



# Warner Board of Selectmen

## Meeting Minutes Wednesday, February 13, 2019 APPROVED

Chairman Edelmann opened the meeting at 6:05 pm

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

Others present: John Leavitt, Alden Witham, Natalie Wells, Nancy Martin, Michele Courser, Deb Moody

### **1. Fire Station (27 E. Main St.)**

Alden Witman, representing Old Window Restorers out of Weare, NH, is interested in the Fire Station. Alden would like to talk to the Board about leasing the property with the option to purchase. The company needs to find a new home by June of this year, they are out growing their current space. John explained that there is a warrant being presented at Town Meeting that would need to be voted upon first. Alden was advised to research what will be required from Landuse Office as well.

### **2. I-89 Improvement Project**

**A.** Conservation Commission Chair, Nancy Martin, is before the Selectmen asking them to consider a meeting with representatives from the Department of Environmental Services and the Department of Transportation to discuss the I-89 improvement project between exit 8 and 9. The Conservation Commission along with the Warner River Local Advisory Committee have a number of questions, but missed the January 24th deadline the State required.

**B.** The plans include impacts to the floodplain along the river, 4 acres of tree's are planned to be cut and the work may impact the brooks. There is concern about heavy equipment and the transport of invasive species and concerns for erosion controls around the river so they don't use any netting that contains plastic.

**C.** The Warner River after it was designated [River Management Program] was selected to do an in-stream flow study to study the levels of water during the various seasons over the course of the year. How will the project impact this study? There is also a concern regarding the heavy equipment that will be staged for the project and the leaking fuel contamination. These are some of the reasons why the Conservation Commission and the Warner River Local Advisory Committee (WRLAC) feels it would be appropriate for the Selectboard to ask for a meeting with a representative from DES and DOT to get these questions answered.

**D.** There is also an opportunity through the I-89 project to impact the Aquatic Resource Mitigation Program Grant (ARM Fund). Nancy wants to make sure Warner is the beneficiary to the ARM Funds.

**E.** John said wetland permits will also be required by the State and those will come to the Conservation Commission for review. Nancy recommended contacting Tracey Sales from DES, and Meli Dube from DOT.

**F.** Kimberley asked Nancy if she submitted the questions to DOT after the January 24 deadline? Nancy said yes, the WRLAC submitted concerns but she is not aware of any response. The Conservation Commission has not submitted anything. Kimberley asked Nancy if she knows how to avoid missing deadlines in the future? Nancy said yes, she has coordinated with the WRLAC.

**G.** The Board is in agreement to arrange a public meeting with DES and DOT. Jim will make a call to find out the status of the project and when they can meet with the Selectmen.

### **3. Review Warrant Articles**

**A.** Selectman Dabuliewicz made a motion to approve article 3 as written (\$3,342,654 for the Operating Budget). Selectman Carson seconded the motion, the motion passed unanimously.

**B.** Selectman Dabuiliwicz made a motion to approve article 4 as written (Property Revaluation for \$20,000). Selectman Carson seconded the motion, the motion passed unanimously.

**C.** Selectman Carson made a motion to approve article 5 as written (Employees Expendable Health Trust for \$4,000). Chairman Edelmans seconded the motion, the motion passed unanimously.

**D.** Selectman Carson made a motion to approve article 6 as written (Contingency Fund for \$10,000 from the General Fund). Chairman Edelmans seconded the motion, the motion passed unanimously.

**E.** Selectman Dabuliewicz made a motion to approve article's 7, 8, 9 & 10 as written (7-Police Vehicle for \$20,000, 8-Fire & Rescue Vehicle for \$100,000, 9-Fire Fighter Equipment for \$5,000, 10-Highway Road Construction for \$153,000). Chairman Edelmans seconded the motion, the motion passed unanimously.

**F.** Selectman Carson made a motion to approve article's 11, 12, 13 & 14 as written (11-Highway Equipment for \$125,000, 12-Bridge Replacement for \$50,000, 13-Preservation of Town Records for \$15,000, 14-Library Building for \$10,000). Chairman Edelmans seconded the motion, the motion passed unanimously.

**G.** Selectman Dabuliewicz made a motion to approve article's 15, 16, 17 & 18 as written. (15-Town Hall Improvements for \$100,000, 16-Riverbend for \$200, 17-Geographic Information System for \$11,000, 18-Transfer Station Equipment for \$25,000). Selectman Carson seconded the motion, the motion passed unanimously.

**H.** Selectman Carson made a motion to approve article 19 which discontinues Eliza Sanborn Trace as written. Chairman Dabuliewicz seconded the motion, the motion passed unanimously.

**I.** Selectman Carson made a motion to approve article 20 as written:  
Shall the Town vote to rescind the directive in warrant article 24 that passed at the 2015 Town Meeting? Article 24 directed the Board of Selectmen to place for sale the Town owned property located at 136 East Main Street (Map 29, Lot 1, - the old fire station building site)? (Submitted & recommended by the Board of Selectmen) (Majority vote required.)

**Article 24 from 2015 Town Meeting**

*To see if the Town will direct the Board of Selectmen to place the town owned property identified as Map 29 Lot 001 (136 East Main Street) for sale prior to May 30, 2015. To be sold as described in said Deed as recorded at the Merrimack County Registry of Deeds on November 1, 2010. Sale of this property should take place as soon as possible. (Submitted By Petition) (Majority vote required).* John requested that the actual wording of article 24 from 2015 Town Meeting be placed in the warrant after article 20 for clarification purposes.

Clyde mentioned an email that he saw about a potential buyer of the property. John said yes, the Water District is interested in the property. The Water Commissioners are creating a proposal. Clyde said he is in favor of moving forward with article 20, but he is also in favor of actively considering the Water District's proposal so they can take it to their Annual Meeting. Jim said the Administrator for the Water District is checking into what their restrictions are in terms of putting their warrant article together because it would be a multi-year purchase or a right-of-way. The town may need to look at how does a multi-year purchase ties into the Selectman's authorization to sell land. Article 20 is also for an opportunity to talk about the rail trail to obtain the voter's opinion on it. Selectman Dabuliewicz seconded the motion, the motion passed.

**J.** Selectman Carson made a motion to approve article 21, to establish a revolving account to handle financial transactions related to the solar array. Chairman Dabuliewicz seconded the motion, the motion passed unanimously. Clyde will provide an explanation at Town Meeting.

**K.** Selectman Carson made a motion to approve article 22 which raises the maximum exemption (\$35,000) for solar array or wind powered systems that the town has already adopted. Chairman Dabuliewicz seconded the motion. John asked if a business builds a solar array how will the town know the solar installation is sized to meet the electric usage they expect on the application. Clyde said the business would need to supply that information. Kimberley asked Clyde what he tells people who asked if it will be retroactive to other solar arrays in town. Clyde believes there may be two installations in town that exceed the \$35,000 value. The motion passed unanimously.

**L.** Selectman Dabuliewicz made a motion to approve article 23: Shall the Town vote to adopt the provisions of RSA 72:28-c ("Optional Tax Credit for Combat Service") in the amount of \$500. A tax credit for combat service shall be in lieu of, and not in addition to, the optional veteran's tax credit under RSA 72:28 or the all veterans' tax credit under RSA 72:28-b. Selectman Carson seconded the motion. The motion passed unanimously. Jim will contact Mr. Bates who presented this to the Selectmen, to speak at Town Meeting.

**M.** Selectman Dabuliewicz made a motion to approve article 24: Shall the town vote to discontinue the Capital Reserve Fund (CRF) for Exit 9 Improvements and return the balance of funds and accumulated interest to date of withdrawal to the municipality's general fund. Chairman Edelmann seconded the motion, the motion passed.

**N.** Selectman Dabuliewicz made a motion to approve article 25: To see if the Town will vote to eliminate the elected positions of Almoners for the Foster Fund and Currier Fund and vest in the Board of Selectmen the authority to appoint an individual who shall assume the responsibilities of distributing aid to the worthy poor, as directed by those trusts. Selectman Carson seconded the motion. Clyde said he heard a discussion at the Budget Committee that argued convincingly the town may not want to do this because the Almoners are set-up to be independent of the Selectman's Office. Clyde would like to post pone this article until there is a better understanding. Kimberley read the email from the Almoners about the reasoning for eliminating it. Clyde said the Board was suppose to look at having an independent Welfare Officer as well and it wasn't done. Clyde wants to re-look at both for next year and argues to strike article 25. John wants to move forward with article 25. Jim said the Almoners do not have the same process for applying for assistance, it's not the same as welfare assistance applications. Both the Almoners and Welfare do not know what the other is doing because it's independent and confidential. And most residents are not aware of the Almoners. Welfare administration has referred some applicants to the Almoners, but not many. Kimberley asked if Darryl Parker is willing to speak about the Almoners at Town Meeting. Jim said he would ask. Kimberley is also in favor of keeping the article on the warrant. The motion passed 2-1, Selectman Carson is opposed.

**O.** To see if the town will vote to direct the Board of Selectmen to sell the Fire Station at 27 East Main Street, identified as Map 30, Lot 2 and return it to the tax rolls? (Submitted by Petition) Chairman Edelmann made a motion to recommend article 25 as written. Selectman Carson seconded the motion, the motion passed.

#### **4. Request to Carry Over Vacation Time**

On hold until next meeting, John needs to review what was granted last year and previous years. Clyde asked how that information would play into his decision. John said if a request is continually repeated then that employee is not catching up like they are suppose to according to the Personnel Policy. Clyde doesn't feel prior years should be a factor in the decision making because conditions change year to year.

#### **5. Part-time Patrol Officer**

**A.** Clyde said he believes there is a request to have the recently resigned full-time officer Ben Tokarz continue on as a part-time patrol officer. Clyde understands this should "kick in" before the next Selectman's meeting. Both Kimberley and John said they have not seen anything about a request. Clyde believes a request has been filed with the Board of Selectmen. Clyde said this is an opportunity to have Ben continue employment with the town as a part-time patrol officer with no benefits. Kimberley said because a request has not been made, the Board can't discuss this. Clyde said the Police Chief has made him aware of this and is making the request on behalf of the Police Chief.

#### **Board Action**

Clyde said he will make that request on behalf of the town to instruct the Police Chief that he should continue Ben Tokarz as a part-time employee at Ben's current pay rate without benefits. Kimberley is open to Clyde's request. John thinks the Board should do this in an orderly fashion so there is a record. Clyde said what he said is a form of a motion. Chairman Edelmann seconded the motion, but, it's still and HR issue that is being projected and has not been formally requested. Kimberley does support the Police Chief retaining a current employee as a part-time employee. Jim said, as it has been stated in the past by others, do we take that as an open position that needs to be advertised and should a new application be submitted by Ben for the part-time position? Kimberley said there is a process that should have been followed. The employee should express his interest in the part-time position, the Police Chief then present the recommendation to the Board, not the other way around. Kimberley shares her support and asked the Board if they are in favor of showing the same support; Clyde - yes, Kimberley - yes. John asked what does that mean "showing the same support". Jim feels the motion is going to be misconstrued, some rules apply to some areas and not others, this has been going on since Jim has been employed and this is another example. Motion passed 2-1.

**B.** Clyde, later in this meeting, located the email regarding the part-time officer sent from the Police Chief asking to retain Ben Tokarz for 20 hours per week beginning February 23rd. Kimberley asked Clyde to read the email: Clyde said the email is dated February 4, 2019 from Chief Chandler addressed to himself, Kimberley, John and Jim.

*Dear Board,*

*Unfortunately attached is the resignation of Officer Ben Tokarz as full-time patrolman for the Warner Police Department. I wish to retain Officer Tokarz as a part-time patrolman for 20 hours per week at his current hourly rate beginning February 23, 2019. Regards, William Chandler, Chief of Police.*

### **Board Action**

Chairman Edelmann made a motion for the Board to approve the request submitted by the Police Chief. Selectman Carson seconded the motion. Selectman Dabuliewicz abstained, motion passed 2-1. Jim said this open position was not advertised and not open to the public. Ben is a great fit, but, when this is done again for another position, the precedent has been set.

### **6. Review Alternative Credit Card Programs**

The town does not have a credit card in its own name, there is a credit card under Jim's name so that on-line purchases can be made. Research has been done and it has been found that Sugar River will not issue the town a credit card. Other banks have been contacted and will issue a credit card to the town if the town will bring it's business to them. Another bank said a small account could be opened but the card would need to be in the name of an employee not an elected official.

### **7. Polling Hours for Town Election**

Chairman Edelmann made a motion to change the polling hours for local elections to open at 7:00 am and close at 7:00 pm. Selectman Carson seconded the motion, the motion passed.

### **8. Fire Station Update**

Kimberley reported a certificate of occupancy has been issued. The fire alarm system for the building needs to be compatible with Concord dispatch which will be remedied before any equipment is moved in.

### **9. Town Parcels for Sale**

The Board reviewed a list of potential properties for selling. Clyde and John is in favor of selling town property located on Horne St. and getting it listed as well as the property that already has some interest on Couchtown Rd. Clarification is needed on a property located on North Rd. that abuts a town forest. Clyde said he would like to visit some of the other properties before making a decision, but doesn't see the rush to do so right now.

### **10. Meeting Minutes**

Selectman Dabuliewicz made a motion to approve the meeting minutes from January 22, 2019. Selectman Carson seconded the motion, the motion passed unanimously.

### **11. Manifest**

Selectman Dabuliewicz made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 5722-5735 in the amount of \$37,763.84 (including 25 direct deposits), Accounts Payable check numbers 56061-56099 in the amount of \$535,361.86 (which includes a check to Kearsarge School District in the amount of \$325,000.00). Selectman Carson seconded the motion, the motion passed.

### **12. Consent Agenda**

Selectman Carson made a motion to approve the Consent Agenda for February 13, 2019:

#### **To be signed:**

1. Abatement for Timber Yield Tax Assessment for Map 1 Lot 8
2. Building Permits for: Map 7 Lot 10

Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

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

**A.** Clyde said on the State level he learned LED lit signs are considered internally lit as well as LED video signs. Clyde said this is something the town may want to consider. Clyde was told the Planning Board has had that discussion already. LED lighting is not allowed in Warner.

**B.** There is a request before the Board from Pellettieri Associates to be allowed to use the illuminated sign for advertising a job fair. The Board was in agreement to allow the sign and in the future review the sign regulations.

**C.** Clyde said there will be a table set-up on election day promoting Weatherize Kearsarge.

**14. Public Comments**

No comments

**15. Adjournment**

Motion to adjourn at 8:02 pm

Board of Selectmen

Kimberley Edelmann - Chairman

Clyde Carson

John Dabuliewicz

Recorder of the minutes: Mary Whalen