



Warner Board of Selectmen

Meeting Minutes Tuesday, October 10, 2017 APPROVED

Chairman Dabuliewicz opened the meeting at 6:10 pm

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

Others present: Martha Mical, Patricia Violette, Marianne Howlett, Nancy Martin, John Leavitt, Anthony Mento, Janice Loz, Alan Piroso, Varick Proper

1. Mt. Kearsarge Indian Museum – Discuss Waiver of "In Lieu of Tax" Payment for 2018

- A. Patricia Violette on behalf of the Board of Trustees of Mt. Kearsarge Indian Museum have had many conversations on how to improve some of the museum's financial hardships. In the past year or so there has been significant staff changes, the grant writing and fund raising has been a problem and there are serious payables that need to be addressed. In 2012 the museum engaged in an agreement with the town that we pay in lieu of taxes an amount that currently is about \$2,500 per year. Patricia said the Trustees and herself have thought of many reasons why as a 501C3, should be totally exempt, but we also recognize the need to support the town. Patricia is respectfully asking the Board to consider giving the museum a hiatus for a 2 to 3 year period where the museum does not pay the in lieu of tax amount so that a roof may be replaced and the building painted.
- B. John asked Clyde if he is still on the Board at the Museum. Clyde said yes he is, and asked Patricia what the estimated costs are for the projects. Patricia said the cost is \$32,500 which is the lowest estimate received from Nate Burrington. So far the Museum has raised \$4,500 and has submitted a grant which will not be available until next year. At this time, because Clyde is on the Museum Board, John asked Clyde to join the audience.
- C. Jim asked Patricia what type of grants are available to the Museum. Patricia said a lot, but with the staffing changes there was a lack of leadership for most of 2016 and the grants that were available in 2016 were not applied for. Patricia said she inherited the organizational problems. Jim asked if there are Native American foundations available. Patricia said no, there is not, because the Museum is not Native (American) run.
- D. John asked Patricia if she is aware of the requirement that she must file an annual form BTLA-A9 in order to maintain the tax exempt status, the form is provided by the Bureau of Tax and Land Appeals. Patricia said she was not aware. John said the form has been filed in the past by the Museum, but this year the town did not receive one. According to RSA-72:23C, the form is due annually by April 15. Patricia said she will look into the form. John said the town did send a bill on July 11 for this year's payment, and tonight is the first time she is responding to that, he asked why. Patricia said in January it was decided that Bud Thompson, who lives on the property, his monthly payment was designated as a donation rather than rental income. And then it was decided to approach the Selectmen about making the Museum 100% tax exempt with no payment in lieu of taxes. Patricia said she spoke with the Assessing Clerk, Martha Mical, when the taxes were due, and then spoke with Board member Clyde Carson, it has taken us this long to decide the best way to go for the 100% tax exemption. John said to Patricia that his concern is you have characterized the house as being rented to the Museum founder (Bud Thompson) in the past on the forms, you then decided to reclassify the monthly payment from rental income to a donation, John said he would still call it rent. Patricia said correct, we didn't want to go that route, we decided that we wanted to be above board with everything and just admit the Museum is having a hard time and needs a little help. Kimberley said it would be interesting to hear what a tax auditor would say about the switch in identifying the monthly payment.

Patricia said the Museum has a CPA and he had no issue with the switch.

- E. Clyde Carson, from the audience, said he has been associated with the Museum for less than a year. He feels the events that are held at the Museum contributes to Warner's economy which is far beyond their contribution in lieu of taxes. The Pow Wow attracts thousands of people annually. The Museum is an asset to Warner, and if the town can help them become a productive asset by making it attractive. Clyde feels the Museum is representative of we want to project in Warner, Clyde feels it's a good thing.
- F. Kimberley asked what is the annual amount provided from the house rental. Patricia said \$12,000 a year. John said the bill for the first 6 months of this year is \$1,182.57 that hasn't been paid, the second half would be the same amount.
- G. Jim said typically someone filing for an abatement supplies financial background so that the Board can assess the level of need. Marianne Howlett explained as part of the form they were to file in April, the Museum must supply their financial information. Marianne also explained the payment in lieu of taxes is a receivable payment to the town, not to her as the Tax Collector.
- H. John said his concern is there are other organizations in town that are nonprofit that in the past when they were renting space paid a payment in lieu of taxes. In the case of the church, they pay the full tax on the property they provide to the minister. John is concerned about fairness.
- I. Kimberley recommends reducing the payment by half for this year and then revisit the situation again next year after the required forms are filed.
- J. Jim asked what are the cycles for the grants. Patricia said the deadlines vary year round, we are anticipating receiving a grant for about \$30,000 before the end of the year. That money will cover payroll from January to March.
- K. John said the Board will not take any action tonight. John said to Patricia that the Board received the letter that explains why you wish to have this today and the proper forms have not been filed, no action will be taken until we receive that information. Patricia said she would have that information by the next Selectman's meeting and pay what the Museum owes \$1,182.57.

2. Conservation Commission – Request for Funds

- A. Nancy Martin, Conservation Commission Chair, was before the Board last month to request funding for an attorney to research a deed for a State surplus lot in Warner. There's is an issue with a boundary on one side of the property that abuts the Warner River. According to the State's appraisal, if Warner purchased the property which is 6.3 acres there still would not be legal access to the river. Nancy talked to the attorney who said there are discrepancies in the deeds and what is really needed is a survey of the property to determine who owns the land that abuts the river. Nancy contacted a surveyor that was provided to her by Jim, the quote came in at \$3,000 for the survey. Nancy is asking the Board for approval to release \$3,000. John asked Nancy if she knows if the State will accept the deed as definitive? Nancy said Philip Morse from the Department of Transportation suggested to Nancy to obtain an attorney or have it surveyed. Clyde asked Nancy if she has talked to the abutter for some history and Nancy said no, not yet, we decided to first do the survey and have all of the facts in hand. Kimberley asked if there is a possibility of a third party that is not known. Nancy said she has been working with the Assessing Clerk and none have been found.
- B. John Leavitt said your spending \$3,000 for a survey, what is the next step to make a legal binding document. Nancy said she has been informed that a surveyor does the field work and researches the deeds as far back as they go. John said your trying to eliminate future challenges, what is the next step. Marianne asked if the survey results in no legal access to the river, does the Commission still want to purchase it? Nancy said in her opinion, she's not speaking for the entire Commission, yes, if we can find the land owner to purchase it, but, it's more possible that nobody owns it.

Board Action

Selectman Carson made a motion to authorize the Conservation Commission to spend \$3,000 from the Conservation Fund complete a survey on a State surplus piece of land along the Warner River. Selectman Edelman seconds the motion, motion passed 3-0.

3. Solar Array Construction

- A. Clyde reported the panels are near completion. After, the Clerk of the Works will be contacted for an inspection, once everything is cleared there is a form to sign that says Eversource is ready to do their part. A date will be set for a ribbon cutting. Clyde said another thing that has to take place is a concept for the kiosk. John said a kiosk was not in the Solar Array budget last week and the Board hasn't had a discussion either. Clyde said the kiosk was part of the original proposal Harmony provided. John said he looked at that and nothing is said about a kiosk. Clyde said if Harmony doesn't have a problem with it do you? John said we are not going to have to pay for anything further, Harmony is going to do? Clyde said we will work it through Harmony right now. John said there will be a discussion about the kiosk before it moves forward? Kimberley recalled that there is an educational kiosk. Jim said there should be a cost for the kiosk and it should be in the overall budget, there is signage and landscaping. Clyde said it's part of the Harmony contract to provide the kiosk. Jim said Harmony is doing the kiosk on their dime? Clyde said correct. John asked Clyde if he expects school children to come and look at the array. Clyde said yes, part of what we talked about in earlier discussions is moving the salt shed, and making it an educational site. Martha Mical asked if the solar activity will be on the town website for viewing. Clyde said that too is part of the education.
- B. Clyde said with the Board's permission he will sign the form that goes to Eversource to come out. John said he believes the Board already provided their permission.
- C. Clyde reported that he submitted the updated budget to Rural Development, the budget has been accepted. Rural Development has identified the Solar Array as an example of the type of projects they support. Clyde said if the Board doesn't object, he has been asked to sit on a panel at the NH Municipal Association to talk about the project. This will take place in November.

4. Corrective Action – Town Hall

- A. Jim reported the Fire Chief went through the Town Hall, he pointed out a couple of minor items. Jim will be asking for the Chief to establish the occupancy limits.

5. Economic Development Advisory Committee

- A. Clyde reported the next meeting is October 18. Also, a couple weeks ago he sent out a copy of a Bill approved by the Legislature, HB 316, which allows communities to offer economic incentives in terms of tax incentives for relocating to a town, developing existing or new buildings. Clyde suggested passing it on to the EDAC to make some recommendations that supports it and if we want to take it to Town Meeting for adoption. He would like to officially enter that into the record as a request that we decide whether we want to pass this on for advice. He feels strongly that the new Legislation be looked at to see if it makes sense for Warner.

Board Action

Selectman Carson made a motion to have the Economic Advisory Committee research HB316 asking the EDAC for a recommendation as to whether it should be included on the warrant for the Town Meeting in 2018 or not. Selectman Edelman seconded the motion, the motion passed 3-0.

- B. Martha Mical asked if Bradford or Hopkinton has done anything regarding the HB 316. Clyde said it was just passed in June. Martha said 79-E provides incentives for buildings similar to the Odd Fellows Building and her concern is the town does not have an application created for such. The Board acknowledged Martha's point.
- C. Kimberley asked if the EDAC will be replacing the member that stepped down. Clyde said the Committee hasn't had a meeting since the resignation took place.

6. New Fire Station Site

- A. Kimberley reported the Fire Station Building Review Committee met on September 27 where the Committee decided on the design of the building. No further changes will be made in order to keep with the time line and keep the cost down. Janice Loz created a brochure, a couple of Committee members pitched in to have the brochures printed. They will be distributed at the Fall Foliage Festival, and at local businesses. The goal is to keep the voters informed.
- B. Architect, Anthony Mento from SMP, said the Committee and town has done an exceptional job answering questions and the tasks they had outlined that they needed to do about the energy modeling, pricing, and conceptual costs that North Branch provided. The FSBRC has had discussions about everything and has made wise decisions on what they wanted removed from the project to keep the costs down. On the design and engineering, SMP is working to get the drawings completed so North Branch can put it on the street for hard bid so the most accurate costs to build are available for Town Meeting.
- C. Kimberley said she took the schematic down to the fire station for display during the Festival. Kimberley asked Anthony if the schematic could be displayed on-line. Anthony said yes he can. Kimberley said the key item about the design, it meets the needs without having to retain a second fire station. Right now there is equipment in 4 different locations.
- D. Anthony wanted to bring up additional survey data. The survey that was done was basically a metes and bounds survey, it doesn't have all the data that our civil engineer required. There is a list of items that need to be added on the survey so the impact to the abutters can be discussed. Anthony said this is a priority item for them. John asked Jim for a status on the survey. Jim said the email with the required information was sent to Dombrowski Survey, Jim will call them tomorrow.
- E. Clyde asked when will the hard numbers be available. Anthony said early December and once the bid process is completed there will be actual/not to exceed figure from North Branch in the middle of February. Clyde asked Anthony to explain the number of contracted meetings. Anthony said in the contract we provided for 3 public sessions, a listening session, come back and show the community what they heard session and then a public presentation at Town Meeting. Out of those meetings, the last meeting for Anthony under the contract is Town Meeting. Kimberley said the town will hold an informational session, marketing is the number one priority. There will need to be a bond hearing as well, plus a presentation to the Planning Board.
- F. Martha Mical said the Budget Committee voting takes place on February 8, she asked Anthony if the final figures will be available a week before. Anthony said he/they discussed this with the Construction Manager and they wanted 3-4 weeks to get costs which will begin January 3.
- G. Kimberley thanked Anthony for all the work he has done and she also thanked Janice Loz for her brochure contribution.

7. Personnel & Town Policies

- A. The Town Administrator will send a draft Personnel Policy to the Board for review.

8. Selling Town Parcels

- A. Jim spoke with Rhonda Rood at Coldwell Banker Real Estate who wants to present different comparables to the Board for Map 29 Lot 001 which will be available for the next meeting. She is also willing to look at 192 Horne St. for a potential appraisal and he will be contacting Brown Realty as well. The parcels that the Board is moving forward with are 192 Horne St. and a piece on Chemical Lane which will be sold by bid, these parcels will be fast tracked. Marianne said she believes the parcels that will be fast tracked, the property owners need to be contacted that your considering selling it. Jim said he has drafted letters to the former owners and the abutters.

9. Town Hall Front Lawn

- A. Clyde reported the trees will be trimmed by Pellettieri & Associates at no cost to the town. The trees to be trimmed are on the Town Hall front lawn, some on Main St. and at the Harris Lodge. The town crew will pick up the trimmings.

10. Assessing Contract for 2018

- A. New wording giving the Board more flexibility in the future in terms of services was added to the contract.

Board Action

Selectman Edelman made a motion to sign the updated Assessing Contract with M & N Assessing for 2018 up to \$24,800. Selectman Carson seconded the motion, motion passed 3-0.

11. Zoning Board of Adjustment Membership

Selectman Edelman made a motion to elevate Beverly Howe as a full member until 2018 and Barbara Marty to full membership until 2020 effective immediately. Selectman Carson seconded the motion, motion passed 3-0.

12. Compensation Study

- A. John said the draft study will be available in the Selectman's Office tomorrow. John said he wants to make it clear that the study is a recommendation from the consultant that was hired. The Board has not adopted anything, they still have questions regarding the study. Jim created a draft action plan for the Board to review. First on the action plan is to have the employees review the job descriptions that were created.
- B. Jim said the consultant also recommended that the Board create or draft a compensation philosophy that would be the foundation upon which you're looking at everything else. The consultant also recommended a new wage scale. Jim said the whole point of this study is to put in place a system that future Board's can count on for a number of years. John said for the record we want to make sure we can attract and retain good employee's. Also, the taxpayers need to be kept in mind as well. John also stressed that it's a balancing act, that is why he is concerned about getting side tracked with issues about what is proposed versus what the Board actually comes up with in the end because they may not be the same thing.
- C. The Board will meet on Monday, October 16 at 3:30 pm to begin discussing the study, no public comments will be taken.

13. Minutes

Selectman Edelman moved to approve meeting minutes dated September 12 and September 26 public & nonpublic. Selectman Carson seconded the motion, motion passed 3-0.

14. Manifest

Selectman Carson moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4981-4996 in the amount of \$33,800.56 (including 22 direct deposits) and Accounts Payable check numbers 54216-54252 in the amount of \$663,001.09 (includes a check to KRSD in the amount of \$350,000.00). Selectman Edelman seconded the motion, motion passed 3-0.

15. Consent Agenda

Selectman Carson moved to approve the Consent Agenda for October 10, 2017:

1. Building Permits for:
 - Map 12 Lot 27
 - Map 14 Lot 29-1-1

Chairman Dabuliewicz seconded the motion, motion passed 3-0.

16. Public Comment

- A. Alan Piroso commented that he is retired from the Department of Transportation for 10 years and after he retired the State shed was closed in Warner. He said the roads are not being maintained, the roads are supposed to be maintained by the interstate crew, which the interstate is the priority. He said Route 103 doesn't get mowed, Pumpkin Hill hasn't been mowed, the Park & Ride hasn't been mowed, the town crew had to do it. Also, there are guardrails heading into Bradford that have been broken for years. He

recommended the Selectboard contact the Commissioners office. Clyde who is a State Representative said it would be helpful to have a list of items the State is responsible for. Jim said he can get with the DPW and create a list. Varick said the DPW is not an employee of the State District V. The DPW is a good start. John Leavitt recommended taking pictures as well.

17. Adjournment

A motion was made and seconded to adjourn at 8:25 pm.

Board of Selectmen
John Dabuliewicz – Chairman
Clyde Carson
Kimberley Edelmann

Recorder of the minutes: Mary Whalen