



# Warner Board of Selectmen

## Meeting Minutes

### Tuesday, April 9, 2019

#### APPROVED

**1. Open Meeting:** Chairman Carson opened the meeting at 6:30 pm

Attendance: Selectman Clyde Carson – Chairman, Selectman Kimberley Edelmann, Selectman Judy Newman-Rogers and Jim Bingham - Town Administrator

**2. Nonpublic Session**

Members Present:      Clyde Carson                      X    
                                 Judy Newman-Rogers              X    
                                 Kimberley Edelmann              X  

Motion to enter nonpublic session made by Selectman Carson.

Specific statutory reason cited as foundation for the nonpublic session:  
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. Selectman Edelmann seconded the motion.

Roll call vote to enter nonpublic session: Carson - Yes, Edelmann - Yes, Newman-Rogers - Yes

Other persons present during nonpublic session: Town Administrator - Jim Bingham, Dave Bower and Alden Whithin

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

Motion to leave nonpublic session and return to public session at 7:03 pm by Selectman Carson seconded by Selectman Newman-Rogers. Roll call vote: Carson - Yes, Edelmann - Yes, Newman-Rogers - Yes.

**3. Board Action**

Chairman Carson made a motion stating the Selectboard will start to draft a lease agreement with Old Window Restorers. The first draft will be ready one to two weeks from now and then work on the fine details moving forward. Selectman Edelmann seconded the motion, the motion passed unanimously.

**4. Nonpublic Session**

Members Present:      Clyde Carson                      X    
                                 Judy Newman-Rogers              X    
                                 Kimberley Edelmann              X  

Motion to enter nonpublic session made by Selectman Carson.

Specific statutory reason cited as foundation for the nonpublic session:  
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.

Roll call vote to enter nonpublic session: Carson - Yes, Edelmann - Yes, Newman-Rogers - Yes

Other persons present during nonpublic session: Town Administrator - Jim Bingham, Representative of Windoodle LLC.

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

Motion to leave nonpublic session and return to public session was made by Selectman Carson, seconded by Selectman Edelmann. Roll call vote: Carson - Yes, Edelmann - Yes, Newman-Rogers - Yes.

#### **4. Board Action**

Motion made by Selectman Carson, seconded by Selectman Newman-Rogers, for the first nonpublic remain sealed for one year and the second remain sealed until the property sells.

Roll call vote to seal minutes: Carson - Yes, Edelmann - Yes, Newman-Rogers - Yes.

Motion: **PASSED/DID NOT PASS**

#### **5. Public Session**

Attendance: Selectman Clyde Carson – Chairman, Selectman Kimberley Edelmann, Selectman Judy Newman-Rogers and Jim Bingham - Town Administrator

Others present: Ray Martin, Dan Lavoie, Peter Newman, Peter Savlen, Ed Mical, Chris Perkins, Tim Blagden, John Leavitt, Martha Mical, Marianne Howlett, Michael Simon, Deb Moody, Nancy Ladd

#### **6. Warner Village Water District - Purchase Town Parcel**

**A.** Ray Martin from the Water District presented a purchase & sales agreement for Map 29 Lot 001. The Commissioner's are ready to sign the agreement. The easement for the Rail Trail will be recorded after the Selectboard signs the easement then the deed can be conveyed to the Water District. The verbiage reads as follows: *Before transfer of title, the seller will convey and the buyer will accept a recreational trail easement as stated in addendum A to the deed and the buyer will accept for consideration future recreational easements allowing public access to the Warner River for non-motorized recreational purposes.*

#### **Board Action**

Selectman Edelmann made a motion to enter into a purchase and sales agreement with the Warner Village Water District. Selectman Newman-Rogers seconded the motion, the motion passed.

**B.** Ed Mical asked what the purchase price is. Clyde said \$30,000 paid over 10 years at \$3,000 per year, payments beginning next year.

#### **7. Emergency Management**

**A.** Emergency Management Director, Ed Mical, reported the grant for the Emergency Operation Center is 95% complete. All the furniture is in the space and is operational, there has been two partial payments made. Ed said in the grant application as part of the in-kind match the town would do web EOC training which is scheduled for Wednesday, April 17 at the Library. Another part is completing an exercise and Ed has started working with the State to arrange one, it will be a 4-5 hour event in May. Ed will be providing more information in the near future.

**B.** In 2016 the Emergency Operation Plan was updated, because of the new EOC there are changes that need to be made in the EOP and Ed is hoping to get some of that done before the exercise so it can be used as part of the exercise scenario.

**C.** The Hazard Mitigation Plan has been finalized and submitted to the State for review.

**D.** The State has a Field Representative that is the town's point of contact when something happens. The new Field Rep. for Warner is Julia Chase. Ed will be sending out an emergency contact list later this week.

#### **8. Supervisor's of the Checklist**

Supervisor Chris Perkins, met with the Board and informed them that the Supervisor's are still being paid at the old rate and needs to be updated. Jim said the wages will be updated and the wage difference [\$9.60 to \$10.90] will be paid from January to date.

#### **9. Warner Village Water District Easement [Recreational Trail]**

**A.** Ed Mical asked the Board if they are going to let the public know what is in the easement on the land that the Water District is purchasing. Jim read the following into the record:

## **RECREATION TRAIL EASEMENT**

The Town of Warner, New Hampshire, a municipal corporation duly organized under the laws of the State of New Hampshire with a mailing address of 5 East Main Street, P.O. Box 265, Warner NH 03278 ("Grantor"), as owner of certain property located in Warner, New Hampshire and situated at 136 East Main Street as described in the Warranty Deed dated October 28, 2010 as recorded at the Merrimack County Registry of Deeds at Book 3223, Page 116 (and whose boundaries are approximately shown on Warner Tax Map 29, Lot 1) (the "Property"), for no consideration paid, grant to the Friends of the Concord-Lake Sunapee Rail Trail, having a mailing address of P.O. Box 610, Warner, New Hampshire 03278 ("FCLSR") and its successors and assigns, a recreation trail easement, with warranty covenants, over the Property as follows:

A nonexclusive right and easement over a 30-foot-wide strip of land located on and along the former path of the railroad line of the Concord & Claremont Railway Co., Inc. as it crossed the Property for public use and access free of charge as an unpaved recreational trail (the "Trail") for: (a) at all times of year – walking, jogging, hiking, bicycling, horseback riding, and similar non-motorized travel; and (b) only in the winter months when the ground is frozen and snow-covered – cross-country (Nordic) skiing, snowshoeing, and dog mushing. Also expressly granted with this easement is the right to construct, install, maintain and repair gravel, unlit signs to mark the Trail and provide information related to the Trail and for interpretive purposes, gates and bars, landscaping and items incidental to or necessary for the recreational use of the Trail such as benches, picnic tables, bicycle racks, bulletin boards/kiosks, steps, railings, bridges, and culverts in the easement area (together, the "Trail Improvements"). Specifically excluded from this easement is use and access by any motorized wheeled vehicles, which include, but are not limited to, all-terrain vehicles and motorcycles, except for motorized vehicles necessary for the construction, installation and periodic maintenance and repair of the Trail and Trail Improvements. Conversely, the Grantor agrees not to allow the easement area to be used by motorized vehicles, other than as incidentally necessary by the Grantor, its successors or assigns for carrying out the Grantor's, successor's or assign's obligations in providing water and sewer services to the citizens of the Town of Warner.

This easement is subject to all existing covenants, restrictions, and easements of record.

Any use under this easement shall be at the sole risk of the user, it being understood and agreed that Grantor, its successors and assigns, shall have no liability or obligation to create, erect, maintain or repair the Trail or the Trail Improvements to be located in the easement area.

This is a non-contractual transfer of property with no consideration being paid to the Grantor, and is, therefore, exempt from the payment of the New Hampshire real estate transfer tax pursuant to NH RSA 78-B:2, IX.

**B.** Tim Blagden [Rail Trail] said the easement is standard language. Ed Mical asked if there is anything about Hold Harmless for the town and Ed was told the language is "*Any use under this easement shall be at the sole risk of the user*". Tim said the law firm Sulloway & Hollis is writing all the Rail Trail easements and they are all very much the same if you go to the Registry of Deeds and look up Friends of the Concord-Lake Sunapee Rail Trail.

### **Board Action**

Chairman Carson made a motion to approve the easement. Selectman Edelman seconded the motion, the motion passed unanimously.

### **10. Selectman's Committee Assignments**

Parks & Recreation Commission - Judy

Energy Committee - Clyde

Economic Development Advisory Committee - Kimberley

### **11. Funds Transfer - Motion**

Selectman Newman-Rogers made a motion to direct the Treasurer to transfer funds per RSA 35:11, to the Trustee's of the Trust Funds in the amount of \$5,500 to fund Article 4 (Property Revaluation Capital Reserve Fund) and to transfer \$10,000 to fund Article 6 (Contingency Fund). Chairman Carson seconded the motion, the motion passed unanimously.

### **12. Properties to be Deeded**

Tax Collector, Marianne Howlett presented a list of properties that may be deeded on May 10, 2019. Marianne has noticed the property owner's and any mortgages or lien holders that were discovered during research.

### **13. Library Trustee**

**A.** Library Trustee, Michael Simon said the Library Trustee's have voted to request the Selectmen appoint Mary Pelkey as an Alternate Library Trustee for the coming year.

#### **Board Action**

Chairman Carson made a motion to appoint Mary Pelkey as an Alternate Pillsbury Free Library Trustee until the next town election. Selectman Newman-Rogers seconded the motion, the motion passed unanimously.

**B.** Michael said there were 3 Trustee openings for the 2019 election and only 2 were elected. A list of the write-ins was provided to the the Trustee's from the Town Clerk. Michael contacted the one's that he could and one said they would think about it. Michael asked what is the process for a write-in vote. Clyde and Judy said there is an RSA that applies and Clyde looked it up and told Michael the write-in recommended by the Trustee's would be appointed by the Selectmen. Michael will return with a recommendation in a couple of weeks.

### **14. Selectman's Priorities**

**A.** Town Hall sprinkler system - Clyde asked if the Selectmen will become actively involved or is the project for the Director of Public Works to oversee. Jim added the Board should be receiving 3, 2019 quotes from vendors by the next regular meeting. The DPW and Jim met with the Water District Commissioner's on Monday and came to an agreement on a plan the DPW is working on to bring the water main in from Main St., up the driveway and hooking into the back of the Town Hall. The DPW will meet with the Board on April 23. Ed Mical recommended the proposal for the system should be reviewed by the Fire Chief.

**B.** Selling land to the Water District - almost completed

**C.** Lease option for 27 E. Main St. (Fire Station) - almost completed

**D.** Storm water treatment program for the Department of Environmental Services Clean Water State Revolving Fund. Kimberley asked what is the time frame for the requirement for the town to meet that. Jim said he considers this a long term project, 3 to 5 years, it's in stages. The first step is a forgivable loan for up to \$30,000 to have an engineering assessment of the town's current storm water system which will be the basis upon which the town would develop a plan to treat the storm water runoff before it goes into the Warner River. This is actually a Federal program, Environmental Protection Program.

**E.** Clyde asked the Board to identify their top 5 Selectboard priorities for further discussion at the April 16 meeting, those priorities the Selectboard will work on exclusively. John Leavitt commented that everything in town is ultimately the Selectman's job. Clyde said everything is on the Selectman's list, the priorities being generated are things as a Board to work on. John said he would like to see more involvement from the Selectboard on different issues. He said the Town Administrator can handle the sprinkler system but John feels it's up to the Selectboard to make sure that work is being done. Clyde said the types of things the Board needs to work together on is getting a new Bookkeeper, making a determination if the Board is going to renew the Town Administrator's contract, leasing the fire station as well as other priorities the Board needs to work on.

### **15. Bookkeeper**

Clyde said the town hired an Interim Bookkeeper who started on Monday and will remain until the Board clarifies the Bookkeeper position and a full-time replacement is found.

### **16. Payroll**

Clyde said he thinks the town does not have 100% coverage for everything that is needed to be done in payroll and feels it's too risky. Judy asked if the town has reached out to other Munismart users. Jim said he will be reaching out to Harris support. Clyde also arranged a meeting with Paychecks next Tuesday for a presentation. Judy agrees with the concerns regarding payroll, if the issue is getting payroll done correctly and outside support is needed it should be done on an as needed basis to get the payroll done correctly, she also recommended reaching out to other towns that use Munismart. Judy noted that this year the Board is dealing with a tight budget. Marianne stated the software support for Munismart is free.

### **17. Fire Station**

Kimberley reported when the weather warms up the needed outside work will be completed. Judy asked what the hole in the front is for. Kimberley said it's part of the drainage system, rain overflow.

## **18. Minutes**

Selectman Newman-Rogers made a motion to approve the March 26 meeting minutes. Selectman Edelmann seconded the motion, the motion passed.

## **19. Other Business**

**A.** Clyde reported the NH Senate passed the naming of the roundabout after Barbara Annis, the next step is on to the Governor.

**B.** Jim said the Bookkeeper Job Description Committee is at work going through the job description and there should be something for next week.

## **20. Manifest**

Selectman Edelmann motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 5811- 5824 in the amount of \$35,432.50 (including 26 direct deposits), Accounts Payable check numbers 56258-56261 in the amount of \$46,294.57. Chairman Carson seconded the motion, the motion passed.

## **21. Consent Agenda**

Selectman Newman-Rogers made a motion to approve the consent agenda for April 9, 2019.

1. Solar Exemption for Map 10 Lot 102
2. Intents to Cut for: Map 4 Lot 17, Map 15 Lot 27-2B, Map 16 Lot 73
3. Yield Tax Levy for: Map 12 Lot 21, Map 7 Lot 64, Map 9 Lot 44
4. Certification of Yield Taxes Assessed for: Map 14 Lot 43, Map 4 Lot 21, Map 5 Lot 6

Selectman Edelmann seconded the motion, the motion passed unanimously.

## **22. Dishwasher**

Nancy Ladd provided the Board with information for a commercial dishwasher for the Town Hall kitchen. Nancy said if the Board is in favor she can obtain some electrician quotes. The cost for the dishwasher is about \$4,000 which could be funded from the Nancy Sibley Wilkins fund or a combination of other sources that use the Town Hall annually. Clyde thanked Nancy for spearheading the project. Nancy's goal is to do away with the use of plastic.

## **23. Expenditures**

Clyde is recommending the Board review expenditures at the last meeting of each month with the information being emailed to the Board prior to such meeting. Selectman Carson made that a motion to include the expenditure review as part of the agenda (no response to the motion)

## **24. Public Comments**

**A.** Budget Committee member, Martha Mical, noted the Finance Office salary is 44% spent. Kimberley said that is because of the pay out when the Bookkeeper resigned. Kimberley suggested a separate fund be established to cover for when an employee resigns. The current budget does not include this expense. Judy said she is reviewing the pay out back ground that was provided to the Bookkeeper and she looking to make sure the policy was applied fairly and equally to everyone who has resigned. Kimberley said establishing a fund is one of the projects she has listed.

**B.** Marianne informed the Board that she knows of someone who is interested in purchasing the old fire station. Jim said the Selectman's office has that information and will scan it to the Board. John Leavitt asked if the building has been assessed. Kimberley said the value of the building is \$311,000. John Leavitt asked if the building is listed for sale and the answer was no. Leavitt said shouldn't it be listed instead of going with one person who wants to lease with the intent to purchase which he feels is a good deal, but it doesn't mean the town shouldn't pursue other interests. Clyde said the Board acknowledges John Leavitt's point.

## **25. Adjourn**

Meeting adjourned at 9:06 pm

Board of Selectmen  
Clyde Carson - Chairman  
Kimberley Edelmann  
Judy Newman-Rogers