



Warner Board of Selectmen

Meeting Minutes
Tuesday, July 7, 2015
APPROVED

Chairman Hartman opened the meeting at 6:00 pm.

In Attendance: David Hartman – Chairman/Selectman, Clyde Carson – Selectman, Allan N. Brown – Selectman, Jim Bingham - Town Administrator

Others present: Ed Mical, Charlie Albano, Martha Mical, John Leavitt, Barbara Annis

1. Emergency Management Status Report

- A. Ed Mical, Emergency Management Director said a Hazard Mitigation meeting is scheduled for Wednesday, July 15 at 9:30 am. located at Sugar River Savings Bank. The purpose is to review Chapter 10 of the approved plan. Another meeting will be scheduled in the fall as a follow-up.
- B. Ed said NOAA (National Oceanic and Atmospheric Administration) from Gray Maine contacted him about coming to Warner focused on looking at the various gauges and whether or not the current level on the gauges are satisfactory for issuing warnings and whether they need to modify them or not. Ed said 2 representatives from NOAA came and Ed took them to the west end of the Warner River and visited a number of sites in town that experienced flooding. NOAA took pictures of these sites and gps. If anything happens in the future NOAA asked if the town would watch the water levels in the river and if it is found there is flooding, what level is it at so NOAA can do the comparisons to see if what is in place will stay or if it needs modification; the gauge is located in Davisville.
- C. Ed said he attended the annual seminar for Emergency Management in Manchester. There was over 900 in attendance, the largest attendance so far. During this seminar there was a discussion on the riots that took place in Keene last year during the Pumpkin Festival and how it is important to have a plan in place.
- D. Ed reported that Craig Beaulac is now Warner's (Merrimack County) field representative from the NH Department of Safety, Homeland Security and Emergency Management. Ed said at some point he will bring Mr. Beaulac in to meet with the Selectmen.
- E. Emergency Operation Plan update, Ed said he has submitted the Emergency Management Planning Grant application which is a 50/50 match. Ed asked for \$4,015 and should find out in about 5 weeks if the grant has been approved. Ed said originally Lee Kimball submitted a proposal to update the EOP, he has since spoken to Lee Kimball and looked at the plan and feels it doesn't make sense to have Lee go through the plan when Ed said he can work on updating the basic plan in house. Lee Kimball will meet with Ed, have a kick-off meeting with all the participants and then start working on the emergency support functions with the various departments and others involved in the process. Also included in the grant is the required National Incident Management Training (NIMS) which is an on-line course and a table top exercise. Ed would like to include Pine Rock Manor, Simonds School, Northeast Catholic College, North Ridge Housing, United Church of Warner, Red Cross, TDS and EverSource. Ed would like to first receive confirmation on the grant and then start moving forward with the Emergency Operation Plan update. The Town Administrator asked Ed if Lee Kimball would be able to supply some examples of what he considers is a well developed Emergency Operation Plan from another town to get a sense of how much the town has lying ahead to get it done, and use as a critique. Ed said when Lee comes out and starts the process, from conversations with Lee, he will take what the Town has and develop it out. The cost for Lee Kimball's expertise will be about \$3,500. The Town Administrator asked the Selectmen to consider emphasizing the importance of updating the plan to the Department Heads making sure they meet Ed's deadlines.

- F. Ed said several years ago the Selectmen adopted a NIMS resolution and once the updating process moves along Ed will bring the NIMS compliance requirement up, he would like to see the Selectmen complete as well. Ed said any time spent associated with the NIMS compliance can be used towards the grant match, he recommends waiting for grant approval first.
- G. Charlie Albano asked if Warner has an emergency plan for Fall Foliage Festival. Ed said not specifically, there is communication and discussion before hand, there are emergency plans in place during the Festival. Ed agrees there should be a written plan. The Town Administrator said the Police Chief does put together evacuation plans for the festival for the out of town officers. Charlie also recommended public input on the Emergency Operation Plan, he knows from the various storms the public is interested in who and how to call when the power goes out. People have mentioned establishing a phone tree during these times. The Town Administrator said for several years the Town has been trying to get people to sign up confidentially and provide critical information that first responders need to know with respect to medical conditions, and there is very little response. This has been attempted several times through the Town Report and the Newsletter and the Town has had maybe 5 responses. Charlie recommended a pre-winter announcement.

2. Intents to Cut (Reports of Timber Harvest)

- A. Assessing Clerk, Martha Mical reported that she has not received 2 reports of timber cut. Martha said one seems to be moving closer to being turned in and the second was left a phone message saying if the report of cut is not received by the end of the week she will be asking the Selectmen to let her assess doomage. Martha is before the Selectmen asking for such permission for the 2 reports of cut that was due May 15th. Doomage means the cost will double beyond the deadline.

Board Action

Chairman Hartman moved to direct the Assessing Clerk to assess doomage on 2 timber cuts that have not submitted a report of cut. Selectman Brown seconded the motion. Selectman Carson refrained from voting because one of the reports due is from where he works. The entity is working towards a resolution. The doomage can be abated at another time. Motion passed 2-0 with 1 abstention.

3. Manifest

Selectman Carson moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 3731-3746 in the amount of \$30,096.39 (including 23 direct deposits) and Accounts Payable check numbers 51177-51207 in the amount of \$257,443.41. Selectman Brown seconded the motion, motion passed 3-0.

4. Consent Agenda

Selectman Brown moved to approve the Consent Agenda for July 7, 2015:

- Building Permit for:
 - Map 7 Lot 31-1 (previously signed)
 - Map 14 Lot 28-2
- 2015 June tax billing in the amount of \$49,247.50 due from the Town of Warner to the Water District
- Discretionary Preservation Easement Deed for Map 12 Lot 047 – Martha Mical asked for a notice in writing regarding the percentage that will now be assessed on the barn.

Selectman Carson seconded the motion, motion passed 3-0.

5. Meeting Minutes

Selectman Brown moved to approve meeting minutes dated June 15, 2015. Chairman Hartman seconded the motion, motion passed 3-0.

6. Charlie Albano

- A. Charlie pointed out some observations. He has gone on-line to stay up to date and he suggested when the agenda is posted at the post office it just lists the date of the meeting and time, he said having an agenda posted would be helpful. The Town Administrator explained the notice at the post office is a notice of meetings which meets the state requirements. Typically the meeting agenda is posted the day before the meeting on the website.
- B. Charlie said he read the June 16 minutes and it was unclear if the Town hired Provan & Lorber to complete a site analysis on Map 34 Lot 20-2, the cost was unclear, where will the money come from and was there a bid process. Charlie said as a tax payer he would like to see something in writing from the state pertaining to the status of the state shed located next to the Transfer Station. Charlie said he also looked for the Planning

Board letter regarding their take on Map 34 Lot 20-2 and has not found it on the website. He recommends and feels it's important the Selectmen respond in writing and not leave it up to speculation.

- C. Charlie understands the Town is using Provan & Lorber as a result of the unofficial public hearing that was held. He said that evening there were a lot of concerns expressed and he doesn't know if the Town is going to formally go through any kind of dialogue about those concerns because what Charlie is concerned about is spending money on a location that people are not happy with. He read the minutes and he is concerned that has not been taken into account. Charlie said the Town does not want to get into a process again where in 3 or 4 months spend another chunk of money and the people really don't want it at Map 34 Lot 20-2, they're concerned about the location, home values, and he suggested the Selectmen think about this before going down that road again. Charlie said at the end of the day, there are 75 people that signed a petition that has not been submitted because they want to see what the Selectmen do. The Town Administrator asked Charlie what he meant by "down that road again". Charlie said spending money on a property that couldn't be built on and spending over \$200K. The Town Administrator said a fire station can be built on Map 29 Lot 001, it's not a very good site. Charlie said the Town did not go through the public process on that. The Town Administrator said public hearings and informational sessions were held for Map 29 Lot 001, the Town is doing the same and more so for Map 34 Lot 20-2. The Town Administrator also suggested to Charlie to read the June 23, 2015 meeting minutes because it covers the Planning Board letter point by point. He said the Town is trying to cover every base simply for the very reason Charlie is concerned about, is the Town following a process. That's why the Town wants to hire Provan & Lorber to tell the Selectmen and the Town what worries or not worries are with Map 34 Lot 20-2. The Town is still actively looking at and trying to get information on the state property. Selectman Brown said the Town addressed the state in writing.
- D. John Leavitt suggested the minutes be a little thorough and up on the website quicker because most of the issues brought up by Charlie tonight have been addressed in detail. John said he signed the petition and the petition was not against purchasing the property, it is to be thorough before the Selectmen purchase Map 34 Lot 20-2. John said he feels the Selectmen are being thorough on Map 34 Lot 20-2 and he appreciates it.
- E. An audience member said at a previous meeting the Fire Chief said he doubts TDS would give up their building and she asked if that has been pursued. Selectman Brown said the Fire Chief at one time worked for TDS and that building has over \$1million in switching equipment and that lot is only as deep as the building because it drops off in the back. The audience member asked about the lot on Kearsarge Mt. Rd. near the school, she feels this location would be an asset. Selectman Brown said the school wasn't the only issue especially when school gets out, it was the intersection onto Main St. and vehicles backing out into Main St. so the committee ruled out any property on Kearsarge Mt. Rd. The audience member inquired about the lot next to Map 29 Lot 001 where the station was to go originally and Selectman Brown said the cost to develop that lot will be same problems as with Map 29 Lot 001 because of the river.

7. TDS Franchise Agreement

- A. The Selectmen talked about the service mapping that was provided, it's not a true footprint. Selectman Carson recommended providing a list of roads that the Board has concerns about and let TDS answer those concerns. Selectman Brown understands that if a home is receiving cable tv, then fiber optic will cover it and then extend into areas that don't have a copper system.
- B. The Selectmen need to look at the length of the contract. The last agreement was for 15 years; the Town Administrator suggested a 5 year renewal contract to TDS and learned that TDS will not enter into one because it is not in their best interest to do 5 year contracts but would consider 10 years. The Board members agreed a 10 year contract would be reasonable. The Board also needs to determine the percentage amount for the franchise fee. Currently TDS is offering 3%, the Town can go as high as 5%. Selectman Carson recommends leaving the fee at 3% and reserve the right to change it if circumstances change and the Town wants to invest in a PEG channel, then that fee could support the channel and equipment. Martha Mical recommended 3% and then renegotiated in 5 years. The Town Administrator will talk to TDS about looking at negotiating the percentage amount. The other decision is having TDS install an encoder at the Town Hall so the Town could run a community bulletin board. The Town needs to figure out the resources that will keep the bulletin board up to date. Selectman Carson recommended waiting a year, figure out the cost on what it takes to build the system and add it to the budget.

8. Wage Increase

- A. The Land Use Secretary received a favorable 6 month review and the Planning Board is recommending a step increase from \$14.06 to \$14.76.

Board Action

Selectman Carson moved to provide a wage increase for Lois Lord, Land Use Secretary from grade 3 step 5 to grade 3 step 6 in the amount of \$14.76 per hour effective July 22, 2015. Selectman Brown seconded the motion, motion passed 3-0.

9. Class VI Road Policy

- A. The Town Administrator presented a draft updated Class VI Road Policy. He has expanded the policy that addresses some issues the Board has dealt with in the past as well as for issues they may face in the future. The Town Administrator is looking for changes and or additions from the Selectmen. Selectman Brown asked for clarification on year round weight limits, he doesn't believe the Town has the authority to set year round limits because the state sets a maximum weight limit for all roads. The Town's can only alter the weight limit seasonally to help prevent damage to the roads. The Town Administrator said the way the RSA reads is as follows: The governing body of a municipality may establish maximum weight limits seasonal or otherwise which are more restrictive than the limits set forth in RSA 266: 17&26 for any class IV, V or VI highway or portions of such highways.
- B. Chairman Hartman said the policy should also include the use of Class VI roads. The Town worked with the Boundtree ATV club for ATV use. There are no limitations for walking and biking on Class VI roads but there are limitations for ATVs. The Selectmen want to add the RSAs regarding the authorization to close the Class VI roads. Chairman Hartman recommended adding the Board of Selectmen have the authority to enter into agreements with clubs, organization or others for use of Class VI roads.
- C. Selectman Carson would like clarification on the type of Class VI road restoration. Selectman Brown said the Town is covered under the hauling permit where it says the road must be restored better or equal to what the road was. Selectman Carson wants the restoration of these roads to take into consideration bicycles, horses, walkers etc. he said restoring with large stones makes these activities difficult. The Town Administrator said this could be incorporated within the hauling permit. Martha said when a hauling permit is issued for a logging operation she needs a copy to go with the intent to cut and she said the permit should include the need for a bond if the property owner is not the one signing the permit. Martha also recommends rewording the permit from receiving approval from the Board of Selectmen first because she feels this process will take too long to review plans with Director of Public Works first and then send to the Selectman for approval. The Town Administrator will revise the first draft policy as well as the heavy hauling permit based on this evening's discussions. Any future problems will be addressed as they come along.
- D. Selectman Carson would like the updated policy posted on the website for public comments for two weeks. The Town Administrator said in some cases he sees a value in doing so, other cases he does not. For example, the Accounts Payable Policy because it's an internal policy. Selectman Carson said the internal policy should be posted for employee comments, he feels a better policy is achieved by receiving comments. The Town Administrator said for internal policies he disagrees because you will have people making comments on an area they know nothing about, he does agree anything that pertains to the public should be posted for comments etc.

10. Transfer of Funds to Capital Reserves RSA 35 – Proper Procedure

- A. Selectman Carson raised a question about the RSAs that deal with transferring funds. The RSAs dealing with the transfer of funds are RSA 35:11-payments from surplus and RSA 35:12-appropriations. The Town Administrator said the memo the Selectmen approved to go to the Bookkeeper was an attempt to formalize a process that was less formal before he was the Town Administrator. When the Town Administrator went back through the past process it seems the transfer of funds was completed by email from the Town Administrator to the Bookkeeper. Selectman Carson said the Board has always approved the transfer during a meeting, authorizing the Treasurer to transfer funds to the Trustees of the Trust Funds. The Town Administrator said it hasn't been consistent based on information provided by the current Bookkeeper and former Bookkeeper/now Treasurer. The question from Selectman Carson was, is the memo the Selectmen approved going to the correct person, should it go to the Treasurer versus the Bookkeeper? According to the RSAs the memo should have gone to the Treasurer who would in turn request the Bookkeeper to cut the checks, the reality of the process is the Bookkeeper is the one who cuts the checks. Selectman Carson said it's the Treasurer and Selectmen that have the primary role based on the RSAs. The Town Administrator said

in moving forward the memo needs to be addressed to the Treasurer. The Town Administrator would like the transferring of funds for most cases to occur in December, the deadline is December 15th annually in an effort to maintain cash flow. The Town Administrator asked the Selectmen if they wish to re-vote and for him to re-write the memo requesting the Treasurer to fund particular reserves (originally the memo was addressed to the Bookkeeper) or does the Board, from this point on address the request to the Treasurer.

- B. The Town Administrator said there is no deadline or time frame for RSA35:11, when payments from surplus are approved by the voters. He said if at anytime there is a significant amount of surplus being transferred over, the Selectmen need to be aware that this money does not add to the cash flow in the bank. Discretion is needed when the Board makes this type of order to the Treasurer.
- C. The Town Administrator will reissue the request for funding capital reserves to the Treasurer plus there will be another request addressed to the Treasurer requesting \$288K be transferred to the Road Construction Capital Reserve for Waldron Hill Road construction.

11. Highway Safety Committee Recommendation

- A. Selectman Brown said the Highway Safety Committee met. Members are Selectman Brown, Bill Chandler – Police Chief, Ed Raymond – Fire Chief, Tim Allen – Director of Public Works, Ed Mical – Emergency Management. At this meeting all were present except for Emergency Management. The request was submitted by Phil Stockwell, Phil requested the speed limit on Bartlett Loop be reduced and posted for 25 mph. The Highway Safety Committee agreed with the request and are recommending the Board of Selectmen reduce the speed limit on the entire length of Bartlett Loop to 25 mph.

Board Action

Chairman Hartman moved to reduce and post the speed limit on the entire length of Bartlett Loop to 25 mph. Selectman Carson seconded the motion, motion passed 3-0.

- B. Martha Mical said to the Board that the new guardrails from the Bartlett Loop project are hazardous on Pumpkin Hill Road. She said she had to stop when she met an empty hay bale trailer going around the corner, if she didn't stop the guardrail would have gone through her car. Martha asked the Board not to accept the Bartlett Loop project until the guardrail is corrected. The Town Administrator has been in contact with the state and the engineers regarding the guardrails and it's being addressed. Chairman Hartman understands the state's position on this is it's the Town's design. The Town Administrator feels their position is debatable, he will be meeting with the engineers for clarification.

12. Town Administrator's Report

Roundabout @ Exit 9: The Board is scheduled to meet at William Rose's office on Thursday, July 16 at 1:30 pm to discuss the design plans for the Roundabout. Elements of the final design will be presented and discussed as well.

Transfer Station: The core cell on the bale scale has been repaired and the scale is working.

Bartlett Loop Bridge Replacement: Provan & Lorber has issued a substantial completion status for this project and the bridge is open for traffic at that time. Loam has been spread and seeded, which is one of the tasks necessary for final completion. Final Completion deadline is 30 days from July 2.

Odd Fellows Building: The Odd Fellows Building Committee will meet with Bob Irving and Roy Morrison to discuss funding and financing strategies for the renovation of the building. The meeting will be held on Tuesday, July 14 @ 7:00 pm.

Old Grade School: The Block Grant agreement for weatherization has been completed and submitted electronically to CDFA. The Agreement will be presented to the governor and Executive Council for approval later this month.

Dept. of Public Works: 600 tons of salt has been delivered to the garage storage shed. The gravel for Waldron Hill Road has been processed. The part time seasonal laborer is finishing the scraping and painting of the snowplows and the crew is on schedule for summer maintenance of the gravel roads. Work on Waldron Hill Road is expected to begin after July 13.

13. Selectman's Other Business

- A. Selectman Carson said the courts issued a ruling in Warner's favor regarding the abatement issue with EverSource (PSNH) for 2011 and 2012.
- B. Selectman Carson reported the Solar Array Committee is getting ready to send out proposals. Within the proposal it is indicated that the Town would complete the site preparation.
- C. Selectman Carson would like the Board to rethink an emergency access road off of Kearsarge Mt. Road.

14. Adjournment

A motion was made and seconded to adjourn at 9:03 pm.

Board of Selectmen
David E. Hartman – Chairman
Clyde Carson
Allan N. Brown

Recorder of the Minutes: Mary Whalen