



# Warner Board of Selectmen

## Meeting Minutes Tuesday, May 9, 2017 UNAPPROVED

Chairman Dabuliewicz opened the meeting at 6:00 pm.

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

Others present: Cory Giroux, Martha Mical, Rick Davies, Tim Allen, Ed Mical, Judy Newman-Rogers, Marianne Howlett, Barbara Annis

### **1. Full Member for the Zoning Board of Adjustment**

- A. Corey Giroux is presently an alternate member on the Zoning Board of Adjustment, he is being proposed for full member status and Clyde wanted to meet with him before that happened. Clyde said he read the minutes from the last two Zoning Board of Adjustment meetings, and he noted that Corey is a forceful voice on the Board. Corey is a practicing attorney and made a case to the ZBA recently about not needing to re-hear a certain situation. Clyde said he's not sure that's right or wrong, he said based on conversations he held with other people, it may not have been a good recommendation. Clyde said his question to Corey is, as a lawyer, do you feel the need to consult with the town's legal counsel and how do you think (not audible). Clyde said since John has been on the Selectboard, who was an attorney, he said there has never been more correspondence to the town attorney since John's been on the Board than the previous times he's been on the Board all together. Clyde asked Corey how do you perceive our views of our legal counsel and as a full member of the ZBA, how would you use that. Corey said with respect to how the ZBA handles using legal counsel is a consensus of the Board, not any one member. History shows that resource has been used frequently. Corey said he is involved with zoning in his work and private life, he doesn't think it's necessary for him in every instance to base an opinion based on what town counsel has to say, it's ultimately a decision of the ZBA. Clyde asked Corey with his knowledge, does he think it will influence his ability to say this is a situation where we should consult legal counsel and would he advocate for it, and why didn't he advocate for it the last time. John interjected and said he doesn't feel Clyde should be talking about a pending case this way. Clyde said he read it in the ZBA minutes. Corey answered Clyde's question by saying it was his opinion, others had opinions on what things mean.... Rick Davies, Chair of the ZBA, said referring to a case that is currently in the Superior Court, this questioning probably isn't appropriate, the questions should be more general. John interjected by saying that he was once a ZBA member and is also an attorney, his feeling is that members of the ZBA were loathed to overly consult town counsel because it costs the town money, and that's an attitude that he has seen on other Boards as well. John said he is not sure to single Corey out to ask about that question when apparently from what he is hearing, there were no other members on the ZBA that felt they needed to talk to town counsel. Clyde said he is trying to understand Corey's perception on how he would use town counsel because he is a lawyer and on this situation he drew on his own background to make a recommendation. Corey said he has no preference one way or the other on how town counsel is used, it's always been a ZBA decision, he has had no problem with the way things have been running to date. Clyde asked Corey to talk about his ability in being impartial in certain situations. Corey said he has no issues with being impartial. Clyde said the reason he is asking these questions is because he thinks Corey is a strong voice on the ZBA, that's a good thing, but it's important to be impartial and guide the ZBA in a good direction.
- B. Kimberley said she too has been a member on the ZBA, every member brings their own strengths and she has always respected what Corey brings to the meetings, and discussions have always been valuable. Kimberley has never seen any sign of bias and has enjoyed working with Corey.

## **Board Action**

Chairman Dabuliewicz made a motion to appoint Corey Giroux as a full member to the Zoning Board of Adjustment until 2020. Selectman Carson seconded the motion, motion passed 3-0.

C. Rick Davies, ZBA Chair, said there is now an opening for an alternate on the ZBA.

## **2. Emergency Management**

A. Ed Mical, Emergency Management Director, said the Board should have received an email from him regarding two proposals for an architectural firm to do the NH Inventory Form as part of the environmental historic preservation for FEMA and the State at the new fire station site. Ed is asking the Board to review the proposals and take action.

B. Clyde asked Ed what his preference is between the two. Ed said he obtained these firms from the state and recommended Paula Saggerman out of Vermont. Jim asked Ed if either can start immediately or will there be some delay. Ed spoke with both, and are aware the town is trying to move forward. Paula told Ed it would take up to 8 weeks. Jim asked Ed to check to see if there will be a contract to sign.

## **Board Action**

Selectman Carson moved to accept the proposal submitted by Paula Saggerman for the historic resource study on the new fire station site for a cost not to exceed \$1,500. Selectman Edelman seconded the motion, motion passed 3-0.

C. Ed reported the EMP grant for the Emergency Operation Center equipment has been granted. The grant is a 50/50 grant. Warner's portion can be comprised of in-kind from a table top exercise that is scheduled for June. When Ed has more details he will then forward those details on to those involved.

D. Ed said it has been brought up in the past that there is no Deputy, Emergency Management Director. Ed spoke with Ron Piroso who is willing to serve in that role.

## **Board Action**

Selectman Carson moved to nominate Ron Piroso as the Deputy Emergency Management Director. Clyde asked if there is a term associated. Ed said no. Selectman Edelman seconded the motion, motion passed 3-0.

## **3. Public Works Department - Construction Season Plans**

A. Director of Public Works, Tim Allen, provided a list of projects that need to be done this year by the Public Works crew.

### **2017 Project Schedule**

Winter Sand -transport and stockpile

Reclaim at gravel pit

Manufacture 500 ton Cold Patch

Prepare pit for gravel crushing.

Correct drainage issues on Brown Rd. @ Gerald Roy's Property.

Chip Seal, Hot Top swales - Waldron Hill

Repair Drainage system at Joppa covered bridge.

Re - visit Latting Lane drainage issue - Tony Simard driveway and vehicle issues.

Address drainage issues Waterloo St and Newmarket (Alan Wagner)

Replace bottom in Multi Plate pipe - Silver lake Dam.

Library Drainage - Rear of building. (Hand work)

Cross road culvert pipes. North Village Rd and Duck Pond.

Town Buildings - assorted maintenance tasks

Schoodac Corner - Courser Farm reconstruct 600' +/-

1500' Burnt Hill Rd - Reconstruct

Solar Array landscaping

## **General Maintenance**

Grading - Washing Snow Plows - Ditching - Painting Snowplows - Gravel on Dirt Roads  
Cleaning and prep sanders - Washing Bridges - Wash Sand and Salt bays

### **Bridge Maintenance**

Waterloo Covered Bridge - Repair steel cross ties in bottom.

Melvin Mills Bridge - Replace rub rails and seal concrete abutments.

North Village Bridge - Warner River grout behind curb.

### **Catch Basin Work**

Repair grates at basins at entrance to Riverside Park.

Clean out basins on Waldron Hill.

- B. Tim said this is the 5<sup>th</sup> year for the Alteration of Terrain permit regarding the gravel pit. Tim has to inform the Department of Environmental Services about the progress this year. At this time the reclamation is about half done.
- C. Tim said the Police Station lawn soil has been tested showing that there is nothing wrong with the soil. The lawn needs to be reseeded and watered. Tim said he doesn't want to do the reseeded if the water is going to be shut off again. Tim said the Police Department looks like a building that's been forgotten, he feels the lawn should be a priority because it's a town building. Tim will talk to the Police Chief. Jim said the Chief is very cautious about his budget, we just have to give him the OK to spend the money on the irrigation. The Board gave Tim their support.
- D. Clyde reported the Legislature is looking at ways to use the state's surplus this year. There is some one-time money that is looking good to come back to the towns for road projects. If approved, about \$30,000,000 will be distributed for use during this year. John thought maybe a contractor could do Burnt Hill Rd. if the money is received in a timely manner.
- E. Tim said he interviewed 3 part-time people last week to help out as a combination position between the Transfer Station and Public Works. He would like to hire all 3 as seasonal employees for the summer and see where it goes. The Board agreed that Tim should move forward with his plan. Jim said he contacted the high school for summer help as well.
- F. Clyde said the state is requesting the signed maintenance agreement for the roundabout be ready for the close-out meeting on this coming Thursday.
- G. Clyde asked how did the plowing season budget end up. Tim said on the high side, a lot of sand was used this season.

### **4. Public Hearing – Right-of-Way Easements**

- A. Chairman Dabuliewicz opened the public hearing at 7:02 pm for acceptance of the easements at the fire station site and the Moore property behind the Foothills. This is a public hearing per RSA 41:14A for the purpose of obtaining public comment regarding these easements.
- B. Kimberley showed a diagram of the proposed fire station showing the access from Split Rock Road which Michael Span-Wietz owned. Mr. Span-Wietz sold the easement to the town for \$6,700. The current status is the easement has been signed and recorded.

### **Public Comments**

- Judy Newman-Rogers said the town doesn't own the property, it just has a right-of-way to cross over? John said correct, and they can't use it for anything else.
- John said for the record the Planning Board discussed this and approved it at their last meeting. The Board also received an email from the Chair of the Conservation Commission that they discussed it at their last meeting and recommends the trees along Split Rock Road be saved as they are larger than anything that will be planted.

- Martha Mical said if they are big pine trees, your better off starting with smaller ones. Pine trees come down during storms causing more damage than other possible choices.

C. Chairman Dabuliewicz closed the public hearing at 7:08 pm

### **5. Public Hearing – Right-of-Way Easements**

- A. Chairman Dabuliewicz opened the public hearing at 7:08 pm for acceptance of the easement for 15 Main St. per RSA 41:14A for the purpose of obtaining public comment regarding the easement.
- B. Jim said this started as an offer from the Moore's to the Fall Foliage Festival to clear an area which is adjacent to the school parking lot for the Fall Foliage Festival activities. As the plan moved forward the Moore's realized the area could be used for other activities including parking so they extended their offer to the town and allows the festival to use it. The easement has been registered, the town voted to pay for part of the excavation and site preparation in the amount of \$20K. The right-of-way easement includes the current area that has been cleared for parking and also includes an area beyond that for future expansion.

#### **Public Comments**

- Kimberley asked what can be done to let people know that parking is available.
  - Jim said we can look at signage but the one critical piece to utilize the area is can people get to it easily. The only legal access is from behind the Foothills. We would like to work with the school district for a right-of-way easement so it can be accessed from the school parking area.
  - Clyde feels the town should work on an access from town land instead. The easement across the school would work well on weekends and evenings. Clyde said the town should also be thinking about a maintenance policy as well.
  - Judy asked if the area could be accessed from between the Pharmacy and the Real Estate office. John said the easement covers the whole lot from the street all the way back.
  - Martha said there could be directional signs when school is not in session directing traffic to park there.
  - Clyde said the town should have a discussion with the school district to set up some rules everyone can agree on.
  - Kimberley asked if the school parking area is public. John said yes, but it's not public property to access the area we are discussing.
- C. Chairman Dabuliewicz closed the public hearing at 7:19 pm. This is the first of 2 hearings in accordance with RSA41-14 A, the second hearing is scheduled for May 23, 2017 at 7:00 pm.

### **6. Town Administrator's Contract**

Selectman Edelmann moved to approve the employment contract for Town Administrator, Jim Bingham. John added the contract provides for a continuation at the current salary and a two year contract. Chairman Dabuliewicz seconded the motion, motion passed 3-0.

### **7. Corrective Action Plan for the NH Fire Marshall Office**

- A. The Fire Marshal's report can be viewed on the website.
- B. The Board reviewed the corrective action plan. Once approved, the plan will be placed on the website for public viewing. Jim said the plan was reviewed by the Chief and Deputy Fire Chief as well. Clyde feels it would be better to first meet with the Fire Marshal to go through the action plan. John said he looks at this like an audit in which you give a response and you discuss it subsequent to them having a chance to review the response. John thinks that is a more appropriate way. Jim said the response is asking to use the lower meeting room with limited size of assemblies. He said he can follow up with a phone call asking to meet with him to go over the details. Kimberley also agrees to let the Marshal first read the towns response and then follow up with a discussion if needed.

### **Board Action**

Selectman Edelmann moved to send the response letter to Investigator Fanjoy with the action plan to address violations cited in the Fire & Safety Inspection Report from the office of the State Fire Marshal. Selectman Carson seconded the motion, motion passed 3-0.

## **8. 2017 Project Dashboard**

- A. Kimberley asked Clyde who is on the Town Hall Lawn Committee. Clyde said Tim Allen, Marianne Howlett, Ray Martin, Bob Bower and himself, a meeting has not been scheduled yet.
- B. The Town Administrator provided a list of proposed projects for the Board to review with changes and revisions from their last discussion. The highest priorities are moving the house from the fire station site and replacing Engine #2. One of the listed projects is selling surplus land. Marianne noted that at a Town Meeting it was voted and approved when town land is being sold, the abutters must be notified of the sale.
- C. Martha asked the Board about the Odd Fellows Building. John said the sale is closer than what it was the last time they talked. The proposed buyer has the final contract which he is reviewing with his attorney.
- D. John said for the wage study, he has sent proposals to MRI Inc., and Thornton Associates with a deadline of the middle of next week.

## **9. Central NH Regional Planning Commission – Traffic Counts**

- A. Planning Board member, Barbara Annis, met with the Board to present the Planning Boards recommendation for traffic counts. Clyde asked if this has been reviewed with Tim Allen and the Police Department. Barbara said Tim Allen – DPW, Bill Chandler – Police Chief and Peter Anderson and Barbara from the Planning Board all met and came up with the traffic counts. Barbara reviewed the 10 prioritized roads with the Board.

### **Board Action**

Selectman Carson moved to accept the Traffic Count list as presented. Selectman Edelman seconded the motion, motion passed 3-0.

## **10. EMPG Funds – Motion to Accept**

Selectman Carson moved to accept the EMPG funds in the amount of \$2,565 for the Emergency Operation Center for two computers and a projector. Selectman Edelman seconded the motion, motion passed 3-0.

## **11. Transportation Advisory Committee Representative**

- A. Tim Blagden met with the Board to express his interest in becoming the alternate to the Transportation Advisory Committee. Tim said he has attended a couple of TAC meetings at Central NH Regional Planning Commission. Tim sits on the Bicycle/Pedestrian Transportation Advisory Committee with the Department of Transportation, he frequently works with CNHRPC Director, Mike Tardiff, and has an interest in all forms of transportation. John asked if there is a requirement the member must be from the Planning Board. Planning Board member Barbara Annis said no. John asked Tim to expand on the other transportation issues he noted in his email. Tim said he is a proponent for Complete Streets in NH to see the public right-of-ways better serve people of all ages and abilities. He has been at the State House testifying on issues with transportation.

### **Board Action**

Selectman Carson moved to appoint Tim Blagden as alternate member to the Transportation Advisory Committee. Selectman Edelman seconded the motion, motion passed 3-0.

## **12. Fire Alarm Contract**

- A. Jim explained for a number of years East Coast Security monitored the fire alarm system for the Police Department, Public Works garage and the Town Hall. Prices have increased and services have decreased. The annual rate per building is \$324 for system monitoring. Building Maintenance Supervisor, Mel Furbush, contacted Bevan's Fire Alarm who has been used to diagnose some problems at the Old Grade School and the Police Station. Bevan's provided a proposal in the amount \$180 for each building per year. The cost for repairs is also much lower than East Coast Security. East Coast has been notified of this change.

### **Board Action**

Selectman Edelman moved to accept the proposal for the alarm system monitoring with W R Bevan's Fire Alarms in Boscawen NH. Selectman Carson seconded the motion, motion passed 3-0.

### **13. Meeting Minutes**

Selectman Carson moved to approve meeting minutes dated April 7 nonpublic, April 11, April 11 nonpublic, April 25, and April 25 nonpublic. Selectman Edelman seconded the motion, motion passed 3-0.

### **14. Manifest**

Selectman Edelman moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4734-4749 in the amount of \$32,896.36 (including 22 direct deposits) and Accounts Payable check numbers 53685-53731 in the amount of \$101,810.89. Selectman Carson seconded the motion, motion passed 3-0.

### **15. Consent Agenda**

Selectman Carson moved to approve the Consent Agenda for May 9, 2017:

- Building Permit for:
  - Map 9 Lot 4, Map 7 Lot 57-1-C, Map 16 Lot 69-1 (All previously signed)
- Veteran's Tax Credit for:
  - Map 13, Lot 16, Map 20, Lot 1, Map 32, Lot 29 (All previously signed)
  - Map 32 Lot 12
- Timber Tax Levy's in the amount of:
  - 761.71 (previously signed)
  - 360.00 (previously signed)
  - 247.20 (previously signed)
  - 9,056.59 (previously signed)
- Abatements for:
  - Map 32 Lot 24, Map 28 Lot 9, Map 9 Lot 27
- Junk Yard License
- Thank you letter to Zion Hebraic Congregation

Selectman Edelman seconded the motion. It was noted that the abatements listed have not been discussed by the Board so Selectman Carson removed the abatements for Map 32 Lot 24, Map 28 Lot 9 and Map 9 Lot 27 from his motion. Motion passed 3-0.

### **16. Abatements for Map 32 Lot 24, Map 28 Lot 9 and Map 9 Lot 27**

- A. John said he has already reviewed the information pertaining to the abatements and has no problem with them. Kimberley also reviewed the information prior to the meeting. Clyde asked the Tax Collector if she agrees with the abatements. Marianne concurred, two are done historically and the other is recommended by the Assessor.

### **Board Action**

Selectman Carson moved to approve abatements for Map 32 Lot 24 for \$1,461.00, Map 28 Lot 9 for \$1,721.47 and Map 9 Lot 27 for \$640.15. Chairman Dabuliewicz seconded the motion, motion passed 3-0.

### **17. Selectman's Other Business**

- A. Clyde reported there will be a pre-construction meeting for the Solar Array on Thursday, May 4. He said the town can accept the Community Development Finance Authority financing for the full amount and then reduce the amount with anything else the town receives from Rural Development (pending acceptance on the federal level). Also, UNH will complete solar research in rural communities and has selected Warner in their study.
- B. Clyde reported the roundabout close-out is scheduled for Thursday morning at 10:00 am. The signs pointing to the village area indicating 1 mile up the road, the state is willing to do the signs as part of the project.
- C. Clyde said the Public Hearing for the Currier & Ives Scenic Byway extension is scheduled for the first Selectman's meeting in June.
- D. Clyde attended his first Parks & Recreation meeting and noted that there is a member that donates as much as 200 hours a year doing maintenance tasks that would normally be done by the town, the reason is because it's not budgeted. Clyde said he will document what is being done by Parks & Rec. for consideration in next years budget. Barbara Annis asked if the minutes can be posted on the website. Clyde said he knows the minutes are created because he received them in an email, whether they are on the website is

another question which leads him to another item. There are no minutes on the website from the Zoning Board of Adjustment meetings for 2017. Clyde feels with the issues going on with the ZBA it's unfair to the public not to have the minutes on the website. Kimberley said the ZBA does not publish the minutes until they are approved, but copies can be provided. Clyde said they should have been approved so the public can see them. John asked Jim to contact the Chair and ask him about it.

- E. Clyde said he was approached through a third party about someone who is seeking welfare benefits from the town. Clyde said the question he has as a result of the conversation is do we have a procedure. Jim said yes the town does. Clyde asked for a copy and Jim explained the process.

### **18. Public Comments**

- Judy asked what time the Solar Array meeting was. Clyde said 1:00 pm at the Town Hall.
- Barbara Annis asked if the silt fences will be removed from the roundabout construction. John said he will ask.
- Judy asked if fiber-optics is on the Selectman's dashboard. Jim said we are currently working on it, TDS is ready, what he is waiting on is he has contacted TDS about a cable TV drop for paid access. A municipality is entitled to a free drop so TDS is obtaining information and then he will present the costs to the Board.

### **19. Nonpublic Session**

Chairman Dabuliewicz moved to go into nonpublic session at 9:52 pm under RSA 91-A:3 II (c) reputation. 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 Clyde Carson, Selectman Kimberley Edelmann, Town Administrator – Jim Bingham and Tax Collector – Marianne Howlett

Chairman Dabuliewicz moved to come out of nonpublic session 9:11 pm. Selectman Edelmann seconded the motion. Roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Edelmann – yes, Selectman Carson – yes.

### **20. Sealed Minutes**

Selectman Edelmann moved to seal the May 9 nonpublic minutes under RSA 91-A:3 II (c) reputation for one year. Selectman Carson seconded the motion. All were in favor the motion passed 3-0.

### **21. Properties Ready for Deeding – Board Decisions**

Selectman Carson moved to deed the property located on Map 22 Lot 5. Chairman Dabuliewicz seconded the motion, motion passed 3-0.

Selectman Carson moved to extend payment on the tax bills on the following properties until August 1, 2017: Map 9 Lot 17, Map 7 Lot 70-3, Map 7 Lot 43-1. Selectman Edelmann seconded the motion, motion passed 3-0.

### **21. Adjournment**

Meeting adjourned at 9:14 pm.

Board of Selectmen  
John Dabuliewicz – Chairman  
Clyde Carson  
Kimberley Edelmann

Recorder of the minutes: Mary Whalen