



# Warner Board of Selectmen

## Meeting Minutes

### Tuesday, June 23, 2020

### UNAPPROVED

#### **Preamble**

Chairman Carson read the following into the record:

Good evening, as Chair of the Selectboard, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town of Warner government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

#### **Public Session**

Attendance by teleconference: Selectman Clyde Carson – Chairman, Selectman Judy Newman-Rogers, Selectman Jonathan Lord and Town Administrator - Diane Ricciardelli

Others participating: Apryl Blood - Parks & Recreation Commission, Tim Allen - Director of Public Works, Deb Moody - Assessing Clerk, Marianne Howlett - Tax Collector, Kelly Henley – Bookkeeper, Martha Mical, Ed Mical

#### **Parks & Recreation Commission**

Clyde said the most recent Governor's order has lifted the use of ball fields to youth groups. Apryl said the ball fields are open but they are not doing any sports at this time. Clyde asked if WYSA would be doing any sports this year. Apryl said baseball and softball has already gone by, WYSA is still not sure about soccer; they are waiting on the guidelines. Apryl said soccer could be in the fall at Bagley; football, if allowed, would like to play at Riverside. What Apryl is not sure about is if football does play, how that will impact bathroom usage? Apryl doesn't feel the bathroom use would be regulated well during football and feels football would need to provide another porta-potty.

Apryl provided to the Board the cost to open the beach.

- The buoys would need be to set-up, which is labor.
- The cost for a porta-potty is \$525 for 3 months because the single use bathrooms need to be repaired. Apryl estimated the repair to cost \$500 or less, the Town would provide the labor. A wall mount hand sanitizer would need to be added to both bathrooms as well. Clyde feels it would be prudent to complete the needed repair rather than rent a porta-potty. All agreed. The bathrooms would comply with the current Governor's order because they have a one-person capacity. Alan cleans the bathrooms 3 times per week, so we will be fine.
- Apryl was informed by the Department of Environmental Services, they will not be monitoring the water at the beach this year. The cost for Eastern Analytical to test the water once a month for 3 months is \$712. Diane said that cost would be covered by the grant for COVID expenses. The water sample for testing would need to be transported to the lab within 8 hours, both Clyde and Diane said they could deliver the samples to Concord. But before the samples can be delivered someone needs to pick up the containers. Clyde asked if all the containers could be picked up at once. Apryl thought that could be done. The actual cost for a test is \$28, the \$712 cost includes hourly fees and transportation.
- It was agreed to repair the pipe for the bathroom at the beach. Apryl will purchase the wall mount hand-sanitizer dispensers.

- The beach can open and then the testing can begin. The test is not a requirement, it's done as a precaution. Tim Allen will look at what needs to be done to get the bathrooms running and will return with an answer, then the opening of the beach will be determined. The goal is July 4. Coordination will be through the Town Administrator.
- Apryl messaged in and said Alan Piroso cleans the bathrooms daily 3 times a week. NH guidelines say to base it on use, and there is hardly any use so the bathrooms can be open once repaired.

### **10 - Wheeler**

Tim Allen explained the 10-wheeler is in dire need of sandblasting and painting, the body and plow frames especially. Tim sent the Board 3 estimates, out of those estimates Tim would like to go with the lowest. He originally budgeted \$8,500 for the project, but will need another \$4,000. Clyde asked what does the sandblasting and painting do for the life of the 10-wheeler. Tim said the 10-wheeler is scheduled to be replaced in 2023 and when it comes time to replace the truck he would like to order just a chassis and take the dump body and the plow equipment and put it on the new chassis. The potential savings is about \$50,000. Clyde asked Tim if this project can be pushed out to August or September, Clyde is concerned about cash flow. Tim is not in favor of holding off on this project, he said this work should have been completed last year and recommends no later than August. The vendor he wants to use is already 4 weeks out until he can service the 10-wheeler. Tim is going to work on his project list budget and will see what the schedule is like for the vendor. Clyde does support getting the 10-wheeler sandblasted. Judy spoke in favor as well, she complimented Tim for using his budget in the best manageable way to take care of the equipment he has.

### **Town Hall Sprinkler System**

Tim Allen said he expects to have the finished plans on Thursday.

### **Paving**

Tim will be talking to the Board about his paving plans once his project list is complete.

### **Abatement Update**

Deb Moody, Assessing Clerk, said the Assessor will be sending the abatements to her on Monday. The deadline is July 1. These abatements are for 2019. Marianne Howlett via telephone call said there is a law that states these 2019 abatement's need to be approved or disapproved in a public meeting by July 1. Marianne referred to RSA 76:16 as follows: *Upon receipt of an application under paragraph I(b), the selectmen or assessors shall review the application and shall grant, for good cause shown, or deny the application in writing by July 1 after notice of tax date under RSA 76:1-a. The failure to respond shall constitute denial.* Clyde asked Marianne if the Board met next Tuesday, would the requirement be satisfied? Marianne said if the Board can get the letter to the property owners that filed an abatement in the mail, in writing with the Board's signatures by July 1. Martha Mical confirmed the letters need to be mailed to the property owners before July 1. Deb said she has reminded the Assessor several times about the July 1 deadline. The Board will meet on Monday, June 29 at 7:00 pm. The Assessor will be asked to join the meeting as well.

### **Property Revaluation Assessing Hearing Dates**

Hearings for property owners to meet with the Assessor for review of the new property values will be scheduled after July 4. A process needs to be in place for traffic in the building (covid).

### **Horne St.**

Diane read an email she received from the Town Attorney:

*Before we get to a critique of the notice there are several preliminary matters that need to be addressed.*

*First and foremost, municipalities are barred by Governor's Order # 4 from engaging in any process associated with tax "foreclosures." The sale of tax deeded property is just such a process that is barred. So you cannot proceed with your plans at this time.*

*Second, the notice suggests a property of considerable value. There is little doubt an auctioneer would be willing to assist the town. While a bid process is authorized by statute, I discourage its use. While I do not believe the supreme court would be willing to impose on a town the obligation to secure fair market value when selling a tax deeded property, I have no doubt the*

*court would be willing to second-guess a town about whether the sale was commercially reasonable. In this case, given the value, a sealed bid process may not be seen as commercially reasonable. On the other hand, an auction involves a professional, who can advertise widely, and attract the best price. The auctioneer would be regularly engaged in the business of conducting auctions for banks, estates and others.*

*Has a notice been sent to the former owner 90 days ago in accordance with RSA 80:90, that needs to happen.*

Judy said the Town has had the property since about 2010 and she thought that was past the time limit for notifying the previous owner. Clyde said Judy is correct, the previous owner has lost the rights to any proceeds to the property, but they can purchase the property back themselves.

Peter Flynn said he is an abutter to the Horne St. property. He said the owner left the property in May of 2015. The lot is less than .5 acres, the minimum zoning is 5 acres and he spoke to a Real Estate Attorney about the property which was abandoned and is a non-conforming lot and was told if the property was abandoned it now needs to comply with the current zoning. Also, there is no septic system on the property. Peter said he knows there has been a lot of discussion about the value of the property, but if the house is currently not habitable because it doesn't have a septic system and the property does not conform to the required acreage you would have little to no value. Peter does have some interest in the property, he would tear down the structures and merge the property into what he currently owns. Peter feels the property value is very minimal because he said you can't put a house on it.

Clyde thanked Peter for his information. Clyde asked Diane if this is a covid-19 issue the attorney is referring to. Diane said it's Governor's order #4 dealing with tax foreclosures. Judy said this is Town owned property.

Judy understood the Horne St. property to be a non-conforming lot. Peter Flynn said because it was abandoned, it now needs to meet zoning regulations. Judy said there is no information stating there is no septic on the property. Peter Flynn said the former owner had a porta-potty in the front yard. He said the issue about the non-conforming use is that having the property abandoned for this length of time the current zoning regulations would apply, you couldn't have a house on it because the lot is too small. He said anyone bidding on this property needs to understand that it's a non-conforming lot. He said there would be a lot of objection having the property used for a house.

Clyde said the Attorney needs more information from the Town to get a better answer.

Clyde talked about a land-locked piece of Town property he feels the Town can move forward and sell. Diane said she created an abutter list that consists of 5 abutter's, as well as many other owners on the road who may be interested. Clyde would like to sell the property by sealed bid.

### **Recreation Plan for the Minks**

Nothing new to report.

### **Junk Yard Site Visit's**

Site visits are being arranged.

### **Selectman's Other Business**

Clyde said he said a copy of the payment agreement for Warner Power. The Town's attorney put the agreement in official terms which was then forward to the person representing Warner Power, if there are no issues the Board will sign the agreement.

### **Town Administrator's Report**

Diane showed the cover of the Intertown Record that shows a picture of Tim Allen receiving a donation from Madgetech, from President Norm Carlson, of approximately \$2,000 for a device called the Titan S8 with CAN adapter. The device is a data collecting tool that plugs into the newer diesel equipment to allow it to collect data. Two Titans have been donated to the Town and can be used in any vehicle the Town owns. The device monitors all the information coming from the diesel engine and displays on a graph. This can help operators understand how to be maintain their engines, and reduce the cost of maintenance and repairs.

The Town received money back from the GOFERR Grant, there were two amounts, one is below the threshold for a public hearing the other will requires a public hearing because it is close to \$25,000. The FEMA Grant that was submitted has gone through the approval process and has moved to the next stage. These grants are on-going until September or October.

Diane is obtaining costs for non-contact sinks and toilets for all of the buildings which will be covered under the GOFERR Grant. The blow dryers in the bathrooms will be removed because they spread viruses.

The new Tax Collector's office, which will be located on the basement floor, is almost ready; the next step is for IT. The installation of the new magnetic door will be determined once Tim Allen receives the plans for the sprinkler system at the Town Hall.

The plan is to possibly open the Town Hall in September; prior to the actual opening, a meeting will be held to coordinate the opening.

### **Revenue Report**

The Town is \$30,000 less in revenue compared to this time last month from the previous year. As of June 26, the Town almost made as much as last year from the Town Clerk's office, and there is one more week left in June. Kelly Henley said another difference from last year to this year is there was a gap in the Bookkeeper's office; in May of last year no deposits were made until June 2019.

### **136 North Road**

The Town received a complaint about accumulated trash. The property owner was contacted and will begin removing the trash. The Health Officer will monitor the situation.

### **901 Kearsarge Mountain Road**

A possible travel trailer occupancy. The owner said he is not living in the trailer, the Health Officer also checked on the trailer, the owner of the property also told the Health Officer he is not living in it, but, neighbors have indicated the property owner is living in the trailer. Judy asked if the trailer owner lived on the property. Diane said they do.

### **Class VI Road**

There is also 2 trailers attached together on a Class VI road that needs to be looked into. The person registered to vote using an address on a Class VI road. Clyde said he will check the property out.

### **Public Comments**

Ed Mical said the Governor's order for meetings has been lifted, it's no longer a minimum of 10 people. Diane said we still need a 6' distance apart.

### **Minutes**

Selectman Lord made a motion to approve meeting minutes dated March 19, May 26 nonpublic and June 9. Chairman Carson seconded the motion. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

### **Manifest**

Chairman Carson made a motion to authorize the Selectmen to approve previously signed manifests and order the Treasurer to sign: Payroll check numbers 6337-6373 in the amount of \$48,842.38 (this includes 25 direct deposits). Accounts Payable check numbers 57598-57641 in the amount of \$99,054.07. An automatic withdrawal for payroll taxes for \$12,833.16. Fire Station Acct Check #146 for \$509.95 and a Chandler Reservation Bank Check for \$530.00. Selectman Lord seconded the motion. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

### **Consent Agenda**

Chairman Carson made a motion to approve the items listed have been signed by the Board from June 10 to June 23:

1. Abatement letter to the Tax Collector for Map 32 Lot 001
2. Building Permits for:
  - Map 9 Lot 30-1
  - Map 16 Lot 40
  - Map 18 Lot 19-1

- Map 16 Lot 26
- Map 32 Lot 22

3. Added Tax Warrant for Map 10 Lot30-2-6 and Map 12 Lot 37

4. 4 Reimbursements

5. Abatement's for Map 10 Lot 22 & Map 3 Lot 100

6. Request for funds from the Employee Health Expendable Trust (321.01)

7. Request for funds from the Town Hall Improvements Capital Reserve (\$487.44)

Selectman Newman-Rogers seconded the motion. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

**Nonpublic Session**

Motion to enter nonpublic session made by Chairman Carson at 8:39 pm, seconded by Selectman Newman-Rogers.

Specific statutory reason cited as foundation for the nonpublic session:   X   RSA 91-A:3, II (D) sale of property.

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

Other persons present during nonpublic session: Diane Ricciardelli

Description of matters discussed and final decisions made: Sealed for two years.

Motion to leave nonpublic session 8:57 pm and return to public session by Chairman Carson, seconded by Selectman Newman-Rogers. Roll call vote: Carson - Yes, Newman-Rogers - Yes, Lord - Yes.

**Sealed Minutes**

Chairman Carson made a motion to seal the June 23 nonpublic minutes for two years. Motion was seconded by Selectman Newman-Rogers. Roll call vote: Carson - Yes, Newman-Rogers - Yes, Lord – Yes.

**Nonpublic Session**

Motion to enter nonpublic session made by Chairman Carson at 8:57 pm, seconded by Selectman Newman-Rogers.

Specific statutory reason cited as foundation for the nonpublic session:   X   RSA 91-A:3, II (C) reputation.

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

Other persons present during nonpublic session: Diane Ricciardelli

Description of matters discussed and final decisions made: 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, Newman-Rogers - Yes, Lord - Yes.

**Sealed Minutes**

Chairman Carson made a motion to seal the June 23 nonpublic minutes permanently. Motion was seconded by Selectman Newman-Rogers. Roll call vote: Carson - Yes, Newman-Rogers - Yes, Lord - Yes.

**Adjourn**

A motion was made and seconded to adjourn. Roll call vote: Carson - yes, Newman-Rogers - yes, Lord - yes.

Board of Selectmen

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Clyde Carson – Chairman

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Judith Newman-Rogers

\_\_\_\_\_  
Jonathan Lord

Recorder of the minutes: Mary Whalen