



Warner Board of Selectmen

**Meeting Minutes
Tuesday, August 28, 2018
APPROVED**

Chairman Edelmann opened the meeting at 6:03 pm

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

Others present: Bill Baily, Sandy Bartholomew, Sarah Hansen, Ed Mical, Martha Mical, Deb Moody, John Leavitt, David Karrick, John Warner, Nancy Bassett, Nancy Martin, Judy Newman-Rogers, Marianne Howlett

1. Emergency Management

A. Emergency Management Director, Ed Mical, said the Board received an email from him last week. The Governor and Council approved the EMP Grant for the town for the Emergency Operation Center in the new fire station in the amount of \$85,773.00. The breakdown is:

- Generator - \$12,400
- Radio/Associated Equipment - \$15,500
- Furniture for the EOC space - \$27,500
- TV monitors - \$6,200
- Phone system for the EOC space - \$11,000
- (not audible) - \$4,200
- Communication cable - \$8,900

Ed said coordination will take place with the construction of the facility.

B. The Selectboard went on record and thanked Ed Mical for his efforts in obtaining this grant for the Emergency Operation Center.

C. Ed talked about the Hazard Mitigation Plan update, the current plan expires in March 2019. An approved plan must be in place in order to apply for grant funding. The grant funding for the update will be before Governor and Council for signatures on October 17. Ed said he can start with the town match towards the grant on October 18. Jim said a public hearing will need to be held for these unanticipated funds and asked Ed if this grant will be made out to the town or to Central NH Regional Planning Commission who will be assisting Ed with the update. Ed said the check will be made out to CNHRPC, it's a 75/25 match and the towns match is in-kind services.

Board Action

Selectman Carson made a motion to approve the Letter of Agreement with Central NH Regional Planning Commission for the update of the Hazard Mitigation Plan. Chairman Edelmann seconded the motion, the motion passed unanimously.

Board Action

Chairman Edelmann made a motion to reestablish the Town of Warner Hazard Mitigation Committee for the purpose of updating our current Hazard Mitigation Plan which will expire on March 9, 2019. As part of the plan update she made a motion to appoint Ed Mical to serve as the staff coordinator for town and appoint individuals to serve on the Committee. In addition members of the public are encouraged to participate in the plan update. Selectman Carson seconded the motion, the motion passed unanimously.

D. Ed said he's available to help move the process along for the Memorandum of Understanding with Northeast Catholic College.

2. Trustee's of the Trust Funds

A. Trustee, David Karrick, introduced Nancy Bassett to the Selectboard who, if the Board chooses, will replace Trustee John Warner. John has been working with Nancy to bring her up to speed.

Board Action

Selectman Dabuliewicz made a motion to accept the submitted resignation provided by John Warner. Chairman Edelmann seconded the motion, the motion passed unanimously.

Selectman Dabuliewicz made a motion to appoint Nancy Bassett to replace John Warner. Selectman Carson seconded the motion, the motion passed unanimously.

3. Expired Deferred Taxes

Tax Collector, Marianne Howlett, presented information/history on a property where the taxes were deferred and now the property owners involved are both deceased [Map 34 Lot 26]. Marianne says the laws states the Board of Selectmen are to begin collection for the amount due. There is a time period for this collection process, the heirs need to be determined and notified.

4. Primary Election

Town Clerk, Judy Newman-Rogers asked the Selectboard who she should contact to set the election up for the September 11 Primary and for the times the Board will be attending. Jim will talk to the Director of Public Works about who will set up the Primary. Kimberley said she will be available in the afternoon and John will do the morning, Clyde will be campaigning outside [State Representative].

5. Conservation Commission - Release of Funds

- A. Nancy Martin, Conservation Commission Chair, met with the Selectboard asking to approve the release of \$75,000 from the Conservation Commission Fund for the Brown Family Farm Easement. A public hearing was held on February 19 and in April the Selectmen agreed with the expense. Nancy said Land and Community Heritage Investment Program [LCHIP} is contributing \$180,000 to the easement and would like the Town of Warner to take the executory interest in this conservation easement. Martha Mical asked Nancy what the balance is in the Conservation Commission Fund. Nancy said she looked about a month ago and there was \$143,000.

Board Action

Selectman Carson made a motion to approve the expenditure in the amount of \$75,000 to be drawn from the Conservation Commission Fund and the town agrees to the executory role. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

6. Unregistered Vehicles Procedure

The Selectboard reviewed a draft procedure for responding to complaints about unregistered vehicles. Clyde would like to see the procedure posted for two weeks on the website and posted in public places for public comment.

7. Wingdoodle

- A. Kay Steen had sent a letter to the Selectboard regarding a delay in recording a lot line adjustment in 2012/2013 which was finally recorded in 2016. Jim said the tax card reflects "error of the Planning Board" and when the Selectman's Office looked into the delay, one of the issues was the recording fee was not delivered to the Landuse by the applicant. The finance office researched and found there was payment for the abutters notice but no payment received for recording the mylar and notice of decision in 2012/2013. Jim recommends an opinion from the town attorney. Clyde asked was the mylar recorded before or after the property was sold. Martha Mical said after the property was sold, but was approved two years before. Martha said because the town had a void in the Landuse Secretary position, that's why it didn't get recorded. Jim added the Landuse Secretary left in 2014, the town hired a secretary who then had to resign in the fall of 2016 and that's when the town has record that the check for LCHIP was submitted and cashed. Martha Mical said Kay wrote a check to Merrimack County directly to register it in 2016, that is why it didn't come through the town for the registering of the mylar.
- B. John asked Sandy Bartholomew what Kay is looking from the Selectboard. Sandy said she is trying to sell the Wingdoodle building to Make Grow and was told by the Title company the building doesn't have a clear title to the land that was involved in the lot line adjustment. A new title and deed was written to correct the problem and the new owners of the property next to Wingdoodle which Kay sold, won't sign and are asking for a new right-of-way and will not allow access to the property behind Wingdoodle. Sandy said if everything was recorded properly in 2013 the building would be sold. Sandy is asking the town for assistance to fix this. John asked Sandy what is she imagines the town could do that her lawyer hasn't already tried to do? Sandy said clarifying the recording of paperwork would be helpful, at this time Sandy is

paying taxes on a property that she can't access because the property owners next to Wingdoodle are not allowing the access. According to the town records that property is not owned by the adjacent property. Sandy said she spoke with the police who told her it's a civil matter. Jim will create a timeline that will be sent to the towns attorney for review. Jim will also send the Building Inspector to verify possible construction that may require a building permit at the adjacent property. Jim will also speak to the Fire Chief regarding a blocked driveway by the adjacent landowner.

8. Town Administrator Report

Police Department: Applications for the open positions for a part time and a full time police officer closed last week. According to Chief Chandler there are three strong applicants with whom he will begin the vetting process to fill both open positions. The electrical work to include additional circuits to the emergency panel was completed earlier this month as well as the repair work caused by the flooding in the utility room due to the power outage in June.

Dept. of Public Works: The drainage project at Waterloo and Newmarket Streets is completed. Tim Allen and Jim Bingham met yesterday with the Water District Commissioners, Ray Martin and Chuck to discuss the water main project to the town hall. The meeting was called to discuss available options now that it was discovered that the water main on Kearsarge Mountain Road is a very old 6 inch main of cast iron piping with lead joints in stead of an 8 inch pipe as the records show. Chuck stated this is an opportunity to replace this old piping as part of this project and that the State has grant money to assist in this project. The water district will work with the Public Works Dept. to develop a new plan that will address both the repair needs of the water district and the public works department in that area and apply for grant funds. The project is scheduled to be completed in 2019. The grader is out daily maintaining the gravel roads after all the rain we have received.

Finance /HR Admin Office:

Square trade (the warranty company) offered to send an amazon gift card to replace the original color printer purchased from Amazon several months ago instead of sending a certified used printer/copier. The town was able to purchase an upgraded model with the gift card along with a 3 year extended warranty for a net cost of \$1.84. The replacement color printer/copier was received this morning.

9. Propane Bids

Jim explained Warner went out to bid with Bradford for propane because the current vendor price increased from \$1.19 to \$1.59. Clyde had mentioned the College secured \$1.32 per gallon for propane. The bids went out with one response that was only valid until the close on Monday, no other bids were received. Jim said the market for propane is extremely volatile and changing vendors year to year is a burden on the vendor and the town if the town doesn't own the tanks. Jim will look into the cost of purchasing tanks and the current cost for propane will be verified.

10. September 11 Board Meeting

The Board will meet at 2:00 pm to sign the manifest and consent agenda. The Board will meet on the following dates in October instead of their normal dates [October 9 & October 23], October 2 and October 24.

11. Personnel & Town Policies

Jim said there are some individual policies that need to be updated and will start to bring them forward for the Board to review. Jim will email the Board the policies that need to be updated, but the Board's main focus at this time is wages and budget.

12. New Fire Station

Kimberley reported there may be a change order in regards to carpeting. The carpeting may change to carpet tile. Jim said there may be a change in the scope of work with the electrical contractor due to the grant that was approved. John Leavitt asked who is monitoring the re-bar in the concrete floor. Jim said Miller Engineering is overseeing the re-bar and reports have been submitted as well for the different stages

13. Selling Town Parcels

Jim sent an updated memo regarding town parcels that have eligibility to be sold. Jim asked the Board to consider selling the 3 gifted parcels in Rollins State Park. Clyde asked if selling gifted property is in the right spirit. Martha Mical explained that those 3 lots were gifted to the town because they are really small and the owner did not want to pay the taxes anymore, there were no restrictions. Clyde asked if the parcels would be a value to the State Park. Jim said the parcels need some discussion as well as the other parcels, Horne St. is another that needs discussion. The Board agrees Horne St. needs to be sold, Jim will reach out to a Realtor. Jim also provided an update on 2 parcels, one on Chemical Lane and the other on Melvin Mills. Letters have been sent to the former owners, per the

RSA, there is a 90-day waiting period which will be November 1. After the 90-days, the town can move forward with the sealed bidding. The abutters will be notified in early October.

14. Town Hall Lawn

As Jim reported in his Town Administrator's Report earlier in the meeting the water main project has been extended to 2019.

15. Municipal Records Retention Committee

John said he read the minutes from their last meeting [Municipal Records Retention Committee] and asked the Town Clerk [Judy Newman-Rogers] if the Committee members haven't identified the current need for record storage or will they know how much space is needed? John feels more preliminary work is needed. Martha Mical said they do have an idea of how much space is being used today holding records. Judy said they know what they have, in the future they won't need as much space because the record sizes will be different. Judy said the main concern is getting all the records in one location and what the Committee is looking for is what direction they should move towards so the Committee has a focus. Kimberley recommended the Board talk further at a work session.

16. Minutes

The approval for August 14 and 22 were tabled.

17. Selectman's Other Business

- A. Clyde said there is a new Museum Director in place at the Kearsarge Indian Museum. There will be an open house on September 21. The Director will meet with the Selectboard to talk about the museum's financial situation and would like to do so on October 24th.
- B. Clyde said he and the Director of Public Works met with Central NH Regional Planning Commission last week. Clyde said tomorrow, an engineer will be available to complete a cost estimate from the roundabout to Roslyn Ave., a multi-use path. The Director of Public Works will meet with the engineer as well. The grant application is due September 7th, CNHRPC will assist Clyde with the application but understands there's an issue with meeting all the requirements, the mandatory training was not attended. That being the case the town is disqualified for this grant round. The project can be ready for the next grant round.
- C. Clyde said another concern is getting a Memo of Understanding for the College, it has been on-going for 2-years and he is not sure how it will be resolved. Jim said he will call Primex to obtain clarification on the wording for the Memo of Understanding as was indicated by the town's attorney and then the understanding will go back to the town attorney for review. Kimberley said it's important the Memo of Understanding lasts beyond this Selectboard. Clyde said the College is opening its doors as a good neighbor and it seems like we are going out of our way to make it difficult for the College to open their doors for the public. John disagrees they are being difficult, we are protecting the town, the hold harmless clause concerned John that's why the document was sent to council.
- D. Clyde said he sent out an email earlier today about landscaping at the Solar Array. He said there is money as part of the grant for signage and landscaping which wasn't completed in 2017, the funds were not encumbered in 2017. Clyde said he thinks there is an expectation from the grant provider that the town would complete the landscaping with signage. He said in 2018 there will be an extra \$6,000 because the town did not start paying the principal until later in the year. Clyde is proposing the Selectboard move \$6,000 from the bond payment account to the Director of Public Works budget for landscaping and signage. John said there was money in the grant that was not spent for the signage and landscaping, where is it. Clyde said the money went back into the general fund because it wasn't spent or encumbered. Jim said he contacted Rural Development who confirmed the money was all spent from the grant. Clyde said Rural Development paid for the invoices, we had a budget that included signage and landscaping and what ever we didn't spend went back to the general fund. There was \$42,000 in grant money which was all spent, there is a loan and a rebate. The grant money was used up early but the signage and landscaping was part of the Solar Array budget. Jim said he has an estimate of about \$10,000 that wasn't spent, he is asking time to be clear. Jim said the issue the Selectboard needs to be concerned about is the Solar Array was supposed to be \$334,000 and it actually cost more. Clyde disagrees with Jim because the amount borrowed was reduced and sees Jim as putting up obstacles in the way. John remembers it was never clear to him on what exactly is being done at the time. Clyde said every project of his, Jim has put up obstacles. Clyde left

the meeting at this point.

Martha Mical asked the Board to make a motion to move money for the landscaping. Jim said for clarification, he said there's \$10,000 in the warrant article for interest paid for the first year, because it wasn't encumbered it went to the general fund. The PUC rebate, Jim is not sure if we are looking at it as a reimbursement or unanticipated funds that comes back because the solar array was built. He said a lot is not really clear as to what goes back to the general fund and what actually gets utilized in the confines of the Solar Array project. Clyde returned to the meeting to apologize to the public and fellow Selectmen. Jim said the money the Selectboard has authority for is the budgeted amount for the solar array principal. Jim will verify year to date expenses with the Finance Office and the Board will take up the cost for landscaping at tomorrows meeting.

18. Public Comments

No comments from the public.

19. Manifest

Selectman Carson made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 5473-5484 in the amount of \$32,006.08 (including 21 direct deposits), Accounts Payable check numbers 55404-55454 in the amount of \$207,669.80 and Fire Station Loan Fund Accounts Payable check numbers 109-112 in the amount of \$1,014.42. Chairman Edelman seconded the motion, the motion passed unanimously.

20. Consent Agenda

Selectman Dabuliewicz made a motion to approve the Consent Agenda for August 28, 2018:

1. Building Permits for : Map 33 Lot 12 & Map 21 Lot 001-A
2. MS-535 ~ Audit report of last years finances
3. MS-1 ~ Assessed value of land and buildings

Chairman Edelman seconded the motion, the motion passed unanimously.

21. Adjournment

Motion to adjourn at 9:00 pm

Board of Selectmen
Kimberley Edelman – Chairman
Clyde Carson
John Dabuliewicz

Recorder of the minutes: Mary Whalen