John tabled further discussion on the rest of the recommendations until the next meeting.

## **11. Town Hall Front Lawn**

- A. Clyde reported he sent out a description of what the Town Hall Lawn Committee came up with after the THC's last meeting. The objective is to open the space as much as possible. The Committee decided to keep the oak trees but hire an arborist to trim the trees, fix the fountain so the bubbler works as well as the

fountain, widen sidewalk along Main Street for vendors and Farmers Market, remove the Christmas tree, relocate the flag pole to where the Christmas tree was and trim the tree on the property owned by Kearsarge Insurance. Martha asked if anything will be done about the fence. Clyde said once the sidewalk is widened the fence disappears along with the bushes. The Committee is also suggesting the Selectmen adopt a regular maintenance plan for the front lawn.

- B. Kimberley asked Clyde if the Town Hall Lawn Committee is still meeting. Clyde said no, because the Selectmen need to have the discussion if the Committee should move forward. Kimberley asked if the Committee considered selling memorial sidewalk bricks as a source of revenue to fund the Beautification Fund. Clyde said the Committee didn't get that far.
- C. Jim asked Clyde if he obtained any costs. Clyde said that would be the next step if the Board adopts the proposed plan, he said Pellettieri Associates offered their advise

## **12. Budget Process**

- A. Jim provided a meeting schedule for the Board to review, **further discussion will take place on August 29.**

## **13. Discretionary Barn Preservation Easement Application**

- A. Assessing Clerk, Martha Mical, provided an overview on the process. A public hearing is scheduled for September 12<sup>th</sup>, before that, the Board will arrange and conduct a site-visit the week of Labor Day.

## **14. Legal Expenses**

- A. Jim reported legal expenses are now at \$20K, \$12K was budgeted. Jim said money is available in the contingency fund and part-time labor in the Police Department, he will be watching this closely.

## **15. Selectman's Other Business/Committee Reports**

- A. John talked about the MS-1 form that is due September 1. Martha Mical had asked the Board to sign the form this evening but John is not in favor because there is an issue pending that won't be resolved tonight. The Indian Museum has not paid in lieu of taxes or made an agreement with the town. John understands the Museum Director came to Martha Mical to say the money that was previously considered rent on the house that Bud Nelson lives in was now considered a donation because they changed their accounting system and therefore they didn't want to have to pay the payment in lieu of taxes anymore. So far, the museum has not paid the first bill they received. This payment is typically indicated on the MS-1 form, John thinks the payment in lieu of taxes from the museum should be reported on the form because he fully expects to receive a payment from the museum, but he doesn't know what the museum is thinking because they have always paid it in the past, with or without an agreement. Clyde said he spoke with the Museum Director today who had thought she would be on the agenda this evening, now she won't be available until after September 1<sup>st</sup>. John asked Clyde if he is still on the Museum Board. Clyde said yes he is. John asked Clyde if he thinks it's appropriate for him to engage in this discussion of that topic. Clyde said he thinks so, he doesn't benefit financially. John said it seems like a conflict because Clyde is suppose to act as a fiduciary towards the museum and he's on their Board. Clyde said he will advocate for the museum because he feels they have a case, when it comes to a Board vote Clyde said he will back out. Kimberley said the Board can meet with the museum on August 29<sup>th</sup>, Clyde said the museum wants to meet with their Trustee's first before meeting with the Selectmen.

Jim said another way to look at a conflict of interest is that as a Selectmen you are the fiscal manager's of the town and therefore your looking at the situation in the town's interest with respect to the collection of tax revenue to pay for the appropriations the town has. Clyde said, express to me what you would like me to do. John said recuse yourself from the discussion and voting on this issue. Clyde said he will recuse himself from voting but not from the discussion. John said there is a difference here, Clyde has a fiduciary duty in both cases. Clyde said then he will sit in the audience and act like a resident of the town, he said he has a right to support what's happening for that museum. John said he doesn't disagree with that, it's how it's done, he is concerned about the perception. Martha Mical agrees that Clyde should be able to be included in the discussion, but not the vote. John said what bother's him is Martha Mical informed the museum to submit something in writing to the Selectman's office about 2 weeks ago. The issue is the museum wants to meet with the Trustee's. Martha said she explained to the Museum Director as far as the

bill in hand, she needed to ask for an abatement from the Board of Selectmen on that bill and then re-negotiate the payment in lieu of taxes in a letter addressed to the Selectmen. Martha said she did not include the revenue in her MS-1 because the payment has not been received.

Kimberley asked when would the payment normally arrive. Martha said 30 days after a bill is sent, she said it's really a function the Selectman's office should be doing because the Board is in charge of payments in lieu of taxes. Martha believes the payment is due August 28. Martha said they have been paying since about 2013, the museum was sold in 2011. Martha said there is a law that states if a tax exempt property rents a portion they must pay full taxes on that rented portion. She said the Telephone Museum rented two rooms and they paid taxes, the college pays taxes on parts of their property, the church started renting the parsonage and they now pay full taxes.

John still wants to indicate the revenue on the MS-1 form. Clyde doesn't object one way or the other, but would still like to meet with the Director of the Museum. Kimberley does object to putting the information on the MS-1 form, she objects to the fact the museum doesn't want to pay their portion. Since there is no guarantee the museum will pay, maybe the revenue should not be indicated on the form at this time, then the town can accept the funds separately when everything is sorted out. John asked what is the consequence if the revenue is reported on the MS-1 and then they museum doesn't pay. Martha said the consequence is the town is saying it is raising more in revenue than you really are. There are no actual penalties.

### **Board Action**

Selectman Edelmann moved to accept the MS-1 as presented. Chairman Dabuliewicz seconded the motion saying the form does not include the Indian Museum revenue. Motion passed 2-0.

- B. Jim reported he had some research completed for the fire truck on whether it would be economical to pay the loan off with the insurance money and take out a new loan for the replacement truck. Jim learned the interest rate would be the same, the question from Lake Sunapee Bank is why would you want to pay off an unsecured loan, just continue paying it, Jim said Primex said the same thing. Primex prefers to send the full amount to the manufacturer. Financing the new fire truck would be a very complicated process that would not provide the town with any advantage. Plus the Board would need approval from the voters to enter into a new multi-year contract. Jim is recommending to let Primex pay the manufacturer directly and the town continues to pay the existing loan. Martha Mical asked what the old interest rate is and what a new interest rate would be. Jim said the loan is an unsecured loan at 3.5% interest, the current rate is about the same.

### **16. Adjournment**

Meeting adjourned, no time stated.

Board of Selectmen  
John Dabuliewicz – Chairman  
Clyde Carson  
Kimberley Edelmann

Recorder of the minutes: Mary Whalen