



# Warner Board of Selectmen

## Meeting Minutes Tuesday, September 6, 2016 APPROVED

Chairman Carson opened the meeting at 6:00 pm

In attendance: Selectman Clyde Carson - Chair, Selectman Allan N. Brown, Selectman John Dabuliewicz, Town Administrator Jim Bingham

Others present: Diane Vincent, Martin Vincent, Barbara Annis, David Karrick, Marianne Howlett, John Matthews, Mark Govoni, Alice Chamberlin, Jonathan Lord, Natalie Wells, Judy Newman-Rogers, Joe Mendola, Jim McLaughlin, David Hartman, Kimberley Edelman, Ed Mical, Tim Allen

### **1. Public Hearing – Accepting Unanticipated Funds**

A. Chairman Carson said the town voted at the 2016 Town Meeting to move forward with the roundabout project. A final bid was put together and submitted to the State and the hope was the State would approve the plans and the contract early in the year, but that did not happen because the State had a turn-over in personnel which caused a delay in getting the project approved. The town ended up going out to bid late in the season and because of that the bids came in much higher than expected. The Selectmen were of the opinion to get the project done this year because the money was approved by the State and will expire in December 2016. The Board made a request to Market Basket asking for help with the overage cost. Market Basket responded positively and agreed to help.

B. Public Comments:

Jim McLaughlin: I think the Selectmen should be commended for approaching Market Basket to fill the necessary gap in funding. It's always a case where that development, such as Market Basket, aren't required to help pay for improvements like this. After the fact, once they've gone in, you really don't have to have any legal responsibilities. It represents a good faith on their part, community spirit, and a willingness to help get an important improvement in traffic safety in this area of the town.

Martin Vincent: I don't understand why the town went ahead with the project when we didn't have the money for it. Why did we not solicit the towns people and Aubuchon, McDonalds, Irving? Why did we only target Market Basket. It really doesn't strike me that this is something the town should have done. Market Basket doesn't have to do that. Maybe because they are a responsible corporate citizen they will do it, but it just smacks of impropriety. I want to know why we did not try to solicit these funds from all sorts of other people within this town. There's all sorts of opportunities to get the money, but we didn't do that and we went ahead with the project when we didn't have the money and now it's started so it's a little too late.

Chairman Carson: When the State approves a contract we have a very limited time frame to react to either accepting the contracts or rejecting them, which means we would have run the risk that we don't do the project this year. And then you run the risk that the State may let the funds expire so we said how can we reasonably get this done, there were lots of options, but that was the option we preferred.

Martin Vincent: What's the urgency, there's no body being killed down at exit 9 every week. What is the urgency for this project that we have to go out as a town, and quite frankly to me, as a citizen, embarrass the hell out of me by going to a corporate saying hey give me \$40K. Especially when the town made no attempt what so ever to get money from anybody else.

Chairman Carson: I will repeat that the time frame for reacting to this was a very short amount of time and that we did have to find a solution for this year or run the risk that we wouldn't do the project. The project isn't an urgent project but has been in the works for many years. The town has been talking about it at Town Meeting, Barbara you could probably tell how many years we've been talking about this project. Barbara Annis said 12 years. Chairman Carson said it's not the urgency, it's time to get it done.

David Karrick: Clyde, am I right that if we had not decided to go ahead with the project, because of the gap in funding, the State could very well have put us back at the end of the list, and might not be considered for 4 or 5 years

Chairman Carson: That's a risk we would run, that's correct.

Selectman Brown: I think one of the reasons we didn't go to Evans, McDonald's and those folks is because when we asked Market Basket, they just stepped right up to the plate. So there was no need to go to anyone else.

Martin Vincent: Here I am as a Board member of Market Basket, responsible to my share holders and I'm gonna come up with \$40K just because I'm a nice guy? I don't understand, (not audible) they're going to spring for \$40K, this doesn't sound right OK!.

David Hartman: As past Chairman of the Board and further deeply involved in orchestrating and carrying out the wishes of the town, the wishes of the town is historical, this is what the town settled on doing. The current Board feels that a way of actually accomplishing this very deeply desired project was to reach out to a potential donor of money. I believe that's what they did, and the response as Clyde has just stated is that they said ya, I think we can do that. I don't know that anyone has a clear idea of how the Board of Director's of Market Basket will deal with this sudden gift to the town. They apparently feel responsible for helping, creating, over a period of time that they have been there, the traffic has been generated that has said we need to do it. There were no exaction fee's contemplated. My feeling on what Market Basket actually did, is they felt a responsibility to the community that they are in and they just said this will be good for our business. That's what I feel, and it's only a feeling.

David Karrick: Well, I think they also felt responsible because they recognize the recently large Liquor Store going in on their property will probably cause a fairly large increase in traffic.

Diane Vincent: Why did we single out Market Basket, why didn't you ask all the other ones to contribute a fair share.

Chairman Carson: Given the time frame and Market Basket is the largest one there, we started with them and got a favorable response.

Barbara Annis: Hopefully, there is a thing by law called exaction fee that the Planning Board assesses or may or may not assess at the time a site plan or a subdivision is going to impact water, sewer or the roads. The Planning Board had not heard of a site plan when you had a time frame, a deadline to meet you have to meet. We new we would be doing it soon, but when, and at that time it would be after the fact. And Market Basket rather than paying possibly, I can't say what the Planning Board would do, but possibly paying an exaction fee and possibly loosing the funding from the State they offered to do it up front. Either way they probably would have paid something.

Alice Chamberlin: As a taxpayer and somebody who drives down there, I first of all would like to say I support the roundabout. I do think it's dangerous. I think it needs to be addressed as a traffic hazard area and I'm grateful for the Selectmen reaching out to Market Basket and grateful for their contribution to that project which I think will better their business and make the traffic safer. So, I commend you for what your doing on this.

Kimberley Edelmann: I am the Vice Chair on the Budget Committee for Warner and I just want to say thank you to Market Basket. Also, we have a tight budget as it is, and every little penny helps, so thank you.

John Matthews: My name is John Matthews and I've been working on the real estate projects for Market Basket for 31 years. I feel like I'm an old friend of the Town of Warner. I participated in the Charette a few years ago and when the roundabout was proposed I participated in those meetings as well. It's a good logical solution to the traffic issue at this intersection. And it also builds in capacity for us to do an additional development on this site, including the State Liquor Store. It's not often, and I have work in a lot of towns, and I've been supported by a lot of towns. Not often do you come in with a project and the traffic solution is already there and we are direct beneficiaries of this. I think the town wins here. I think DeMoulas Super Markets, the landlord, and we are Aubuchon's landlord too, and will be the landlord to the Liquor Commission, I think we all win. And we are more than happy to make this contribution. We work in some towns where we have to do a traffic study and then figure out what to do. With this project we are saving time and money and we are very happy to help the Town of Warner.

David Karrick: Is it possible there will be more development on your site?

John Matthews: We think adding the Liquor Store and Aubuchon contemplates an expansion for their store, we think once those pieces are in place there could be some additional specialty retail development.

Martin Vincent: If Market Basket has made this corporate decision, then I have no objection to it.

- C. Chairman Carson, hearing no further public comments, closed the public hearing. Chairman Carson recognized John Matthews and publicly thanked him for Market Basket's support of the roundabout. (photo's were taken at this point).

### **Board Action**

Selectman Brown moved to accept a \$44,000 gift from Market Basket that will be used towards the construction of the roundabout. Chairman Carson seconded the motion, motion passed 3-0.

### **2. Emergency Management**

- A. Ed Mical, Emergency Management Director, reported the training that is needed for the incident command system for the Selectmen and others can be completed in two days, Ed said the State is available six weeks from now and he recommends providing the State with 2 dates to choose from, he is suggestion the week of October 17 and 24, to choose 2 dates from those two weeks. The training is for one day and it will take about 3 hours and Ed said he would be inviting others and open to the surrounding communities. The dates chosen were October 18 or October 25 beginning at 9:00 am, located at the Town Hall. Ed will contact the State, once he learns the training date he will send out an email for those to register.
- B. Ed reported the Emergency Operation Plan has been forwarded to the contractor, he's making final changes. Ed expects to see the plan within the next week. Ed said he would like to meet again with the Selectmen on September 27<sup>th</sup> for adopting the EOP. And as part of the grant agreement and exercise needs to take place, Ed met with the State, an exercise is planned, it's not to be specifically announced, it will be either Monday, September 26 or the 27<sup>th</sup>, it will be a daytime exercise, about 4 hours long. Ed said part of the exercise is the notification process to see how it works,. The Board asked where do they go when they are called. Ed said the Emergency Operation Center.

### **3. Highway Department**

- A. Projects: The Director of Public Works, Tim Allen, reported the school project will be done in about 3 or 4 days. Clyde said we should all be proud of the work that's been done at the school. Tim said he hasn't done any maintenance to speak of this year, his question is, if he could do a patch on Waterloo to get through the winter and finish the job next spring, this would allow for Tim to complete some quick maintenance items before the cold weather sets in. The Board agreed. Tim said he still has about 3 or 4 days of labor left at the Library to finish the drainage. The rest is maintenance.

- B. Paving Projects: Tim said he wants to put a top on Waldron Hill and 5/10's at Melvin.
- C. The spruce tree at the Town Hall will be removed on Friday.
- D. The grader is in Londonderry and Tim expects its arrival in a couple of weeks and he said the salt shed is full.
- E. Barbara Annis asked is Tim keeping an eye on the roundabout? Tim said yes, he attends the construction meetings and he drives by half a dozen times a day. Barbara said the rumor on the street is that Merrill was digging in Evans Mart driveway and someone from the State came by and said they were digging in the wrong place and told them to dig somewhere else. Tim said he clarified this morning that was not the case. Clyde said to Barbara the he asked the question explicitly, the State was not involved, Dig Safe marked it incorrectly. Barbara asked when Merrill broke the sewer pipe who's going to pay for that? Allan said his take on that is it's the Precincts fault because the should have maps and measurements. Barbara doesn't want to see the town pay for this error.

#### **4. Selectman's Projects**

- A. Town Hall Lawn: Clyde said the spruce tree is coming down. Nothing else until the drought ends.
- B. Odd Fellows Building: Jim said Bob Irving and Robert Morrison will meet with the Board on September 27 to present their funding plan for rehabbing the building. John asked Jim if he was lead to believe they have a plan? Jim said yes he was lead to believe they have a plan. Jim said there were 3 bidders for the soil extraction and at this point he is waiting for the bids to come in, they are due tomorrow.  
  
Jim said after the parking area was developed, a utility pole now needs to be moved. Allan said he contacted TDS, this pole is fed from Church St. to the pole and then underground to the Town Hall. Allan said he has looked at the situated and has come up with a plan and he will be meeting with Eversource and TDS at 10:00 am on Thursday to listen to Allan's plan. John asked Allan when does he want to move the pole. Allan said if it can be done at no cost, immediately, if there is a cost the Board will need to talk about it. Also Allan asked Jim to contact Western Solutions to verify if a well that is in the middle of the parking area has been decommissioned.
- C. Roundabout: Clyde said there was a status meeting this morning, the project is on schedule. The activity for this week is widening the intersection. Within about 3 weeks there will be a circle functioning as a roundabout. The construction part is on schedule to be complete by the Fall Foliage Festival. After Labor Day the crew will begin to work on Saturday's. Clyde asked the construction company if the town can be involved picking the landscaping, he asked for volunteer's. Allan said he will do it, he also said there is landscaping at the fire station site that can be used as well.
- D. Economic Development Advisory Committee: John said he was unable to attend the last meeting. The Committee is meeting this Friday, September 9, at the Town Hall. At that meeting will be a presentation by DRED about Economic Development 101.
- E. Fire Station: Allan said the Fire Station Building Review Committee will be meeting on Wednesday. As part of the RFP, bidders will attend a site visit on Wednesday, September 7, so far 8 firms have responded. Allan said he is also going to tell those in attendance to come up with a good plan for landscaping. These bidders will be proposing to be the designers of the these conceptual's, the chosen bidder would then meet with the Committee to work out the details. The other aspect to this is the bidders will be made aware that this project is a construction management methodology.

Clyde asked if the house will be winterized. Allan said yes, he also had someone ask him if it could be rented for the winter until the building is dealt with. Allan, however, feels there is still time to move the building, but everything has to be in place fairly quickly. He doesn't want to see the person who has an interest in, lose that interest and we end up spending money to demolish it. The Board decided with moving forward with advertising for the home to be removed by next Spring. Jim said the idea of renting it for a

couple of years is the money could be used to offset the cost of dismantling if you couldn't find anyone to move it. Allan said if the property is rented, which could happen for a couple of years, the renters would have to keep access to the garage available for the Fire Department. Clyde would like to see what the interest is in the building first before considering renting. The Board talked about if the house is moved they want to make sure it's being moved by a professional and the debris cleaned up from moving the building. Allan said he doesn't expect them to clean up the cellar hole. Clyde asked Jim to put something together for their next meeting.

- F. Personnel Policy: John and Jim will begin working on the policy now that summer is over.
- G. Wage Study: Jim recommends the Board schedule a work session to address the wage study. A work session is scheduled for September 14 beginning at 3:30 pm. Jim said the Board will also have before them bids for removing the soil in the Odd Fellows Building. The Board established another work session for Thursday, September 22 at 3:30 pm. focusing on the budget.

### **5. Town Administrator's Report**

Town Hall: The new handicap lift was temporarily out of order due to a failed part. The new part was overnighted and installed and is now functioning properly.

Covered Bridge on Newmarket St: The Selectmen's office has not yet received the signed agreement to pay from the owner of the trucking company responsible for the damage of this bridge. I spoke to Chief Chandler about the non-response. The Chief will give Mr. Emery one more phone call and will pursue criminal charges if there isn't immediate positive response.

32 Waterloo Street State DOT Property: The environmental assessment of the former DOT maintenance shed property is nearly complete. The results of the initial ground water samplings no exceedances of the NH Ambient Groundwater Quality Standards (AGQS) were found. However, there were some traces of chloride found at two well locations in the first sampling. In addition, no analytes were detected at concentrations greater than the NHDES S-1 Soil Standards in the soil samples collected during the installation of soil borings on July 13 and 14, 2016. Based on these results, NHDES has waived the second round of ground water sampling.

However, upon NHDES recommendation, Sanborn Head will perform a ground penetrating radar (GPR) survey in the areas of the site where the potential presence of drums exist, as outlined in the Phase I ESA. These areas include the northeast corner of the site and the center of the site where the former garage building was located.

Sanborn Head anticipates the added cost of the GPR survey will be offset by *not* performing the second round of groundwater monitoring and will *not* increase our overall project budget (\$41,000). A GPR survey has been tentatively scheduled with Ground Penetrating Radar Systems of Nashua, New Hampshire for Friday, September 9, 2016.

Old Graded School: It is uncertain whether the Warner preschool will be open this fall. If the preschool can hire a new teacher it will continue its program. The preschool is the only organization in the building that is not paying some nominal rent or making some contribution to the town to help offset the cost of utility services and maintenance. Jim would like the Board to consider a nominal fee, Clyde suggested in lieu of a contribution, if they set up a scholarship fund for a family who could use their services but can't afford to.

Clyde said he has been approached by CAP who would like to move into the Preschool space if it becomes available. One of the reasons is it is easily accessible. And another thing he learned is the handicap ramp in the winter time is hazardous because when there is melting it comes off the roof and freezes on the ramp. Clyde said the Board should have a discussion on how they can make the building work a little bit better.

CAP Building Weatherization Grant: the town received a rebate of \$4,548 from Eversource for the insulation materials and weatherization activities that have occurred in the building as part of the grant program to make the building more energy efficient. There is a public hearing scheduled for 7 pm on Sept. 27 to present a progress report as required by this grant. We are presently obtaining proposals from qualified contractors to re-zone the boilers and upgrade the venting systems on the building, which will be the final phase of work for this grant project.

Odd Fellows Building: A mandatory site visit for contractors bidding on the soil removal project was held on August 23 with three contractors attending. Bids are due on Sept. 7.

#### **6. Contracts for Heating Oil and Propane**

- A. Jim is recommending the Board stay with Rymes for propane, the cost is the same as last year, .99. For heating oil Jim is recommending staying with Huckleberry, their price went from \$1.94 last year to \$1.65 for this year. The Board has already approved the heating oil contract, they need to accept the propane contract from Rymes.

#### **Board Action**

Selectman Brown moved to approve Rymes propane contract for .99 a gallon. Selectman Dabuliewicz seconded the motion, motion passed 3-0.

- B. Marianne Howlett asked if service is part of the contract. Jim said they provide their costs, but it's not part of the contract. He said he has received a bid for such that he wants to look into.

#### **7. Sutton Board of Selectmen**

- A. The Board will meet with the Sutton Selectmen on September 27<sup>th</sup> provided the Forester and members of the Chandler Reservation Committee can attend, the alternate date is October 11. Sutton feels the town boundary is being effected if not altered by this discrepancy of a location of a pin between the Town Forest and the abutting neighbor.

#### **8. Temporary Position**

- A. Clyde said he has some questions to talk about but he is not ready tonight. He will get the questions to Jim and the Board will take it up at the next work session. The Board members were fine with tabling the discussion until then.

#### **9. Selectman's Other Business/Committee Reports**

- A. Clyde suggested inviting Scott Warren and Nancy Martin from the Conservation Commission in to discuss the plans for Children's Brook. Jim said he will arrange a meeting for one of the work sessions coming up.
- B. Clyde said the precincts solar array produced its first full month in August, 25% over what was estimated. A ribbon cutting is scheduled for Saturday, September 24.
- C. Allan reported that he went up to the town property on Horne St. and secured the property and shut off the power as well as removed the well pump and drained the pipes. He said there is a lot of household trash laying around that needs to be cleaned up. Jim said the person that was occupying the house called him and asked if the Board would be interested in renting the property to her. Allan is not interested in renting the property, it has no operating toilet. The Board agreed to keep the property sealed up and will have the police do regular checks on the property. Allan asked Marianne if the Selectmen choose to fast track this property so it can be sold, is it true that any sales over and above what is owed to the town would go to the property owner that the property was taken from? Marianne said yes, and there's a new law which the Board can also include any other costs related to the property as well, the town can only recoup what you are truly owed. Clyde asked if we wait the 3 years then the owner isn't entitled to anything. Marianne said she would have to check on that. Marianne recommended the Board contact the property owner before recording the deed.
- D. John asked what are the responsibilities of the Selectmen during an election. Judy said the Board is responsible to be at the election in some way, not everyone has to be there all day. And to be available to relieve volunteer's for break or where ever needed. Allan said one of us should be there when the polls open and we need to be available after the voting count.
- E. Jim reported that there are two surplus properties that the Conservation Commission is interested in. One of the proposals is in the Selectman's read file. The property is located down by Bagley.

### **10. Deeding**

A. Tax Collector, Marianne Howlett, said she has typed up the deeds the Board asked for in August. She has not recorded these deeds, she said that's up to the Selectman's Office to record the deeds. Each one has a packet of how the process happened. Marianne said she wouldn't wait too long to record the deeds.

**11.** 2 minute pause

### **12. Yankee Cable Network (YCN)**

A. Clyde said he heard recently that Yankee Cable Network will be on the fiber pretty soon on channel 13.

### **13. Meeting Minutes**

Selectman Brown moved to approve meeting minutes dated August 2, 9 & 18. Selectman Dabuliewicz seconded the motion, motion passed 3-0.

### **14. Manifest**

Selectman Dabuliewicz moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4311-4325 in the amount of \$32,374.85 (including 21 direct deposits) and Accounts Payable check numbers 52654-52694 in the amount of \$149,954.70. Selectman Brown seconded the motion, motion passed 3-0.

### **15. Consent Agenda**

Selectman Brown moved to approve the Consent Agenda for September 6, 2016:

- Building Permits for:
  - Map 36 Lot 7
  - Map 34 Lot 002
  - Map 3 Lot 92
  - Map 12 Lot 003
  - Map 15 Lot 55
- Refund for Warner Fire Association in the amount of \$6.50 for overcharge on a vehicle registration

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

### **16. Public Comments**

A. Judy asked when the Board takes a break in the meeting, just in case there are comments over heard on the recorder during the break can they not be put into the minutes? Clyde said if the comments are not relevant to the meeting he would say they shouldn't be part of the meeting. John said he thinks things have been left off in that situation.

### **17. Nonpublic Session**

Chairman Carson moved to go into nonpublic session under RSA 91-A:3 II (d) acquisition/sale of personal or real property. Selectman Brown seconded the motion. Roll call vote was taken: Selectman Carson – yes, Selectman Brown – yes, Selectman Dabuliewicz – yes.

Present: Selectman Clyde Carson – Chairman, Selectman Allan N. Brown, Selectman John Dabuliewicz and Town Administrator Jim Bingham

Chairman Carson moved to come out of nonpublic session at 10:17 pm. Selectman Dabuliewicz seconded the motion. Roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Brown – yes, Selectman Carson – yes.

### **18. Seal and Restrict**

Selectman Brown moved to seal the September 6 nonpublic minutes for 1-year under RSA 91-A:3 II (d) acquisition/sale of personal or real property. Selectman Dabuliewicz seconded the motion. All were in favor the motion passed 3-0.

### **19. Nonpublic Session**

Chairman Carson moved to go into nonpublic session under RSA 91-A:3 II (a), Personnel. Motion was seconded by Selectman Brown. A roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Brown – yes, Selectman Carson – yes.

In attendance: Selectman Allan N. Brown, Selectman Clyde Carson, Selectman John Dabuliewicz and Town Administrator Jim Bingham

Chairman Carson moved to come out of nonpublic session. Selectman Dabuliewicz seconded the motion. Roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Brown – yes, Selectman Carson – yes.

**20. Seal and Restrict**

Selectman Brown moved to seal the September 6 nonpublic minutes indefinitely under RSA 91-A:3 II (a) personnel. Selectman Dabuliewicz seconded the motion. All were in favor the motion passed 3-0.

**21. Adjournment**

Motion was made to adjourn at 7:25 pm.

Board of Selectmen  
Clyde Carson – Chairman  
Allan N. Brown  
John Dabuliewicz

Recorder of the minutes: Mary Whalen