



Warner Board of Selectmen

**Meeting Minutes
Tuesday, October 2, 2018
APPROVED**

Chairman Edelmann opened the meeting at 6:02 pm

Attendance: Selectman Kimberley Edelmann – Chairman, Selectman Clyde Carson, Selectman John Dabuliewicz

Absent: Jim Bingham - Town Administrator

Others present: Nancy Martin, Tim Allen, John Leavitt, John Cayer, Margaret Kennedy, Debra Moody, Martha Mical, Apryl Blood, Judy Newman-Rogers

1. Conservation Commission 2019 Operating Budget

Nancy Martin, Chair of the Conservation Commission, presented her proposed 2019 budget. In 2018 the total operating budget amounted to \$872.00. For 2019 a total of \$1,007 is being budgeted. The additional funding is for public notices. There are projects from 2018 that need to be finished in 2019. The Conservation Fund has a \$77,000 balance for future easements. There are 2 State surplus properties that are in the process, one parcel fronts on the Warner River near the Bagley Bridge that is a 9 acre parcel that will be instrumental in the development of the rail trail. The other parcel is 6 acres near the Laing Bridge, the problem with this parcel is the State said there is no legal access to the river, the question is who owns the access to the river. As surveyor has been hired in order to determine who owns that access. Other activity has been the successful nomination and designation of the Warner River to the NH River Management Protection Program, the 19th in the State. Nancy said she has 3 volunteers for the Local Advisory Committee of River Management Protection Program, Ken Milender, Sara McNeil and Christopher Span-Wietz. Nancy asked if the Board wants to meet with the volunteers before appointing them? The Board said yes, that is the typical process. Clyde said at the Planning Board meeting on October 1 it was noted the Planning Board is sending forward a recommendation that a member of the Conservation Commission, preferably someone who lives along the river be part of the Advisory Committee.

2. Double Clear Farm

Margaret Kennedy is looking to purchase Double Clear Farm. The Selectmen created a letter stating the Double Clear Farm property can continue operating as a horse farm when Ms. Kennedy purchases it. Clyde said at the October 1 Planning Board meeting it was decided no site-plan is needed because there is a continuation of what is taking place now on the property for the last 20 years. The Planning Board recommended the Selectboard reaffirm the property activity in a letter addressed to Ms. Kennedy. The property is changing owners, not changing the use of the property. The letter is before the Board to sign.

Board Action

Selectman Carson made a motion to approve the letter confirming the continued use of Map 7 Lot 59 on Poverty Plains Road sending a copy to the current owner, prospective owner and a copy on record. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

3. Roundabout

Kimberley reported the town will be receiving the State portion for the construction of the roundabout, check will arrive in the next 3 weeks.

4. Planning Board - Appointment

Selectman Dabuliewicz made a motion to appoint Andrew Bodnarik as a voting member on the Planning Board for a term to end on April 1, 2020. Chairman Edelmann seconded the motion, the motion passed unanimously. Clyde said Andrew has a lot of experience on the Zoning Board of Adjustment with volunteering in town and is very familiar with Planning Board issues, he will be a great member.

Selectman Dabuliewicz made a motion to appoint James Gaffney from an alternate member to a voting member of the Planning Board for a term to end on April 1, 2021, James has the knowledge and the commitment. Selectman Carson seconded the motion, the motion passed unanimously.

5. Parks & Recreation Commission 2019 Operating Budget

Apryl Blood from Parks & Recreation Commission said every year, the line item called improvements/maintenance is budgeted by guessing on items they have on hand, it doesn't cover anything else like paint, wood, nails etc. and every year the line item is overspent so another line item was created for miscellaneous maintenance supplies and added \$500 to the line for 2019. Mileage was increased from \$800 to \$900 because, again the line has been consistently overspent. For 2019 a new line has been added, equipment repair/purchase. This year, the lawn mower purchased in 2008 needed \$851.00 in repairs which was the first time since purchasing the mower. Another line item was added to resurface the tennis courts. Apryl provided four quotes, \$7,000, \$8,844, \$18,000 and \$7,025. Parks & Recreation Commission is recommending Vermont Recreational Services for \$8,844. Apryl learned the court surface should be resurfaced every 5-7 years, the last time the courts were surfaced was when they were constructed. Apryl explained a home run fence in the softball field is needed, she has a \$1,299 cost associated. John asked Apryl if she had difficulty finding part-time labor because the amount spent year to date is low. Apryl said she didn't hire until June when the person should have started in April or as soon as the snow melts. John asked on the electricity line there is \$930 spent to date and there is \$2,400 budgeted. Apryl explained there will be lights used in the winter for the ice rink. The ice rink liner will be replaced in 2018. Clyde asked if money should be put away for a replacement field house at Bagley. Apryl said she still needs to get an estimate and she also feels money should be put away for a lawn tractor too. Clyde said the Board should have that discussion.

6. Map 7 Lot 28 - Barn Easement Scoring

Clyde asked what is the age of the structure and Kimberley answered over 175 years. The Board conducted an abatement evaluation which will establish the percentage to be applied to the full value assessment. The scoring totaled 55.

Board Action

Selectman Carson made a motion to set the new rate for the exemption on the Carr-Bock easement at 55% of the value of the barn and the land it sits on to be applied for this tax year and the easement extended for 15 years. No second to the motion because the policy states 10 years. Selectman Dabuliewicz made a motion to approve the extension of the easement for a period of 10 years as the policy calls for and the full value assessment that includes the barn and the land it sits on at 55% which reflects 55 points effective 2018. Chairman Edlemann seconded the motion, the motion passed.

7. Public Works Department

A. Tim Allen, Director of Public Works met with the Selectmen to talk about issues in 2018 and his plans for 2019. Tim asked the Board if a bidding process is necessary or will three quotes be acceptable for outside services such as snow removal/plowing and grounds/winter maintenance. This approach will make a difference in creating his 2019 budget. Clyde asked Tim his preference and Tim said the numbers are close, but, Tim feels it would be worth the try to use contracted services. Kimberley confirmed the contractor's would be using their equipment which is a savings to the town. Right now Tim needs to fill the vacant full-time position and needs 2 part-time people to get back to regular staff size for winter maintenance. Tim is also looking into winter sand, it takes about 3 to 4 staff members for 1 months to complete the process and costs about \$55K a year including labor. Tim has 3 quotes for winter sand to put inside the building. Tim needs more information from the vendors of the sand to see if they can meet the towns needs. Clyde summarized Tim's discussion as it makes sense to contract the summer and winter grounds maintenance for this winter. Tim said what he wants to make sure contracting winter maintenance and plowing fits together and to see if the numbers work all around. The advantage is it frees Tim up to oversee and a potential cost savings. The Board encouraged Tim to pursue the contract approach and come back to the Board with the firm numbers.

B. Tim said the next road project is Pumpkin Hill Road scheduled for 2019. Tim would like to have the numbers put together for that project. In the past Weaver Bros. was the contractor of choice, he asked if that still stands or will the project need to go to bid. Tim would like to continue the relationship with Weaver Bros. Clyde said there has been a number of examples were the Selectboard has said Weaver Bros. is the contractor of record and the preferred one.

C. John asked Tim about the status of the job vacancies. Tim said he conducted one interview last week for the full-time position and has not advertised for the part-time positions.

D. Judy asked Tim about the snow plowing, how does he go into the next year when the town budgets from January to December. Tim said once you get into the cycle it will be okay.

E. Road Projects: Tim said he completed the drainage at Waterloo, nothing was done with Courser's corner and the waterline to the Town Hall is on hold. Tim received word from Pike who is behind in paving because of the weather and he is not sure where the paving will end up. Tim would still like to get the drainage issue resolved at the Dalton Covered Bridge, finish the hot top on Waterloo, prep the solar array for seeding and he would like to get the work done at the Police Station parking lot.

F. Route 127 bridge replacement, Clyde asked Tim if he knew about it. Tim said last summer there was an email sent about the project and now the Department of Transportation is meeting with the Selectboard on October 24 about the project.

G. Tim asked the Board who has authority regarding the Class VI roads, the Board or himself. John said historically it's been Tim in regards to heavy hauling permits etc. In terms of developing on a Class VI road would be the Selectmen advised by the Director of Public Works.

8. October 9 Manifest/Consent Agenda

John and Clyde will meet at 9:00 am on October 9.

9. Compensation Work Session

The Board will meet on October 17 at 3:30 pm

10. New Fire Station

No report

11. Municipal Records Project

No report

12. Minutes

Martha Mical reviewed the audio and minutes from August 28 regarding Wingdoodle and provided additions to be added to the minutes for clarification purposes. John also provided an edit that will be added that clarifies a timeline.

Selectman Dabuliewicz made a motion to approve meeting minutes dated August 28, 2018 with amendments. Selectman Carson seconded the motion, the motion passed unanimously.

13. Consent Agenda

Selectman Carson made a motion to approve the Consent Agenda for October 2, 2018:

To be signed:

1. Letter to Sugar River noting TTF new members (Name spelled wrong on previous letter)
2. Reimbursement request to Trustee's of Trust Funds for:
 1. \$1,000 for Employee Health Expendable Trust
 2. \$3,064.34 for New Fire Station Site
 3. \$7,060.00 for Town Hall Improvements
3. Building Permit for:
 1. Map 18 Lot 19-1
 2. Map 7 Lot 40-1

Selectman Dabuliewicz seconded the motion the motion passed

14. Selectman's Other Business

A. Clyde reported the wood bank is in need of kindling and there may be a possible donation.

15. Public Comments

A. Judy Newman-Rogers read the following into the record:

Dear Members of the Board,

I am submitting this letter to officially tender my resignation as the Town Clerk of Warner, effective October 13, 2018.

It has been an honor and privilege to have served the residents of Warner as Deputy Town Clerk and than as Town Clerk for the past 24 years. I am truly grateful for the trust, support and confidence they have had in me.

Unfortunately, requests for resolution to situations made known to the Town Administrator and the Board of Selectmen, have gone unaddressed which in turn has created a hostile, unpleasant and dysfunctional environment that I can no longer be a part of. Previous administrative traits of transparency, trust, honesty, lawfulness, communication, integrity, accountability and equal application of policy and procedure have been supplanted with deflection, delay, denial, disrespect, dismissals, discrimination and blatant division of personnel.

It is also unfortunate that the Town has lost two employees since June, whose reasons for leaving were made known to the Administration and similar to mine.

Sadly, I see no indication of a return to the standards that Warner once had and, took great pride in. In light of that reality, I have made the difficult decision to resign my position rather than continuing to work under stressful conditions that conflict with my work values and ethics.

I am proud to have been included in a core group of Warner employees whose goal is always to provide service to the best of their abilities and who have demonstrated time and time again that they will go above and beyond the duties of their positions regardless of title or self gain. It is my hope that the Selectmen as the town entity with the authority to provide relief, will themselves reach out personally to employees for input on the issues described, before any more employees are added to the list of employees who leave for reasons similar to mine.

I am very sorry for any disruption in services this may cause the townspeople. I hope it will be as minimal as possible.

Thank you,
Judith A. Newman-Rogers, NHCMC, NECMC
Town Clerk, Warner

B. The Board said they were sorry to hear, John asked if there is anything they can do to change her mind. All Judy said is "I tried".

C. Clyde thanked Judy for her many years of service and everything she has done for the town and the people of Warner, Kimberley and John agreed with Clyde's statement. The Board will work towards appointing an acting Town Clerk. Martha Mical said that she hopes it's the Board of Selectmen that talks to the Deputy Town Clerk not sending the Administrator to do what she feels is their job.

D. John Leavitt said the Board may want to talk to the existing Town Clerk about some options.

16. Nonpublic Session

Members Present: Clyde Carson X
 John Dabuliewicz X
 Kimberley Edelmann X

Motion to enter nonpublic session made by Selectman Carson, seconded by Selectman Dabuliewicz

Specific statutory reason cited as foundation for the nonpublic session:

 X RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

 RSA 91-A:3, II (b) The hiring of any person as a public employee.

 RSA 91-A:3, II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

 RSA 91-A:3, II (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

_____ RSA 91-A:3, II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled

_____ RSA 91-A:3, II (i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

Roll call vote to enter nonpublic session: Carson - Yes, Dabuliewicz - Yes, Edelman - Yes

Entered nonpublic session at 8:10 pm.

Other persons present during nonpublic session: Tim Allen

Description of matters discussed and final decisions made: Minutes were sealed.

Note: Under RSA 91-A:3, III, minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of this board, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Motion to leave nonpublic session and return to public session by Chairman Edelman, seconded by Selectman Carson. Roll call vote: Carson - Yes, Dabuliewicz - Yes, Edelman - Yes

Public session reconvened at 8:25 p.m.

Motion made to seal these minutes? If so, motion made by Selectman Carson, seconded by Selectman Dabuliewicz, to remain sealed, because it is determined that divulgence of this information likely would:

- Affect adversely the reputation of any person other than a member of this board
- Render a proposed action ineffective
- Pertains to preparation or carrying out of actions regarding terrorism

Roll Call Vote to seal minutes: Carson - Yes, Dabuliewicz - Yes, Edelman - Yes
Motion: **PASSED** / DID NOT PASS

17. Adjournment

Motion to adjourn at 8:25 pm

Board of Selectmen
Kimberley Edelman – Chairman
Clyde Carson
John Dabuliewicz

Recorder of the minutes: Mary Whalen