



# Warner Board of Selectmen

## Meeting Minutes Wednesday, October 10, 2018 APPROVED

Selectman Dabuliewicz opened the meeting at 4:06 pm

Attendance: Selectman Clyde Carson, Selectman John Dabuliewicz and Jim Bingham - Town Administrator

Absent: Selectman Kimberley Edelmann – Chairman

Others present: Judy Newman-Rogers, Marianne Howlett, Michele Courser, Rebecca Courser, Karen Bingham, John Leavitt, Martha Mical

### **1. Manifest**

Selectman Dabuliewicz made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 5549-5562 in the amount of \$44,543.04 (including 22 direct deposits), Accounts Payable check numbers 55533-55603 in the amount of \$566,149.72 and Fire Station Loan Fund Accounts Payable check number(s) 118 in the amount of \$5,992.00. Selectman Carson seconded the motion, the motion passed unanimously.

### **2. Consent Agenda**

Selectman Carson made a motion to approve the Consent Agenda for October 10, 2018:

1. Building Permits for :
  - Map 12 Lot 50
  - Map 10 Lot 30-1
  - Map 26 Lot 2-1
  - Map 07 Lot 58-2

Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

### **3. Selectman's Other Business**

A. Jim talked to the Board about the Town Clerk leaving her position and wants to ensure the Deputy Town Clerk is provided with the needed access codes and keys. He also asked if a Board member should meet with the Town Clerk before leaving the position. John and Clyde do not see the need for an exit interview. Clyde said unless Judy wants an exit interview. Judy replied that she feels all the members of the Board, as she spoke to them individually, are aware of what her concerns are. John said Judy will turn over keys and access codes to Michele since she will be acting as the Town Clerk by law. Judy said she hadn't heard that the Board had met to come to some agreement with Michele. John said he met with Michele and discussed some things that have to be resolved by the entire Board and Michele knows what those things are. Judy asked when will those things be resolved so Michele will know if she wants to accept it or not, Judy believes that is also an option. John said there is a separate RSA that states the Deputy Town Clerk becomes the Town Clerk in the Town Clerk's absence. John said that he spoke with Michele who indicated she is willing to do that until the next election. John asked Michele if that is correct and Michele answered "it is". Michele said she would really like to know what her salary will be. John said he has an idea but he can't act on his own, and the Board will obviously pay Michele more than what she is paid now on the scale the Town Clerk is on. Clyde feels the Board needs to have a discussion to talk about how things will take place until the next election, staffing etc. John said compensation can be discussed in a nonpublic session and he asked Clyde if he is comfortable doing so before the Chairman comes back. Clyde said he is, but hasn't put any thought into it at this point. Jim stated to Michele under the current grade and step matrix she is on a grade 3, Town Clerk starts on a grade 6. John did not want to continue talking about compensation in public. Judy said there are other things that go along with the transfer to someone else that needs to be addressed. John asked such as. Judy said for the Deputy to be operating the office, Michele needs to be appointed by the Board officially, there are licenses and contracts in Judy's name that Michele was allowed to do as the Deputy working underneath those licenses and contracts the State requires. John asked Judy if she has a list of those things? Judy said she has some of them and is trying to get the others. John believes the way the statute reads is the Board doesn't have to appoint Michele but we do have to do the payroll change form and that, in John's opinion, will act as the transfer of duties. John asked Judy if she has read the statute about this? Marianne Howlett provided a copy of an RSA.

Judy said she figured the Chairman might have made it a priority (not audible) because this does effect the townspeople. Judy said having a discussion while the Chairman was here would have been the thing to do. John said the Chairman was going to meet with the Deputy on Thursday but she was on vacation, we were all taken aback by this whole thing. John told Judy that he understood her viewpoint. Judy said there is a person that is supposed to assist the Board with such matters and that would be the Town Administrator. John told Judy that he knows that.

John read the following RSA:

**669:65 Town Clerk.** – Vacancies in the office of town clerk shall be filled by appointment made by the selectmen except in towns in which pursuant to RSA 41:18 the selectmen have previously appointed a deputy town clerk, in which case the deputy shall serve as town clerk until the next annual town election, unless the deputy does not have his or her domicile in the town, in which case the vacancy shall be filled by appointment made by the selectmen.

John said that is the provision that governs this situation, but the Board will provide something in writing too because that will have to be shared with other folks, he is sure, to deal with the issues raised. Judy said so the oath of office could have been done up and signed and Michele could have been appointed..... John said there is nothing in the RSA that says anything about the oath of office, Michele took an oath to be the Deputy and now by law, Michele becomes the Town Clerk until the next election. Clyde said he spoke with the Municipal Association yesterday about this topic and they confirmed that the Deputy Town Clerk, as long as she lives in Warner, would become the Town Clerk until the next election. Clyde also asked if an oath of office is required and the Municipal Association said it is not required, but if the town wanted to, it could be administered by the Moderator or one of the Selectmen. John asked Clyde if he wants to do that. Judy said it creates a paper trail. Clyde said yes. John said to Judy she can create an appointment form and the Board will dispense with the oath of office because Michele has already taken an oath.

John Leavitt said he believes the Board can discuss compensation at a public meeting, especially when Michele asked for that information. John Leavitt said if Michele doesn't want to discuss it then you don't discuss it. The Selectmen and the Town Administrator are not protected by not discussing compensation in public. John told John Leavitt that is he mistaken. John said he is not comfortable doing so in public. John Leavitt said he understands where John is coming from, but comfort is not one of the Selectman's duties. John said he also didn't have time to prepare for this discussion today. Marianne said items about the Town Clerk were not on the website agenda, we weren't aware, but she said she came to the meeting to encourage the Selectmen to talk to Michele about this. John said he has talked with Michele except for the specifics on compensation which will be more than what she is making. Marianne said she encourages the Board to talk to Michele in a meeting about it, that's why Marianne is at this meeting. Rebecca confirmed that it's not the same if just one Selectman talks to Michele, it's not the same as having the formal Board. John said the reason why he spoke to Michele by himself is because Clyde had other obligations. Marianne said she was glad to hear that. John said he also asked Michele if she wants to continue and she told him yes.

Clyde went over what he has heard so far is that the Board should set a salary and then make sure we have a list of the items that need to be transferred. John said he also told Michele when the salary is set it will be retroactive from the date she takes over. Jim recommended addressing the salary at the October 17th meeting with a full Board. John asked Michele how she feels about that. Michele said she is trying to take everything in. Judy said if it's retroactive, Michele is doing the work and then a salary is proposed and not acceptable to Michele, where does the Board go. Rebecca said that is something Michele and the Board have to work out, the important thing is the Selectmen meet with Michele, have the conversation, hear what the concerns are and come to an agreement. Judy said we are talking about Michele starting without.... Rebecca said that's okay, it's up to Michele to negotiate with the Selectmen.

Rebecca continued by saying a number of people have come to her wanting to know what is going on in the Town Hall. Rebecca thinks there is an atmosphere of distrust among town employees, Selectmen and the Town Administrator and it manifests itself in different ways. People have private conversations, people send emails and she encouraged the Board to remind employees that emails are subject to public right to know. Rebecca encourages the town staff and the Selectmen to have some mediation sessions where some things are aired in a closed meeting, it will take more than one meeting to come up with rules of communication. Rebecca said when she worked in the Town Clerk's office when Jean Hallenborg was Town Clerk there was tension then, but, not like it is today. She said there is built in tension between the fact that a Town Clerk position is an elected position and is independent. Rebecca said even the Budget Committee, some of their meetings are not respectful of those in the room or of people that just left the room. She thinks it is a real concern and she feels it needs to be addressed and feels people will be coming to meetings to encourage the Board to look at mediation which needs to be done by an outside

source. She said it's sort of like an alcoholic intervention in her mind, that's how serious she thinks it is. John asked Rebecca based on what. Rebecca said based conversations she has had over the years and her observations at meetings, it's not just Judy, it's other situations as well.

Jim said he would agree with Rebecca, since he came in 2013, not knowing any history of the town, he was hit immediately with the kind of gossip, rumoring, character defamation that directly affected the performance of some of his staff. Jim said he has struggled with this since he's been hired and has never seen this in no other place. When you have an organizational change with the introduction of a Town Administrator there will be those who adapt and accept along with those that will never accept the position. And that in itself becomes an issue. Jim said both his predecessor and himself have had that issue thrown at them. Jim agrees there needs to be some open discussion about it. Jim also said the problem with verbal communication is that it's not trustworthy, and if there is a number of emails to clarify situations it's because of that. Jim said he hears of things about the Town Administrator or his staff, but he never sees them coming to his office for the real story. Rebecca asked why does he think that is and Jim said he doesn't know why. He said those who do come in to verify a rumor leave with a better understanding. John said he would observe, having worked for several government agencies, he was struck by the fact when he came into this office of all the things Jim is talking about with all the emails that are generated in a small work environment instead of talking with each other. Judy said we've gotten to this point of email communication because it has been stated that emails are preferred, people like to have things in writing. Rebecca said sometimes, speaking for herself, it's hard to have that conversation, one on one, with someone from the opposite sex, for what ever reason. She said it could be one dynamic taking place as well as many others, it's multi-level. A conversation is needed on how to make things better and she believes it can be better.

Clyde said he is very much aware of the dynamics that take place in the Town Hall, and between the Town Hall and the other departments as well as the Town Hall and the public. He knows there are issues, the Board has talked about the issues and have disagreements on how they should be resolved and believes the Board will still need to have that conversation. John agreed.

John Leavitt said when discussing the compensation for Michele to keep in mind Michele will be doing 2 jobs until Michele gets a Deputy. John Leavitt asked if Michele has the same legal protections as an elected Town Clerk. John said based on the statute Michele is now the Town Clerk.

#### **4. Response to News Article and Town Clerk's Letter - Invitation from Ray Carbone from Intertown Record**

John said he is not interested talking to Ray Carbone without the full Board. Clyde said he doesn't know if the Board has a common response, John agreed. The Board will wait for the Chairman's return.

Karen Bingham said after reading the article in the newspaper that Ray Carbone printed, she asked if it is in the best interest of the town for the Selectmen and the Town Administrator to wait to get back to Ray Carbone rather than to provide him with a response so he can relay to the townspeople in some manner that it's being discussed by the Selectmen and a response will be made available within a certain period of time? Karen feels to let this wait a couple of weeks is not in the best interest for the Selectmen or the Town Administrator or the community. John said the Board can't discuss it until all 3 Board members are available. Karen said of course, but to get back to Ray Carbone to let him know the Board will be preparing a response is in the best interest of the community. Clyde said given there may not be a uniform response, he doesn't know there will be a position. Rebecca said the Board could say that Michele has been moved to the Town Clerk position and maybe the Board will know who the Deputy Town Clerk will be, it shows the townspeople they will be taken cared of. Clyde feels a response on that level can be dealt with. John is not comfortable promising a reporter a response.

John Leavitt asked if the Board is going to make a motion appointing Michel to Town Clerk. John said the statute says the Board does not have to take a vote. Clyde said Judy could make an appointment form for the Board to sign.

#### **5. Nonpublic Session**

John asked Michele if she wants to go into nonpublic session to talk about the compensation issue today? Michele responded that if the Board is willing she will go into nonpublic session. John pointed out under RSA 91-A under the exceptions he read the following: *(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 meeting and (2) requests that the meeting be open, in which case the request shall be granted.* John asked Michele if she wants to discuss her compensation in public. Michele said it doesn't bother her.

Clyde asked if the town knows someone who could come in and act in the Deputy Town Clerk role? Marianne said it would be the choice of Michele to choose a Deputy with the Boards approval. Michele said John had asked her if she will run for election in March and she replied that at this time she is absorbing the changes and would like time to adjust to see if being a Town Clerk is for her, but, if she chooses not to run for Town Clerk she would still like to be the Deputy Town Clerk. John said we talked about having an assistant and Michele reminded him that whoever is chosen still needs to be certified and trained by the State. Judy said Michele could also appoint a Deputy until next election. John said there is a lot to figure out. Michele said the most she is worried about at this time is the November election. Judy added the Moderator has also said he will step up and participate more than he has been and that this is probably the time to assign the duties that are in the Town Clerk's office to the actual party that needs to do them which will also be a help.

John said the Board will now talk about compensation since Michele agreed to that approach. John's proposal is to put Michele at step 4 which is \$20.15 for discussion. Michele said she was thinking higher because there is a lot. Martha Mical asked what the current Town Clerk is receiving now and what the current Deputy is receiving now. Michele said she is paid \$16.48 per hour. Judy said she has always been paid a salary and she makes \$53+K. John asked Michele what she is thinking. John Leavitt asked if a new Town Clerk is elected in March what would the pay be. John said years ago elected officials had their salaries set and listed in the Town Report and voted upon and in early 2000 it changed. Clyde talked about how he is on the salary committee for the County elected officials, the salaries are set before the election. John Leavitt said because Michele has the experience the salary should be close to what the Town Clerk makes now. John said the Town Clerk's salary wasn't always at the current rate. Clyde would like to deal with the elected salaries as part of the wage study, in the interim deal with Michele's situation. Michele asked if the rate is based on 40 hours not 35 hours. Clyde said the Town Clerk sets her own hours. John asked Michele for her thoughts. Michele, said honestly, she pointed out step 6 to John on the new wage scale. John said the salary issue needs more discussion and would like time to research the Town Meeting actions to better understand. Jim said step 6 for this temporary situation makes sense to him. John said given the wrinkle about the salary versus the hourly rate, it seems to John that he is willing to go along with step 6 and if Clyde is as well, to Michele, John said if she accepts that as enough assurance the Board will figure out if it should be salary or hourly. John asked Michele if that will satisfy her and Michele said yes. Clyde clarified the Board is saying the wage will be no less that Grade 6 Step 6. John said he is willing to say that, without taking a vote on it. There will be further discussion on the number of hours the job needs. Judy said she feels Michele is going to need 40 hours a week to accomplish the job.

Jim will contact Municipal Resources to see if they have available staff to help Michele. Judy will gather a list of contracts.

## **6. Adjournment**

Motion to adjourn at 5:20 pm

Board of Selectmen  
Clyde Carson  
John Dabuliewicz

Recorder of the minutes: Mary Whalen