

Warner Board of Selectmen
Work Session Meeting Minutes
Wednesday, September 18, 2019
UNAPPROVED

1. Open Meeting Chairman Carson opened the meeting at 6:37 pm.

Attendance: Selectman Clyde Carson – Chairman, Selectman Kimberley Edelmann, Selectman Judy Newman-Rogers

Others present: Nancy Martin, Darryl Parker, Bill Chandler

2. Map 16 Lot 24

A. Nancy Martin from the Conservation Commission is before the Board to answer some questions that were brought up at the September 10 Selectman's meeting regarding the purchase of a State surplus lot located at Map 16 Lot 24. The question was why shouldn't the State continue to own the land rather than the town. Nancy said the primary reason is the State will not agree to an easement across their land, which would limit access to the river and make it impossible to create a parking area. The other reason is the Conservation Commission has been working on the purchase of this land since October 2014, the buy, no buy decision was made a long time ago and the Conservation Commission over the years has been building a relationship with the Department of Transportation to the extent that at no charge to Warner, DOT has agreed to build a fish friendly culvert in Bartlett Brook as part of the I-89 rehabilitation. In addition, there are 3 culverts that have been identified by Warner's Highway Department as needing replacement and will be replaced using ARM Funds (Aquatic Resource Mitigation) as a result from the I-89 rehabilitation project to the extent of \$200,000. The town is in good standing at this time to apply for those funds. Judy asked if the State will be granting those funds, are they the decider? Nancy said the Department of Environmental Services manages the ARM Funds. Nancy has been working closely with DES on the fish and culvert surveys they have been doing over the last 3 years so they there is a lot of work into it and Warner is on the top of the list for the ARM Funds. The town would need to apply in the spring. Clyde added the Engineer said the project won't begin until spring and it's a two year project. Nancy said those are the reasons she thinks it's important for the town to purchase Map 16 Lot 24 which she feels is one of the best sites in Warner to provide a recreational access to the river. Judy asked if there is access to it right now. Nancy said the assessment that came back from DOT is they could not identify the owners of the stone wall on the river side of the old Route 103. Nancy hired a surveyor who determined the old Route 103 is a Class VI road and there are no identifiable owners of the property up to the stone wall. Clyde confirmed if and when the State conveys the land to the town it would include all the way right up to the river. Nancy said yes.

B. Nancy talked to the Board about how much to offer for the parcel. The State is asking for \$14,600 which includes \$1,100 for an administrative fee. DES has put a stipulation on the sale, the property will be restricted to recreational use only.

Board Action

Selectman Newman-Rogers made a motion to authorize the Conservation Commission to offer \$6,000 plus the \$1,100 administration fee. Chairman Carson seconded the motion and asked would this need an agency to take over the conservation easement. Nancy didn't think so and didn't see a reason to do so. Kimberley asked who is going to put in the parking area and maintain the property. Nancy said the rail trail will put in the parking lot. Chairman Carson called for a vote: Carson - yes, Newman-Rogers - yes, Edleman - no vote because she doesn't think tax payers should be paying for anything for the rail trail until the tax payers have a chance to talk about it. Nancy said this is not for the rail trail, this is for recreational purposes. Kimberley said to Nancy that she said specifically for the rail trail. Selectman Newman-Rogers said if the rail trail decides not to do anything, it will still be town owned recreational parcel. The motion passed.

C. Darryl Parker asked Kimberley if there is anything he should know about her concerns regarding the rail trail. Kimberley explained that she has tried very hard to get the Selectboard to have a vote at Town Meeting specifically asking the voters if they support having a rail trail. That vote has never happened and she is not comfortable because she knows of people that would not want their taxes supporting it. Kimberley just wants the citizens to have a say.

3. Nonpublic Session

Motion to enter nonpublic session made by Chairman Carson, seconded by Selectman Newman-Rogers.
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.

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

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

Entered nonpublic session at 6:59 pm.

Other persons present during nonpublic session: Bill Chandler

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

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

4. Public Session

Chairman Carson opened the public session at 7:37 pm.

Attendance: Selectman Clyde Carson – Chairman, Selectman Kimberley Edelmann, Selectman Judy Newman-Rogers

Others present: Bill Chandler

5. Sealed Minutes

Chairman Carson made a motion to seal the September 18, 2019 nonpublic minutes permanently. Motion was seconded by Selectman Newman-Rogers, the motion passed.

6. Police Department - Compensation - Board Action

A. Chairman Carson made a motion to promote Corporal Ben Tokarz to Sergeant moving him from Grade 9 Step 13 to Grade 13 Step 7 effective the next pay period at an hourly rate of \$33.66 per hour. And moving the Administrative Assistant from Grade 6 Step 7 to Grade 8 Step 9 at an hourly rate of \$24.04 effective the next pay period. Selectman Newman-Rogers seconded the motion, all were in favor, the motion passed.

B. Kimberley asked Bill when he turns in his 2020 budget if he could estimate where he thinks he will be for the end of the year, at least from the wages point of view. Bill thanked the Board for approving his requests and left the meeting.

7. Interview Committee for the Town Administrator

A. Clyde said John Dabuliewicz has agreed to be the Chairman on the Interview Committee. Kimberley called Bill back to the meeting and asked Bill if he was on the last Committee that hired a Town Administrator, Bill said he was and Kimberley asked him to explain the process. Bill said it was set up kind of text book. The applicants went from one oral board to the next oral board and was scored and rated. Bill thinks it's crucial to have a waiver form that is signed by the applicant which allows the town and provides authorization for the town to talk to any previous employer, employee, neighbor etc. and he would also require them to provide, at their own expense, a copy of their certified motor vehicle record from DMV, and a certified copy of criminal record from State Police Headquarters. Judy asked is this before they are hired? Bill said when they are a candidates. Bill said there is a wealth of information you can find out by having someone sign a waiver, he recommends doing so with the top 3 candidates. Clyde recommends passing this by the town attorney. Judy said the Board talked about in nonpublic about not saying who the people on the committee would be, she noted it was not that way during the last time the town hired a Town Administrator. The interview panels were not held in a nonpublic session. Clyde said the interviews were done in a nonpublic session.

B. Clyde said he and John Dabuliewicz met yesterday and talked about people for the committee. Clyde has 9 people identified that said yes to be on the Committee. Both Clyde and John are comfortable with a committee size of 5. Clyde and John went through the list of people and John identified Patrick McGowen, Sarah Hansen, David Minton and Karen Raymond to be on the Committee, John being the Chairman. Judy clarified instead of having interview panels, the Committee will be completing the interviews? Clyde said the Board will tell the committee who they will interview. The committee would make a recommendation to the Board and then an employee round of interviews.

C. Clyde asked the Board if they have read all the resume's. Judy has not read all of them yet. Clyde said 9 resume's have been received. Kimberley cautioned talking about the candidates at this time in a public session. Kimberley recommended the Board read the resume's and come back in a nonpublic session with their top 5 and see if they match. Clyde recommended 7. Kimberley said by the next meeting the Board should be prepared with a list. Clyde will contact John to begin contacting the Committee members. Clyde will also send an email to the applicants as a follow-up updating them on where the Board is on this process.

8. North Branch Construction - Last Check

The last payment to North Branch is in the manifest for approval. Kimberley would like to hand deliver the check herself. In total there were 15 payments scheduled for North Branch, this last check is the 15th payment. Judy asked what about anything that still needs to be addressed, concerns, things that are found that need to be corrected. Kimberley said those would all be through warranties.

Judy asked if there is any money held back because as was talked about the roundabout, paying the contractor of the roundabout didn't get them back to fix the crack. Kimberley said we have warranties which have been used to do some repairs. Kimberley said the town is done with this project to the point where the Board can start talking about some landscaping with the leftover funds.

Kimberley has a spreadsheet that shows what was spent on the construction of the Fire Station which is compared to what was appropriated by the town in 2018. North Branch is one of several companies that was involved in the project. Judy said those are the things she doesn't know about, and that the Board hasn't discussed in public so the public knows. So not going over a spreadsheet and explaining things to her is not what the Board should be doing. The Board should be explaining the breakdown. The dryer should be made public.....Kimberley said it has been. The Fire Chief talked about it to the Board in a public meeting which the Board already approved spending money to buy it. AT a public meeting Ed Mical talked about all the equipment that was purchased and covered by a FEMA grant.

Judy said the Architect gave the town a \$4,700 check to be returned, it wasn't designated for the dryer. Kimberley said that was a refund. Judy asked where did the refund go. Kimberley said back into the bank account for the new Fire Station. Judy said so there would be \$4,700 left over, technically, unless it was spent above what we were going to spend things on. Kimberley said no, the \$4,700 is in the spreadsheet as a credit. Judy said the town paid the Architect in the absence of a Town Administrator. Kimberley said no we have not, she said she would like to, but hasn't. If the Architect decides to invoice the town for the additional support they provided, she would be happy to consider. Plus we haven't spent the amount the Architect told the town would be spending with them, the town paid less for the Architect.

Judy asked Kimberley if she feels she has informed the Board enough to go forward and not have anything come back on the town. Kimberley said nothing is going to come back on us, there is money that will be returned to the town in the end, or, unless the Board decides to do landscaping. The Bookkeeper has also doubled checked Kimberley's figure's and everything is spot on. Judy said the Bookkeeper does not question what was purchased. Kimberley said that was handled by the committee. Judy asked what committee. Kimberley said the owner's committee that had meetings on every Wednesday morning for months.

Judy had another question, why isn't the Fire Chief here with Kimberley or hasn't been with you to come forward when these kinds of things are discussed, it's his Fire Station. Kimberley said it's her project that she is leading. Judy said it is still the Fire Chief's responsibility, that's the way we did every other building, that's why she asked. Kimberley wasn't aware that this last payment would be discussed at this level this evening. Judy asked Kimberley why would she think that. Kimberley said to Judy she can go over everything with Judy if she wants. Judy said all she is asking is for the Board to do it as a Board and to have it in public sessions so the townspeople know what was

done and it's on record. Kimberley said great, but she has to pay North Branch and would be happy to present a presentation. Judy said to Kimberley when she said to file the spreadsheet with the minutes Kimberley had said no. Kimberley explained at that time there were items that had not been paid yet and she didn't have exact numbers, she is still editing the document. Judy said it's like posting draft minutes.

Kimberley asked Judy if she is going to stop the payment to North Branch. Judy said what I'm going to do is explain why she is asking and if Clyde goes through everything and is okay she will concur with paying North Branch. Judy said she wants to know what she is paying and she is definitely going to do that for the townspeople because it's a lot of money. Kimberley said to Judy that she has been a Selectman since March and has not asked Kimberley anything about this until the last week or so. Judy said we haven't had anything. Kimberley said to Judy she has been signing and approving manifests with payments for the Fire Station all along. Judy said it is because it is the final payment to North Branch and when you say it like that, it implies there is going to be more money paid out to somebody else. Kimberley said yes, there is. Clyde said Kimberley is referring to the dryer, a light and some landscaping. Judy said those are things that were in the project. Kimberley said no they are not, to save money a lot of things were taken out, and now with the money left over those items can be addressed.

Clyde said he is comfortable about the North Branch payment and it should be paid. He understands the concern like the roundabout. He said the roundabout actually had more security because the State was involved and once the State signed off on the project the town lost a lot of leverage. Clyde said the Board should have a final walk-through of the project in a public meeting. Judy said she is in support of paying North Branch but she is aware that some things do not get done properly and people walk away with their money and there are things that still need to be done. And since she is paying for this building with a lot of peoples money she wants to make sure every t is crossed and every i is dotted. The invoice is from April 30th. Judy said she's not saying it's being rushed because the invoice is from April, what she is saying is it's being rushed because the Board is finding out about this final payment this afternoon. Kimberley said in the minutes from last week, it was talked about.

Board Action

Chairman Carson made a motion approve the checks to North Branch Construction for the final payments for their part of project in the amounts of \$3,850.70 for Miller Engineering and a second check in the amount of \$35,763.61 for North Branch Construction. Seconded by Selectman Edelmann, the motion passed unanimously.

9. Manifest

Chairman Carson made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Accounts Payable check numbers 56762-56787 in the amount of \$92,791.05. Seconded by Selectman Newman-Rogers, the motion passed.

10. Payroll Over Payment

Judy said she sent out an email about Ben Tokarz being over paid back in March when Ben was promoted to Corporal. The email included a brief memo to the Bookkeeper so she can calculate what is owed back to the town. Clyde said the Police Chief should review it and agree with it.

11. Board of Selectman's Budget

Kimberley said she modified the BOS budget on two lines. Salaries need to be talked about as well as IT projects that have been submitted by Dan Watts. Kimberley will add the IT costs to see what the budget is going to look like. Clyde said we also need to discuss if the town is going to use a different company for health benefits. Judy will do a comparison for health care costs.

12. Adjournment

Motion was made and seconded to adjourn at 8:39 pm.

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