



Warner Board of Selectmen

Meeting Minutes
Tuesday, August 29, 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: Ray Martin, Barbara Annis, Martha Mical, John Leavitt, Judy Newman-Rogers, Rick Davies, Ben Frost, Rebecca Courser

1. Fall Foliage Festival – Beer Tent

A. Fall Foliage Festival President, Ray Martin, met with the Board. Jim explained the state form that Ray has is not asking for permission by the Board of Selectmen, the Selectmen must acknowledge the FFF is renting space to a beer vendor. The vendor will be responsible for proper ID and will have a two beer limit per person. Ray has completed a reference check on the vendor resulting in no instances and they have been well received. The tent will be located on the Telephone Museum property which is also aware of the beer tent guidelines. The FFF is looking at ways to raise more revenue and Ray added that all needed certificates are in place.

2. Solar Array – Revised Budget

- A. Jim said he met with Clyde briefly to go over the budget, Clyde then sent Jim an email recommending to keep the CDFA borrowing down to \$250K which is \$23K less than what the town was awarded. Jim said part of the rationale is the town is required to use loan money first before the grant money can be used, Jim wants to make sure the grant funds are fully utilized. Jim thinks there are some aspects of the budget that needs some tighter figures. There are signs budgeted but Jim has not received any quotes, there is \$1,500 budgeted for legal. Landscaping has spent \$3,500, the DPW is working with Clyde and one of the landscapers who may be able to do the final landscaping for a lower price. Jim said as far as he knows these things need to be decided. John confirmed there is no firm budget. Clyde spoke up and said the things that are not known are the cost for signage and the landscaping.
- B. John said he spoke with the DPW who explained to John that he would like to seed and hay before the panels are installed which will be in a week or two. John asked the Board if they have a problem with this schedule for seeding. Clyde did not have a problem, either did Kimberley. Clyde said the salt shed will be moved to the left and then public works will rake and seed.
- C. John asked about the cost for the rental equipment, \$6,500. The DPW would like to get that money back into the DPW budget. Clyde said Harmony told him they will eat that cost. John would like to see that in writing, or a check from Harmony. **Further discussion will happen on September 12th.**
- D. Martha Mical said the Public Works Department didn't get reimbursed for the work on the parking area and that was close to \$100K. She understands knowing the actual cost but it looks to her like the solar array is being picked on. John said the reason is because we were told by the contractor the site work would be taken care of and that the town wouldn't have to do anything. As a result, the Public Works Department had to do a lot of the site work, which the cost of all that work has been tracked and has not been charged to the grant. So the extra cost for the equipment rental to do the site work that the DPW counted on in his budget is now short that money. Clyde said he takes objection to that because in the contract it says the town will do the site work. John said he questioned why there wasn't any money in the array budget for site-work. Clyde said the contract says the town is responsible for the site-work, last year when the contract was put forward there was \$14K in the array budget for site clearing assuming the town would

pay for the site to be cleared. Clyde said Tim Allen worked out a deal where Chuck Rose cleared the site for the value of the timber, same as for the Water District. Clyde continued by saying then the \$14K was removed from the array budget. What happened is the site needed more work than the Water District's. John said there was no mention for equipment rental to do it. **Jim recommends talking further with the DPW on September 12.** The week that he lost in the gravel pit because he had to switch to do the site work at the array sets him back on the amount of gravel he planned to process. Clyde wanted it made clear that the contract states the town is responsible for the site-work. John said he accepts that, what he doesn't accept is that we were assured the site didn't need that much work, he said the DPW brought to their attention that there may be issues with the site but nobody ever looked at it from Harmony, and that was a mistake on our part.

- E. Jim agreed that the town has absorbed a lot of in house costs for various projects in the past. But, the reason this issue is different is because the DPW was almost completely done with the site-work that he was required to do at the array and then there was a change order that caused at least 4 more days of rental equipment which made the DPW lose a week. Clyde asked the Board what is the objective. Jim said the DPW would like to get the rental money back into his budget.
- F. Barbara Annis would like to see the area softened somehow because now it looks like an industrial area instead of the green area it once was.
- G. John Leavitt thinks there was talk about using some of the grant money for landscaping, why is this being considered where the project has cost the town more money than anticipated. John D. told John L. that the budget is not really over budgeted. John L. said this project has cost the Public Works Department more money than anticipated. Clyde said if it was agreed up front that a new set of measures would be used for the value of this project such as for the parking area, the downtown sewer project, the Odd Fellows Building were we really didn't measure the cost of the town's participation, we could have built that into the budget, he didn't expect to do that for this project. Clyde said he respects the DPW for tracking costs, but, this measure wasn't set down when the budget was put together for the project. John L. said your missing my point, the project is over budgeted from what was anticipated, why are you talking about spending more money on plantings? Give it back to the Public Works Department. Clyde said I think we are, we received a grant in the amount of \$42K that will be used to reduce the amount of the loan. By the end of September the array should be operational.

3. Town Hall Corrective Action Plan

- A. Jim sent an email to the Fire Chief giving him an update on the work that has been completed thus far. The drapes have been treated with fire retardant, storage areas have been cleared, and the electrician to install illuminated EXIT signs will do so after Labor Day. When the signs are installed, Jim will ask the Fire Chief to complete a walk through of the Town Hall. The hope is the Fire Chief will allow limited use of the lower meeting room. The needed sprinkler system will be planned for this winter, Jim will recommend to the Selectmen to put money in the Town Hall Improvements Capital Reserve as well. The plan is to have a cost available to the Selectmen by the end of this year. Kimberley asked if this sprinkler system is required, can it be voted down at Town Meeting? Jim said yes, it could be voted down.

4. Economic Development Committee

Nothing new to report

5. Job & Wage Analysis

- A. Thornton & Associates have completed the employee interviews. An analysis will be developed, comparison charts, a grade range, a matrix to analyze future job descriptions as well as an overall review of the current compensation compared to the other towns will be presented to the Selectmen at a future date.

6. New Fire Station Site

- A. Jim reported that the owner of the house on the site is also interested in the garage, Jim will be working out the details. Martha Mical asked if the town is charging for the garage. Jim said we are saving the cost of disposal. John asked if a bid process is required for the garage. **Kimberley said the Board should talk about it. John said after we receive some more information.**

7. Personnel Policy Review

Nothing new to report

8. Town Hall Front Lawn

Nothing new to report

9. Land-Use Secretary – Vacant Position

- A. Jim is suggesting hiring for an interim bases to allow the Board along with the Chairs of the Planning Board and Zoning Board of Adjustment to have a more in depth discussion on the position. One recommendation is shifting the Building Permit process to the Land Use office.
- B. Jim said a ZBA member has offered to fill the position. The Bookkeeper checked with legal at New Hampshire Municipal Association which said a full member should not create the meeting minutes, but an alternate member may do so. The ZBA member can process anything for the Planning Board but not for the Zoning Board of Adjustment. Jim said the Selectman's secretary can handle the meeting minutes for the ZBA. Jim feels the ZBA member would be a help because she is familiar with the processes.
- C. Kimberley sees the ZBA person as one option, she asked about sharing services with another neighboring town as the interim employee and has the Board had the conversation about do we want to hire a new person. John said the interim position would provide the Board the time to have that conversation. John is in favor of using the ZBA member but would like to hear what the neighboring town's have to say.
- D. Planning Board member Barbara Annis said she is very upset. She said the job description for the Planning Board Secretary says they work for the Chair of the Planning Board and the Selectmen are making the decision. John said we haven't made any decisions yet that's why the Chairs were invited this meeting. Rick Davies, Chair of the Zoning Board of Adjustment, said his first concern is he needs someone at the meeting taking notes in case the recording doesn't come through. In the long term it's the Planning Board that has the bulk of the work. John asked if the ZBA member initiated contact regarding the position and Jim said yes, through email. Jim said contrary to making this seem like a big surprise, this is actually the beginning discussion and he feels people should allow these discussions to happen to come to some solution rather than think the opening remark is a done deal.
- E. Ben Frost, Planning Board Chair, said for the short term, none of the Planning Board issues are tied to the ZBA. Ben said his concern is having a member of the ZBA as the Land Use secretary in the interim will appear to be a conflict to some, and urged the Board's caution on that. Ben said with respect to the question of who hires, this is perennially a point of dispute between Land Use Boards and the Selectmen. Ben said having been a Town Administrator, his general feeling is where there is hiring of employees, it is the domain of the Board of Selectmen. Kimberley said the process last time was the Chairs from both Planning and Zoning along with the Town Administrator sat in on the interviews.
- F. Town Clerk, Judy Newman-Rogers said she would like to volunteer her office to assist in anything they can do, she has experience being the Land Use Secretary for 5 years, she can do the minutes and between her and the Deputy Town Clerk who is a part-timer could pick up some extra hours, if a paid position. Judy is salary so there would be no impact to the budget.
- G. Martha Mical who is covering the Land Use office said the Planning Board portion of the job, at this point in time, is a breeze. The ZBA portion needs attention.
- H. The options at this time is to contact surrounding communities for temporary help, call Central Regional Planning Commission for temporary help and the Town Clerk's office has volunteered to help. Jim said in the short term he will coordinate to see if there is someone available that has no conflict of interest regarding the ZBA aspects that need to move forward.
- I. The Board talked about long-term solutions, does the Board want to advertise now for a Land Use Secretary. Clyde said the Board needs to talk about how they may structure the position differently, until defined, it would be difficult to advertise. Hiring an interim person would allow the Board time to think how they want the Land Use position structured. The Board will continue the discussion after the meetings

regular business is completed. (meeting adjourned not further discussion)

10. Town Lots for Possible Sale

- A. Last week the Board decided to put 198 Horne St. on the market. Advice from New Hampshire Municipal Association said the town needs to publicly state the reasons why the town wants to hire a realtor. Clyde suggested using the property as a practice site for fire training and consider asking the Fire Department. John and Kimberley are concerned about the clean-up costs. Jim asked if the Board could consider having the property appraised and inspected by the Building Inspector to see how viable the property is for rehabilitation, then the Board can decide how to move to the next step. Clyde said another idea is to auction the property. **Jim said he will speak with the Tax Collector on what is owed on the Horne St. property.**
- B. John said he believes the Board voted at the last meeting to start the process for the Horne St. and Chemical Lane properties. Jim said he did receive answers to three questions on the process. One question is the warrant article that was passed sufficient to authorize the Board to sell a tax deeded property. Second question, besides sale by public auctions or seal bids, can the Board list a tax deeded property with a real estate agent and if the Selectmen hold a tax deeded property for at least 3 years is the Board now required to convey proceeds beyond the town's cost to the former owners or lien holders of the property. The answers were yes on the first and second question and for the last question, the duty to discourage excess proceeds from the sale of tax deeded property found in RSA 80:88 terminates 3 years after the recording of the deed. John read RSA 80:89 VII into the record:
VII. The duty of the municipality to notify former owners and to distribute proceeds pursuant to RSA 80:88, and the former owners' right of repurchase under this section shall terminate 3 years after the date of recording of the deed.
- C. The properties that Jim will work on are located on Horne St., Chemical Lane and Route 103 West. All these properties will be fast tracked because they are under 3 years. **The next discussion with the Board will be the method of sale.**

11. Budget Schedule

- A. Jim provided a budget meeting schedule. Kimberley prefers work sessions, John and Clyde agreed. The Board reviewed the meeting schedule and created dates for work sessions. Clyde informed the Board that they also need to meet with the Economic Development Committee, the Board wants to meet with the Chair at a regular Selectman's meeting on October 24th.

12. United States Geological Survey Board – Chapin Hill

Selectman Edelman moved to approve the proposed name Chapin Hill. Chairman Dabuliewicz seconded the motion, motion passed unanimously.

13. MS-434 Revenue

Selectman Carson moved to accept the MS-434 as presented. Selectman Edelman seconded the motion, motion passed unanimously.

14. Philosophy for the Upcoming Budget Cycle

Always keeping in mind, the finite capacity of taxpayers to cover expenditures, as well as the roll of the Budget Committee in the process, the Board will strive to:

- Fairly evaluate the needs of the town for investment in both human resource and capital infrastructure, in order to maintain and improve the infrastructure;
- Determine and prioritize the most pressing items among those identified by townsfolk and department heads;
- Fund those priorities to the greatest extent possible, recognizing that difficult choices must be made;
- Plan for future capital investments through continued use of capital reserve funds.

Board Action

Selectman Edelman moved to adopt the philosophy. Selectman Carson seconded the motion, motion passed unanimously.

15. Discussion on Past Sealed Nonpublic Minutes

- A. The sealed minutes date back as far as 2000 which have been reviewed by at least 2 Selectmen from prior Boards indicating they should either be unsealed or remained sealed. Kimberley asked if those minutes that have been identified as personnel issues become public as well? **Clarification of personnel matters is needed.** John would like to review the sealed minutes as well. Another aspect for the Board to consider is when the sealed minutes are released where will they be accessible to the public. John believes they can also be placed on the website.

16. Meeting Minutes

Selectman Edlmann made a motion to approve meeting minutes dated July 18 and August 1. Selectman Carson seconded the motion, motion passed unanimously.

17. Manifest

Selectman Carson moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4902-4916 in the amount of \$31,662.98 (including 23 direct deposits) and Accounts Payable check numbers 54082-54119 in the amount of \$614,728.14 (includes \$550,000 to KRSD). Selectman Edlmann seconded the motion, motion passed unanimously.

18. Consent Agenda

Chairman Dabuliewicz moved to approve the Consent Agenda for **August 29, 2017:**

1. Solar Array Exemption for Map 3 Lot 5
3. Intent to Cut for:
 - Map 10 Lot 49
4. Building Permits for:
 - Map 3 Lot 10

Selectman Edlmann seconded the motion, motion passed unanimously.

19. Other Business/Committee Reports

- A. Jim reported to the Board that they are invited to Mount View Senior Center for an open house on Thursday, September 21.

20. Adjournment

Meeting adjourned at 8:43 pm.

Board of Selectmen
John Dabuliewicz – Chairman
Clyde Carson
Kimberley Edlmann

Recorder of the minutes: Mary Whalen