



Warner Board of Selectmen

Meeting Minutes Tuesday, April 11, 2017 APPROVED

Chairman Dabuliewicz opened the meeting at 6:00 pm.

In attendance: Selectman John Dabuliewicz - Chairman, Selectman Clyde Carson, Selectman Kimberley Edelman, Jim Bingham – Town Administrator

Others present: Marianne Howlett, Nancy Martin, Colin Nevins, Susan Von Ottengen, Tim Blagden, Bill Chandler, Martha Mical, Michael Amaral, Barbara Annis, Anthony Mento, Varick Proper, Judy Newman-Rogers

1. Tax Lien Notices

- A. Tax Collector, Marianne Howlett, reported on March 27th notices were sent to taxpayers about possible deeding for their properties. Sanders Searchers completed searches on March 3 for the impending deeding and all identified mortgage and lien holders were noticed on March 27 as well.
- B. Marianne had the Chairman sign a Redemption Notice for an Elderly Disabled Tax Deferral which has been paid off.

2. Conservation Commission – New Members

- A. Nancy Martin, Conservation Commission Chair, presented to the Board two applicants for positions on the Conservation Commission, one full member and one alternate. Nancy introduced Susan Von Ottengen for the full member position. Susan said she was on the Commission when John was on the Commission, she works as a wildlife biologist and work for the U.S. Fish and Wildlife Service, her focus is endangered species. Her interest is maintaining a healthy environment for the citizens of Warner.

Board Action

Selectman Carson moved to appoint Susan Von Ottengen as a full member to the Conservation Commission until 2019. Selectman Edelman seconded the motion, motion passed unanimously.

- B. Nancy then introduced Colin Nevins who has an interest in conservation issues. Nancy said her goal is to bring some youth onto the Commission. Colin said he has lived in Warner his whole life (the rest of Colin's comment was not audible). Clyde said he knows Colin and is his happy to see youth on the Commission. Kimberley said Colin sent a well written letter to the Board.

Board Action

Selectman Carson moved to appoint Colin Nevins to a three year alternate position on the Conservation Commission. Selectman Edelman seconded the motion, motion passed unanimously.

3. Friends of the Concord/Lake Sunapee Rail Trail

- A. John asked Tim Blagden to explain his background. Tim Blagden said he is part of the Concord/Lake Sunapee Rail Trail group, he has also worked for 3 years for the Bike Walk Alliance of NH, he sits on the NH Bureau of Trails Statewide Trail Advisory Committee, and on the NH Traffic Safety Commission.
- B. Tim is before the Board to ask permission to put a new pressure treated surface on the truss bridge located at Bagley Field. In 2014 the railroad bed was upgraded from the Bagley Field driveway going east. Now Tim would like to extend the trail west from the Bagley Field driveway to the truss bridge with a new surface. Tim showed the Board a visual display showing various uses of the trail throughout the year. Tim has had engineers look at the bridge who say it is sound and is suitable for pedestrian use. The rail trail group has raised money to re-deck the bridge, he has received support from Cyr Lumber from CW Fence & Guardrail

and lots of private donations. Volunteer labor will be used and he would like to begin May 6 & 7. Clyde asked if this is an extension of the trail or a piece. Tim said an extension. John said who will complete the annual inspection of the bridge and what is the cost. Tim said he will try to find an engineer in town to have that done. Michael Amaral informed Tim about birds that will be nesting on the bridge soon and is pressure treated wood the only feasible material to deck with. Tim said he thinks so, Keene used a non-pressure treated product and it lasted about 2 years. Jim said after learning the bridge is owned by the town he will need to contact liability insurance with respect to inspection and type of use. Jim asked Time where are we with respect to rail trail as part of a Master Plan or part of a strategic plan the Board is supporting. Tim said it was asked to add the trail to the Master Plan and Tim was told there will be an update of the plan in August. He asked Planning Board member Barbara Annis if this is true. Barbara said not to her knowledge. Tim said he is trying to get the trail on the Master Plan, he has letter's of support from entities in town.

Martha Mical sees that it is necessary to have something in writing from an engineer saying that the structure is safe.

Barbara Annis said Tim mentioned an interest in a piece of property on Depot St. She said Tim presented before thw Transportation Advisory Committee in Concord in regards to a TAC grant starting at Bagley up to Exit 9. She said TAC did not take it on, it's costly, 6,000 feet in wetlands which requires bridges in order to do this. Tim said he disagrees with a couple of things Barbara said, the TAC grant starts at the end of Chemical Lane to Exit 9 with 2 bridges. The grant was rejected for not being near wetlands, it was rejected for the financial readiness of the town.

Martha Mical asked Tim when he obtains permission from landowners is it in writing in the easements and is he recording them? Tim said he will be.

Anthony Mento said the railing spacing with a 6" maximum gap between the rails does not meet the code requirements, the maximum is 4" so a child's head can't fit through the gap.

Jim asked Tim if he has the cost for an engineer. Tim said he was told it would be \$6,000 to \$10,000. Anthony Mento said what the town is paying for is the structural engineer taking on the responsibility, and liability for a period of 8 years. Kimberley asked is it worth getting. Anthony said if there were a need to have vehicles drive across it, absolutely, pedestrian only, no.

John said the Board will meet again in 2 weeks and hopefully the Board will have answers from liability insurance.

4. Highway Safety Committee

- A. Police Chief, Bill Chandler, met with the Board and reported the Highway Safety Committee met on April 5 and considered two requests from the public. One was to make a recommendation to the Board to reduce the speed limit on Main St. from 30 mph to 25 mph. Bill said because it's a state road the town does not have the authority to change the speed limit and through further investigation the statutes mandates an engineer and a traffic study be done before considering reducing the speed limit on Main St. Bill does have information coming from DOT which the Highway Safety Committee will discuss. The second request is reduce the speed limit from 87 Kearsarge Mt. Rd. down to Main St. from 35 mph to 25 mph. The Committee discussed and agreed to bring this recommendation to the Selectmen. Bill said he did further investigation this week and due to the statute, we have to do a traffic or an engineering study and it's mandated to be done before considering reducing the speed limit. Bill passed out the statute to the Board, RSA 265:63. Clyde said that's a school zone which he feels is a special case. Bill said that was questionable when the town was looking into Safe Routes to School because there was a discrepancy with the state on if Kearsarge Mt. Rd. is a school zone because the entry to the school is on Church St. Bill said what we tried to do on Safe Routes to School is to get a blinking light on a timer on Kearsarge Mt. Rd. and the state questioned it because the school entrance is on Church St.
- B. Bill is looking at obtaining the radar trailer and running it a week north bound and a week south bound. His intention was to meet with the Board and request on behalf of the Highway Safety Committee for the Selectmen to consider to do that.

- C. Tim Blagden would like the Board to consider looking into declaring a Complete Streets Policy which is managing the public right-of-way for all ages and abilities.
- D. Clyde said there must be precedent across the state where the speed limit on a state road through a village was reduced. Bill said no, the division of traffic sent him some data this afternoon, he needs to review it. Bill said the person he spoke to on the state level said it's very rare to lower the speed limit on a state road. Clyde asked if the decision lies with the state and Bill said yes. Tim Blagden said this is an issue across the state. Clyde asked Bill if the state is OK with the speed limit reduction would Bill be OK with it. Bill said he would, the Committee discussed briefly making from the top of hill beyond the Police Department 25 mph as well, but, he is not sure if he concurs with that. Bill said the Committee is also looking to reduce the speeds on Geneva, Roslyn and Kirtland to 25 mph. The Board will wait for the traffic study.

5. Projects

- A. The Board was to review and set priorities on the proposed projects for 2017. John asked the Board to say what they think is the higher priorities from the list. Clyde sees 3 major projects for this year, the fire station, the solar array and resolution to the Odd Fellows Building. The Board wants the advertising for removing the house on the fire station site a priority. John read the draft add into the minutes:

HOUSE FOR SALE -\$10,000
MUST BE MOVED TO NEW LOCATION

The Town of Warner is selling a 1 ¾ story single family cape style home located at 148 Main Street in Warner that must be moved to make way for a new fire station.

This 1,772 sq. ft. wood framed house, built in 1928, has a total of 6 rooms; 4 bedrooms, one bath, full basement, central fireplace, enclosed screen porch, clapboard siding, new asphalt shingle roof. Assessed value of the home is \$131,510. Buyer would be required to move said structure from the property within 90 (?) days of signing purchase and sales agreement. Buyer would be required to carry comprehensive liability coverage in the amount of \$2,000,000 (?) either through a hired professional contractor moving the structure or directly and naming the Town of Warner as 'also insured' for the duration of the move.

For further information please contact the Selectmen's Office at the Warner Town Hall, 5 East Main St. Phone # 456-2298.

Jim asked if the selling should be based on the Fire Station Building Review Committee's time line. Clyde said the Board's target is to have the lot cleared and ready to go in March 2018 and the target should be this year. John said to the Board to forward their ideas to Jim for the add so it can be finalized at the next meeting.

6. Solar Array

- A. Clyde reported the town has funding committed from the Community Development Finance Authority, the town was also approved for a Rural Development Grant in the amount of \$35K which will reduce the amount that needs to be borrowed. As part of the CDFA the town needs to have a compliance person involved which there is a cost associated and did not anticipate; the cost is \$3,000. Another item that was talked about now that the grant is secured, was show casing the array with some landscaping with money left over from the grant. Clyde also added that the town could receive another \$15K under the RDG as long as the government passes the continuing resolution for funding of the government by April 28. Clyde is recommending waiting for the resolution to pass for the extra \$15K.
- B. To qualify for the grant the property needed approval from the Federal Fish & Wildlife stating that there are no long eared bats on the property now or in the future; approval was granted so the lot can be cleared. The DPW has been working with Harmony Energy Works and Chuck Rose, the area to be cleared has been identified.
- C. Clyde spoke with CDFA and one of the requirements for the financing is the town has a pre-construction meeting before starting the array.
- D. John asked if any work will be required by the Highway Department on this lot. Clyde said the DPW is working that out with Chuck Rose and as he understands Chuck can clear it, stump it and chip it and get it

laid out. It was noted that there is no money in the Solar Array budget for the Highway Department and there is no contingency money as well. Clyde asked the question to Harmony about budgeting contingency and George Horrock told Clyde their cost is all inclusive, there is no need to budget for contingency.

Martha Mical asked if there is a cost from Eversource and Clyde said no.

Anthony Mento requested if possible to get an electrical feed off of the line and put lighted power to the resident salt shed. Varick Proper asked if the shed could be moved somewhere else so that it is more accessible? Anthony added and near a light. The Board told Varick to talk to the DPW.

- E. The Board agreed to wait to see if the extra \$15K will be granted.
- F. The Board needs to execute an agreement with Harmony Energy Works as well. Clyde provided the Board with a copy of the contract along with an addendum. An agreement with David Nute to be the Clerk of the Works.

Board Action

Chairman Dabuliewicz moved to authorize Clyde Carson to sign the documents on behalf of the Board associated with the solar proposal. Selectman Edelman seconded the motion, motion passed unanimously.

- G. Clyde said a public hearing will be needed to accept the grant as well on April 25.

7. Skeet Shooting

- A. Kimberley asked what are the types of actions this Board can take. John said issue a cease & desist order for violation of the Zoning Ordinance to the property owner and then the property owner could go before the Zoning Board of Adjustment for a variance because skeet shooting is not permitted in a R3 zone. Because there is money being exchanged, it makes it a commercial operation, this is based on ads and testimonies.
- B. The Board talked about what the cease & desist order would say. John read into the record a cease & desist order sent to Dick Fisher dated April 22, 2010 (attached) because he was conducting the skeet shooting on his own property. The current situation is the same as in 2010, the only difference is the activity moved to a different property.
- C. A property owner named Bob said he is concerned about lead getting into the water. There is lead being sprayed on top of the hill and it's going to eventually get into the water supply. John said that issue has been made clear.
- D. Martha Mical asked what are you saying cannot be done on that property, are you saying no one can shoot on that property? John said no, the present activity cannot continue on that property.
- E. Bill Chandler said he thinks the letter John read into the record would apply to this situation as well because it addresses the nuisance and the shooting activities.
- F. Michael Amaral said the Ducks Unlimited events happens about twice a year. The skeet shooting takes place every other Sunday for a couple of hours, in both situations there is money being exchanged.
- G. The Board agreed there is enough evidence that this activity is a nuisance and is being operated in a business fashion.

Board Action

Selectman Carson moved to issue a Cease & Desist containing the language from the last Cease & Desist. Selectman Edelman seconded the motion, motion passed unanimously. Jim clarified that the letter will be addressed to the property owner and a copy will be sent to Mr. Fisher. The Board agreed.

8. Bartlett Fund Request

- A. John said he asked for the file for the Bartlett Fund for review. There is no information on how the fund was

originally set up. What is available are minutes from 1993 School District meeting which voted to transfer the Bartlett Funds back to the Trustees of the Trust Funds in Warner to manage the funds because they are only for Simonds School. Plus the resolution said the interest from the fund should be returned to the School District annually. John said neither the town or the school at this point have any significant history on this. John said for tonight the Board will approve the submitted request, but there will be further exploration with the school District and the Town Administrator about how exactly the fund is set up and if the interest should be transferred back to the School District.

- B. Martha Mical explained that Rebecca Courser stood up at a Town Meeting and made a motion that the Bartlett Fund is to be only used for activities at Simonds School. Martha said the information is in the Town Clerk's office. John said Jim will continue the investigation.
- C. Jim said he went to the Simonds School and talked with them and they had information that was helpful. He will be researching have we been compliant with the 1993 School District article stating that are we annually giving the interest accrued back to the School District, we have no record of this and secondly was that 1993 article in compliance with the original intent of the bequeathed. John wants to know the original stipulations of the fund, before there was a School District. Martha said before there was a School District there wasn't a Bartlett Fund because Tommy Finton's house was owned by the School District and when that house was sold that became the Bartlett Fund. John said a document established the fund at that point, that's what we have not seen.

Judy, the Town Clerk, said this may be a circumstance where someone is not looking in the right place for records. She said all the records are supposed to be filed in the Town Clerk's office, all original records go to the Town Clerk and if there are going to be records somewhere else, then they are delegated somewhere else. She said this isn't the first time she's heard "we don't have those records" in the Selectman's office. She said the Selectman's office shouldn't have them unless the Town Clerk has them. John asked Judy if she would look for any information pertaining to the Bartlett Fund. Judy said she will complete a search.

Board Action

Chairman Dabuliewicz made the motion to approve the request of Simonds Elementary School for release of funds from the Bartlett Fund in the amount of \$1,072.50 and paid to the order of The Colonial Theater for the performance of Her Majesty's Circus on Wednesday, June 7 as has been done by the Board of Selectmen with prior requests. Selectman Carson seconded the motion. Kimberley asked how much is in the account. Martha asked if the whole School District is going to this performance. John said no. Jim said the fund balance as of December 2016 is \$28,652 the income is \$2,040. John called for a vote on the motion, motion passed unanimously. The Board will not entertain further requests until the purpose of the fund is researched and determined.

9. Public Hearings Under RSA 41:14-a

- A. A Public Hearing is needed for accepting land conveyance to the Odd Fellows Building (Map 31 Lot 52), the Town Hall parcel (Map 31 Lot 55) and for right-of-way easements on (Map 14 Lot 5 and Map 31 Lot 58). John proposed May 9 and May 11 for the required second hearing. The Board agreed to the dates.

10. Odd Fellows Building Valuation

- A. The Assessor completed a new assessment on the building that amounts to \$84,160 for land and building which includes the land from the School District. The previous assessment was for \$164K. Clyde said that allows the Board to use the assessment as a basis for RSA 79-E. Anthony Mento asked is the 79-E contingent for a certain set period of years and then it goes back. John said we can grant it up to 5 years.

11. Fire Station Building Review Committee

- A. Kimberley said Allan N. Brown sent an email to the Board saying he would like to continue working on the FSBRC.

Board Action

Chairman Dabuliewicz moved to appoint Allan N. Brown as a voting member of Fire Station Building Review Committee and reaffirm him as the Chair of the Committee. Selectman Edelmann seconded the motion, motion passed unanimously.

B. Kimberley reported that Jonathan Lord is now the Budget Committee's rep. on the FSBRC.

12. Minutes

Chairman Dabuliewicz made a motion to seal the April 7, 2017 nonpublic meeting minutes permanently. Selectman Edlemann seconded the motion, motion passed unanimously.

Chairman Dabuliewicz moved to approve meeting minutes dated March 22, March 22 nonpublic, March 28, March 28 nonpublic, March 30, April 4 nonpublic and April 7 nonpublic. Selectman Carson seconded the motion, motion passed unanimously.

13. Manifest

Selectman Carson moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4701-4719 in the amount of \$34,981.17 (including 22 direct deposits) and Accounts Payable check numbers 53581-53638 in the amount of \$216,799.33. Chairman Dabuliewicz seconded the motion, motion passed unanimously.

14. Consent Agenda

Selectman Edlemann moved to approve the Consent Agenda for April 11, 2017:

Previously signed by the Selectmen:

- Intent to Cut for Map 7 Lot 64
- Timber Tax Levy in the amount of \$4,623.92
- Solar Exemptions for:
 - Map 31 Lot 2
 - Map 12 Lot 40
 - Map 10 Lot 19-1-1
 - Map 3 Lot 5
 - Map 10 Lot 96
- Elderly Exemptions for:
 - Map 3 Lot 97
 - Map 3 Lot 100
 - Map 6 Lot 40
- 2016 Contingency Fund Close Out
- 2017 Open Contingency Fund

Not Previously Signed:

- Intent to Excavate for Map 7 Lot 60
- Veterans Tax Credit for:
 - Map 14 Lot 29-1-1
 - Map 13 Lot 39
 - Map 20 Lot 18
- Building Permit for Map 17 Lot 003-6 (Solar Array)
- Junk Yard License

Chairman Dabuliewicz seconded the motion, motion passed unanimously.

15. Other Business

A. John noted that Aedan Sherman resigned from the Planning Board.

B. Clyde will attend a meeting tomorrow in a state meeting of cultural by-ways to promote marketing and scenic by-ways. At this meeting he intends to speak to William Rose from DOT about signage at the exits.

C. Clyde heard from McFarland Engineering who said they will be completing repairs at the roundabout and then there will be a final walk through.

D. Clyde asked Martha (Assessing Clerk) how many signed up for the Veterans Exemption. Martha said she doesn't know of the Veterans that have applied are from the new program or the old program. She said we do have less Veterans now than before the Town Meeting vote. Clyde said there is a Bill before the Committee that would allow town's to increase the exemption to \$1,000. the Senate Committee voted not to

recommend it, his Committee voted no as well and now he is waiting to see what the House does.

- E. Clyde said a resident contacted him today about the property where the proposed shooting range/gun store is going. The question was, was that property offered to the town back in a letter dated June 30, 2015 and did it come before the Board for consideration. Clyde said he had no recollection and didn't find anything in the minutes, and would look into it.
- F. The Board will meet on Wednesday, April 26 at 3:30 pm to work on their project list.

16. Town Administrator's Report

Old Graded School: The Merrimack Belknap Community Action (CAP) Program has moved their offices to the former Pre-school classroom and held their Open House on Friday April 6. CAP will continue with custodial services for the main floor bathrooms and hallway, the west stairwell and lower hallway to the new offices. The main floor is now empty except for use of the senior center on Wednesdays by Warner senior citizens and Saturdays by AA.

Warner PD: The case regarding the damages to the Waterloo covered bridge is moving forward with arrest warrants issued. Chief Chandler has received a quote for a high resolution camera for the roundabout. It will be mounted at the police station. Several trees on state ROW need to be removed to insure a clear view and NHDOT district 5 office is reviewing the town's request. PD is presently conducting regular welfare checks of the Smith property.

Dept. of Public Works: Street sweeping and spring cleanup is scheduled to start next week. Delivery of new backhoe/loader is expected next week.

Fire Department: The fire Engine 2 has been assessed to be a total wreck. A preliminary replacement value is estimated at \$440,000 by Primex based on a replacement bid developed by Valley Fire of Bradford. Chief Raymond informed me that Valley Fire Equipment Co. apparently is no longer in business and has filed for bankruptcy. Chief Raymond and his crew will be reviewing bids for a new fire engine from Pierce Manufacturing, Inc., this week.

Roundabout: Scott Ozana has scheduled with F.L. Merrill, a re-work of the sidewalk ramp that did not meet ADA specifications. This work will begin tomorrow. Scott is contacting all parties to schedule another walk through of the roundabout to finalize a list of unfinished tasks.

17. Nonpublic

Chairman Dabuliewicz moved to go into nonpublic session at 9:00 pm under RSA 91-A:3 II (a) personnel matter. Selectman Edelmann seconded the motion. Roll call vote was taken: Selectman Carson – yes, Selectman Edelmann – yes, Selectman Dabuliewicz – yes.

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

Chairman Dabuliewicz moved to come out of nonpublic session at 9:30 pm. Selectman Carson seconded the motion. Roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Edelmann – yes, Selectman Carson – yes.

18. Seal and Restrict

Chairman Dabuliewicz moved to seal the April 11 nonpublic minutes permanently under RSA 91-A:3 II (a) personnel. Selectman Edelmann seconded the motion. All were in favor the motion passed 3-0.

19. Adjournment

Meeting adjourned at 9:30 pm..

Board of Selectmen
John Dabuliewicz– Chairman
Clyde Carson
Kimberley Edelmann

Recorder of the minutes: Mary Whalen



TOWN OF WARNER

P.O. Box 265

Warner, New Hampshire 03278-0265

Telephone: (603)456-2298

Fax: (603) 456-2297

Board of Selectmen

David Hartman - Chair

David Kirtick, Jr.

Clyde Carson

Town Administrator

Laura Brown ext.231

April 22, 2010

Mr. Richard Fisher
84 North Village Road
Warner, NH 03278

RE: Cease & Desist
Shooting Range Activities
North Village Road

** Delivered by Warner Police Dept. **

Dear Mr. Fisher:

The Selectmen's Office has received complaints within the last two weeks about the increased shooting activity on your property located on North Village Road. Although residents are allowed by law to shoot on their own property with the necessary setbacks; Article IV - H of the Warner Zoning Ordinance prohibits activities which are a nuisance (see below).

Article IV-H Nuisance provision: Any use that may be obnoxious or injurious by reason of production, emission of odor, dust, smoke, refuse matter, fumes, noise vibration or similar conditions, or that is dangerous to the comfort, peace, health or safety of the community or tending to its disturbance or annoyance, is prohibited.

In August 2009 you were served with a Cease and Desist Order with regard to operating a shooting range/course on your property as a business and although you are now claiming you no longer charge people to use the range/course, the nuisance issue still remains and has yet to be addressed by you. The amount of activity and type of activity (operating a shooting range/course) is in violation of Section IV - H of the Warner Zoning Ordinance and requires a variance from the Zoning Board of Adjustment if you wish to continue.

You are hereby ordered to Cease and Desist shooting range/course operations/activities at your property immediately until a time you have received the proper authorization from the Zoning Board of Adjustment.

If you dispute the reasoning behind this Order, please schedule a meeting with the Board of Selectmen. If you would like to inquire as to what steps you need to take to legitimately run such an activity on your property, please contact Tracy Hallenborg in the Land Use Office during regular business hours.

For authority granted by the Board of Selectmen:


David Hartman, Chairman

cc: Zoning Board of Adjustment

Served to hand
12:14 PM 04/22/10 H 206

