Warner Board of Selectmen

Meeting Minutes
Wednesday, November 7, 2018
APPROVED

Chairman Edelmann opened the meeting at 4:03 pm
Attendance: Selectman Kimberley Edelmann – Chairman, Selectman Clyde Carson, Selectman John Dabuliewicz and Jim Bingham - Town Administrator

Others present: Tim Allen, Ron Piroso, Ed Mical, Bill Chandler, Ed Raymond, Martha Mical

1. Winter Maintenance Strategy/Staffing

A. DPW, Tim Allen met with the Board and explained his crew has a problem with being on call 24/7 with no compensation. Tim's thoughts is he doesn't have an issue the way it is set up now with the 3-hour call out time (paid a 3 hour minimum). Tim did some research, some towns do nothing, some towns give the employees from November 1 to April 1, 7 hours a week on a rotating schedule. The State offers $35 per week, $70 per pay period (for all to be on call from November 1 to April 1). Tim said he is on the fence about it, but it is a concern with most of the crew and he wants to address it. John asked Tim if his crew provided suggestions on what they like. Tim said they talked about both. Tim is going to check with a few more towns to see what they provide. Clyde said the sense of the Board is they agree something should be done.

2. Economic Development Advisory Committee

A. Jim said Krystin Watts filled out a volunteer form for the EDAC, she has background in the arts and design which will be a benefit to the EDAC. EDAC Chair, Charlie Albano, emailed Jim his recommendation for Krystin as well. Clyde said Krystin will be active with the website.

Board Action

Selectman Carson made a motion to appoint Krystin Watts to the next available term on the EDAC. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

3. 2019 Proposed Police Department Budget Highlights

- Police Chief Bill Chandler presented.
- The 2019 budget is conservative, there was a couple of increases last year.
- In 2018 there were generator repairs, a sewer pump needed to be replaced, pest control was called in for wasp control in the building and air conditioner repair.
- In 2018 there was an increase in Cruiser Expense for a minor accident with one of the cruisers during a snow event. The deductible is $1,000 and the repair was for $1,300, the damage was paid out right without an insurance claim.
- In 2018 there was an increase in IMC, $2,794 to $3,139 which was for the photo data software maintenance. The increase in IMC was $95 and the increase in the photo software was $250.
- The PD purchased fuel at both Irving and DOT depending on which was cheaper. Irving did waive the excise tax. Right now DOT is cheaper by .50 cents. The fuel consumption is lower in 2018 because the PD is not fully staffed.
- The balance of the budget stayed the same.
- Bill will be presenting a full-time candidate for the Board to consider hiring.
- Bill said the generator is up and running and automatically tested on a weekly basis. Ed Mical said that generator was originally at the Highway Department and is tied to an EMP Grant.

4. 2019 Proposed Fire Department Budget Highlights

- Fire Chief, Ed Raymond, presented.
- Ed kept the budget similar to the 2018 budget.
- The increase will be the cost of running the new fire station based on data received from SMP and the engineering firm which did a square footage study on energy costs. Ed feels the building is going to be very

energy efficient. Jim will go back to the engineers because the figures are believed to be for a 5 day a week fire station.

- Kimberley asked Ed if the stipend positions are equitable. Ed said the stipends were increased last year, any further increases are up to the Board.

5.2019 Proposed Emergency Management Budget Highlights

- Emergency Management Director Ed Mical presented.
- There is a stipend increase for the Director from $2,900 to $3,600.
- The balance of the budget remained the same, only a slight increase in supplies.
- Mileage was separated for tracking purposes.

Board Action

Selectman Carson made a motion authorizing the Emergency Management Director to move forward with the equipment expenditures for the Emergency Operation Center in the amount of $27,485.21. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

6. Letter from Wingdoodle Attorney

A letter from an attorney representing Wingdoodle is requesting a property tax abatement. John recommends consulting the Town Attorney because it's a civil matter. Clyde agreed with John.

Board Action

Chairman Edelmann made the motion to authorize the Town Administrator to continue conversation with the Town Attorney regarding Wingdoodle. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

7. Route 127 Bridge Replacement

A. The Board needs community input regarding the Route 127 Bridge on November 20th. An effort will be made to contact the attendees from the October 24th meeting.

B. Kimberley asked the audience members what they thought about either resurfacing the bridge (1 construction season) or expanding it which would result in the bridge being closed for a longer period of time (2 construction seasons). Ed Raymond asked if the construction includes fixing the guardrail where the tractor trailers get hung up? It was said that would be included in the expansion. Ed also talked about the utility pole on the corner of Route 103 and Route 127 is a definite hazard and should be fixed during the repair of the bridge. Ed feels including a sidewalk/lane will result in people fishing off the bridge and the vehicle traffic moves fast over that bridge. Bill and Ed said there has been many accidents in that area. Clyde feels there are ways to discourage the fishing.

8. Town Administrator's Report

Tax Abatement Appeal from Eversource: The Selectmen's Office received 2 requests for data/information pertaining to tax appeal hearings brought forward by Eversource. One request was for Interrogatories for the Bureau of Tax & Land Appeals case involving years 2014 to 2016. The second request was for a new case in Superior Court for tax year 2017. Both requests for information were fully responded within the required deadline. A special thanks goes to Debra Moody, our Assessing Clerk, who did an excellent job compiling much of the information and coordinating with M & N Assessing for responses to specific sections of the Interrogatories and insuring the Attorneys received all that was requested.

Dept. of Public Works: The DPW crew continues to prepare for winter maintenance, replacing parts on the sanders and installing/testing the plow and wing assemblies on the trucks. The plows were refurbished this summer. The front loader is still being repaired but should be operational by next week. Grading the gravel roads continue in response to the frequent rainfall events.

Finance /HR Administration Office: I looked into the claim that was raised at the Selectmen's meeting on Oct. 24, by the former Town Clerk that HR did not properly follow a termination of employment process, specifically that there was no detail about the final paycheck, and that no information came to her about health insurance and retirement. The results of the investigation were presented in a memo to the Board. A time sheet of her final paycheck was mailed to Judy Newman Rogers detailing amounts paid for hours worked, as well as pay for unused vacation and sick leave all according to the town personnel policy. This paycheck was in the same format as other paychecks provided to her and other town employees and is quite understandable.

The Town's personal policy clearly states that it is the employee's responsibility to contact the HR administrator to inform her of a change in status that would affect health insurance coverage. The Town's obligation is to notify the

health insurance carrier of the change in the employee's status. If the employee informs the HR administrator that he or she is starting a new job that will be conveyed to the insurance carrier as well. The Health Insurance carrier sends the employee who is leaving employment a COBRA packet to his/her home with all the instructions to transfer coverage. FOR PRIVACY REASONS, the town does not perform this service.

Regarding Judy's assertion that she did not receive any guidance regarding her retirement benefits. Again, FOR PRIVACY REASONS, the employee is required to directly contact the NH Retirement System (NHRS), about his or her benefits. The HR administrator sends in a simple form to NHRS notifying them of the last date of employment.

The HR Administrator had done everything correctly and according to policy. Judy Newm-Rogers, as a dept. head, should have provided a 30 day notice as stated in the town's personnel policy and followed the policy with respect to contacting the HR/Finance Office.

Kimberley said she saw Judy's paycheck stub and it did itemize everything Judy received in her last check which contradicts what Judy said in that meeting. Martha Mical thinks what Judy said in the meeting was that Judy went to HR and they were not available that day and they never got back to Judy to say "OK I have time to talk to you now", and that's what the problem was. Kimberley said she was commenting on the paycheck contradiction. Clyde said if you didn't have a conversation with HR how would you know what needed to be done? Kimberley said to Clyde it's in the Personnel Policy which Judy is very familiar with. Jim said if Judy didn't get any response from HR it should have been brought to his attention, or the Board's attention or even a single Selectman, in the past this has never happened when an employee terminated their employment.

9. Contingency Fund

Jim said the town had 3 insurance claims this year and all 3 claims had a $1,000 deductible. These deductibles came from the Parks & Recreation Commission budget and the Police Department budget, which both did not plan for in their budgets. Clyde agreed the insurance deductibles is an appropriate use of the contingency fund because it's not reoccurring and the town doesn't budget for that. He also said when it comes to repairing the loader, that needs to go towards the equipment repair line. Otherwise you won't have the whole picture on what the maintenance cost is in terms of the loader. Clyde said the Board set the contingency for mainly legal and welfare expenses. Jim said the issue is being criticized for overspending the DPW budget, the town could hold a public hearing and get the money for the unexpected repair expense but sometimes timing is an issue. Clyde said DPW can overspend his budget and we can cover it from someplace else. Jim said that's why he recommended the contingency fund because the fund will identify clearly what the expense was for. Further discussion is needed.

Board Action

Selectman Dabuliewicz made a motion to post the insurance deductibles paid in 2018 to the contingency fund for the Police Department and Parks & Recreation Commission for a total amount of $3,000. Selectman Carson seconded the motion, the motion passed 2-1. Kimberley disagrees and feels the budget should reflect what really happened, the contingency fund was originally set up for covering legal issues and welfare and the Board should try to keep it that way. Jim said he can check with the Department of Revenue Administration and the auditor's regarding the use and expense tracking of the contingency fund. Selectman Dabuliewicz made a motion to reconsider the use of the contingency fund. Chairman Edelmann seconded the motion, the motion passed unanimously. Selectman Dabuliewicz made a motion to rescind the action. Chairman Edelmann seconded the motion, the motion passed unanimously.

10. Manifest

Chairman Edelmann made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 5576-5594 in the amount of $32,413.70 (including 21 direct deposits), Accounts Payable check numbers 55650-55688 in the amount of $444,878.48 (included is a check for KRSD in the amount of $350,000). Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

11. Consent Agenda

Selectman Dabuliewicz made a motion to approve the Consent Agenda for November 7, 2018:

To be signed:

1. Unregistered Vehicle Complaints - Policy
2. Notice of Appointment to the Transportation Advisory Committee
3. Building Permits for:
    A) Map 34 Lot 005
    B) Map 18 Lot 15 American Tower - North Road

Chairman Edelmann seconded the motion, the motion passed unanimously.

12. Wage Compensation Work Session
The Selectman will meet on November 19 beginning at 8:00 am. The agenda is deciding on whether or not the Board is going to do wage adjustments.

13. Kearsarge Indian Museum
The Board will meet with the new Museum Director on December 4th.

14. Nonpublic Session

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

Motion to enter nonpublic session made by Selectman Dabuliewicz, seconded by Chairman Edelmann seconded the motion.

Specific statutory reason cited as foundation for the nonpublic session:

____ 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.

_X_ 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, Edelmann - Yes, Dabuliewicz - Yes

Entered nonpublic session at (no time stated)

Other persons present during nonpublic session: Police Chief Bill Chandler

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 Selectman Dabuliewicz, seconded by Selectman Carson. Roll call vote: Carson - Yes, Edelmann - Yes, Dabuliewicz - Yes.

Public session reconvened
Others present: Bill Chandler, Martha Mical

15. Motion to Hire
Kimberley explained the Board made a decision in nonpublic to hire a full-time patrol officer, Carlton Fitzgerald at grade 7 step 5, $22.34 per hour effective November 8, 2018. After completing the police academy an appropriate wage adjustment will happen.

16. Motion to Seal
Motion made to seal the November 7 nonpublic minutes? If so, motion made by Selectman Dabuliewicz, seconded by Selectman Carson, to remain sealed, because it is determined that divulgence of this information likely would:

__X__ 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, Edelmann - Yes
Motion: **PASSED** / DID NOT PASS

17. Other Business
A. Clyde said he sent an email out yesterday regarding an opportunity for the residents of Warner to be able to participate in the weatherization and solarization by the Kearsarge Climate Action Group. If the Board says it supports and wants to be a part of KCAG then residents will receive discounts on energy audits, may receive discounts on energy improvement. For solar, residents could get a discounted price based on the amount of people that sign up. Other towns participating are Andover, Newbury, New London and Wilmot are participating for 2019.

Board Action
Selectman Carson made a motion that the Town of Warner participate in the 2019 Upper Valley Weatherization Campaign. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

18. Economic Conditions - Audit
Jim presented the economic conditions for the Board to review, it is partly for the audit report.

19. Public Comments
A. Martha Mical asked the Board if they made a motion to hire a police officer. Kimberley said yes. Martha said that motion should have been made in public session, that is improper. John said that is not necessarily so, the Board did announce the hire before Martha came back to the public session.

Board Action
Chairman Edelmann made a motion authorizing the Police Chief to swear in the new patrol officer Carlton Fitzgerald. Starting wage will be grade 7 step 5, $22.34 per hour, probation of one year and with an appropriate wage increase after completing the Police Academy. Selectman Carson seconded the motion, the motion passed unanimously.

Jim read the following into the record: 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. Clyde wants to keep the practice of stating the motion in a public session.

20. Adjournment
Motion to adjourn at 6:25 pm

Board of Selectmen
Kimberley Edemann - Chairman
Clyde Carson
John Dabuliewicz

Recorder of the minutes: Mary Whalen