



Warner Board of Selectmen

Meeting Minutes Tuesday, June 19, 2018 APPROVED

Chairman Edelman opened the meeting at 6:02 pm

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

Others present: Tim Blagden, Kevin Boucher, Deb Moody, Martha Mical, Tim Allen, John Leavitt, Judy Newman-Rogers

1. Status Report - Rail Trail

- A. Tim Blagden reported on the rail trail development. Concord-Sunapee Rail Trail is a non-profit based in Warner and is trying to develop a rail trail substantially along the old Concord and Claremont railroad line connecting the communities of Concord, Hopkinton, Warner, Sutton, Bradford and Newbury. The organization is building a trail in each town. There is about 11.5 miles in Warner to get to the next town. There is 8/10ths of a mile completed at Bagley Field and 3/10ths of a mile between Depot St. and Joppa Rd. that was established last fall. A recreational trail program grant was approved to go from the Appleseed Restaurant in Bradford, NH up to Pizza Chef in Bradford. Concord-Sunapee Rail Trail partnered with Lake Sunapee Snowmobile Club and the Rural Heritage Connection in Bradford to do the project. Tim explained there is a 2 mile project pending for this year from Hopkinton up to the State Forest in Warner. A use agreement has also been reached with the City of Concord for a 2.5 mile trail, Tim is applying for grants to fund this project.
- B. Tim explained the next section in Warner in the works is a 9 acre parcel along the river. The Conservation Commission is in the process of obtaining the property from the Department of Transportation. Tim is working with DOT to be able to put the trail on the actual rail grade by the State moving their bounds. Tim visually showed the Selectmen progress of the trail system. Tim said he and his wife purchased an 8 acre parcel that abuts a piece owned by the town (Map 29 Lot 1). Tim purchased the 8 acres for the benefit of the rail trail to have parking which he has a permit for as well as a driveway permit. He will place an easement for the benefit of the parking and an easement for the trail. He intends to sell the 8 acres to the Warner Village Water District which needs a place to discharge their clean water. The 8 acres is likely to be rail trail. The parcel next to the 8 acres is owned by the town which the Selectmen are considering what to do with, and the last parcel, the owner at this time is nonparticipating and the piece after the Joppa Bridge exists with a trail from Joppa Road to Depot St.
- C. Another project being looked at is from Evans Express Mart up to the end of Waterloo St., the entire project is in the Federal right-of-way. To fund this project is estimated at \$575,000, it would be a transportation alternative program grant that would require a 20% match, at this time the cost is too high. This type of grant does not accept soft costs for the 20% match which is about \$120,000.
- D. Jim asked Tim what the status is on the bridge for over Stevens Brook. Tim told the bridge owner that he is not moving forward with the bridge just yet. Jim asked what is the cost of the bridge and the cost to move it. Tim said about \$5,000 to move it and a place to put it, no purchase cost.
- E. At this time Tim is working on some easements. The strategy is to build sections with independent utility, get started in every community and respect landowner rights.
- F. Kimberley asked Tim if the Waterloo residents are supportive. Tim said he talked with RC Brayshaw that owns 3 parcels and they are supportive, he talked to one other family that owns a piece of the railroad bed and they were not supportive, he will let it sit for a bit, Tim doesn't like to cause stress for people. Tim said

his group did get the town \$42,000 to investigate the State site at the end of Waterloo in case the town wanted to ask the State to declare the site for surplus. Tim said he is interested in some of that land for parking.

- G. Kimberley asked Tim what he needs from the Selectmen. Tim said the conversation at the last meeting was what was happening to Map 29 Lot 1. He has an interest in keeping that parcel for the rail trail and public space. He said as Parks & Recreation Commission he knows there is a demand for a dog park, bocce, croquet courts, canoe launch and that parcel is close to town. Tim said we would like the town not to sell the parcel privately and give the rail trail a try in purchasing it. Kimberley said at that same meeting was discussed having Town Meeting decide how much support they want to give to the rail trail. Tim supports that decision. Kimberley asked about the July 9 Transportation Alternatives Program Grant deadline. Tim said that is a municipal deadline, if the town is giving any thought about putting an application in for a sidewalk project or to keep the options open in case he can find \$120,000 the town would need to send a letter of interest and take the required training to keep the options open in September. Tim said the application can state that funding is subject to approval at Town Meeting. Kimberley said at that point Tim could present to the voters to see how they feel about supporting a rail trail.

2. Town Hall Water Line

Tim Allen, Director of Public Works reported on the status of the water line going to the Town Hall. The plans are drawn for the line and is being submitted to the Department of Environmental Services to make sure it is compliant which will take about 2 weeks. Tim is meeting with the Water District to complete a materials list. Eight test bores were completed and the borings were reasonable to move forward with the project. The projected start date is the third week in July. Tim said he will also meet with Nate Burrington who has expressed an interest in having a line run to his building as well and feels it would be beneficial to coordinate that with the town. The Selectboard and the meeting went outside and looked at the site with Tim. Tim explained how the water line will enter the Town Hall as well as the driveway grade change and retaining wall.

3. Town Hall Front Lawn

Tim Allen said he has the cost for the irrigation system but not for the sod, grass or brick yet. The irrigation system cost is \$3,400, \$2,400 of the total cost is a donation from Steve Bridgewater who will also install the system which is battery operated. There will be a meter system as well, the reason Tim was told there will be a meter so the Water District can account for where their water goes, Tim believes there is no billing for the water usage, that is what the Water District (Chuck) told Tim. Tim said originally there was talk about extending the brick sidewalk out front to make it 10 feet wide. He said that thought has changed to extending the brick work in front of the Town Hall. The evergreen will be moved and changed to a smaller tree. These changes of removing the kiosk and extending the brick work in front of the Town Hall will allow for better snow removal without disturbing the landscape.

Board Action

Selectman Carson made a motion to authorize Tim Allen to arrange for Steve Bridgewater to install the irrigation system at the Town Hall using money from the Beautification Fund for payment of the system. Selectman Dabuliewicz seconded the motion. Martha Mical asked if the electrical will be fixed. Tim said it's not completely done. John asked if the sprinkler system is installed before the other work, what does that mean. Tim said the sprinkler system needs to be installed first before the other work can be done. The motion passed unanimously.

4. Town Hall Kiosk

On June 6 the Selectman's office received a request from Emma Bates, PTO President, to have the kiosk moved to Simonds School to be used for community and school messages. Clyde is in favor of moving the kiosk, it was in the lawn restoration plan to do so. Clyde suggested rehabilitating the bulletin board next to Kearsarge Insurance. John asked if the School District is aware of Emma's request and will the PTO move it. Jim will contact the school and Tim will look at the kiosk to see if it can be moved. Kimberley asked who owns the bulletin board next to Kearsarge Insurance. John Leavitt said the town owns it. Martha suggested Tim look at the bulletin board. Tim said he would.

5. Kelly Hill Road

- A. Tim met with Kevin Boucher last week and both walked the road 2,600 feet to Kevin's property, the right-of-way varies from 30-40 feet, there is about 600 feet that is 30 feet wide. Tim's question is there are two road standards, one for a sub-division, the other is in the policy book requiring a 24 foot wide road. Tim feels Mr. Boucher should write to his abutters and get their thoughts on what Mr. Boucher wants to do. Tim feels a survey of the right-of-way is needed to make sure the stonewalls are the right-of-way and it doesn't vary plus an engineer to look at the road to make sure the drainage issues can be handled and the

24 foot roadway can fit between the stonewalls. Kimberley asked Tim if a road could be put in safe for the Fire Department to use and Tim said yes. John asked if the town allows the upgrade who will maintain it. Tim feels if the road is upgraded to the Class V standards the town should accept and maintain it if Mr. Boucher is going through the expense of upgrading the road. John Leavitt said the town doesn't have to maintain it if the road is not accepted. Clyde said the Board needs to be careful if it is decided to veer from the Class VI Road Policy. Jim said the Supreme Court clarified that the Statute RSA 674:41 grants the governing body the authority to consider construction on a Class VI road on a lot by lot basis if the governing body wants to do so.

- B. Kimberley asked Mr. Boucher for his thoughts. Kevin said its going to take him over a year to build the road, he doesn't mind getting the equipment, the problem he is running into is getting the gravel, he doesn't have enough money available for that cost, he is looking for sources of fill. John said there are standards for road building, he can't use any type of fill. John Leavitt asked if the road is upgraded is there a possibility the building permit could be denied? Tim thinks it's best for Kevin to notify the abutters on what he wants to do first and if there is any interest they can be included in the process.

6. Unregistered Vehicles

Jim provided a copy of an email to the Selectboard that he received from the town attorney on options the Selectboard has in dealing with unregistered vehicle violations on properties. The town does not have a policy that lays out enforcement with a fine, but the RSA allows the town to do so. John will work with Jim on understanding the legal advice. Jim will create an enforcement letter for their review.

7. Transportation Alternatives Program Grant

Kimberley asked the Selectboard if they wish to create a letter of intent for the grant. Clyde said a letter of intent was sent about 2 years ago for a sidewalk project and feels another should be sent this year and will create such letter that is due by July 9.

Board Action

Chairman Edelman motion directing Selectman Carson to send a letter of intent for a TAP grant for a sidewalk or multi-use pathway from the village to exit 9 area. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

8. Town Administrator's Report

Parks & Recreation: A claim for damages at Riverside Park and Bagley Field that was caused by the spring ice flood has been filed with Primex. The insurance adjuster estimated repair to the ball field fencing at \$6,402.50 and the town received a reimbursement check. The actual repair came to \$9,870.00. The invoice has been submitted to Primex to be reimbursed for the balance.

Selectmen's Office: The auditors completed their field work and additional requests by the auditors has been sent. I will be in contact with their office in the coming weeks to insure a timely receipt of draft report on the 2017 financial audit.

Police Department: Chief Chandler is meeting with the two residents from Pleasant Pond Road about speeding vehicles and the lack of speed limit signs in the area of Pleasant Pond Rd or Clement Hill Rd. In an effort to address this concern in a timely manner, the Chief will be working with the Director of Public Works to place three 30 mph signs on Pleasant Pond Road. These signs will be located at the entrance of Pleasant Pond Road from Rte 103 East, at the town line at Clement Hill Road and the Hopkinton/Warner town line at Pleasant Pond Road. The Warner Police Department will continue additional police presence on Pleasant Pond Road in an effort to address this concern. Chief Chandler would appreciate a prompt response from the Board of Selectmen in approving this action in order to avoid any further delay in this matter.

Board Action

Chairman Edelman made a motion to support the Police Chief in his decision to put up 3, 30 mph speed limit signs in the Pleasant Pond Road area. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

Old Graded School: The DPW crew has cut and cleared the Head Start playground area of overgrowth from trees and bushes and graded out the pile of sand material at the site of the old playground. I placed a call to Belknap-Merrimack CAP for clarification on liability insurance coverage for the new playground apparatus that was recently installed by Head Start.

9. Job & Wage Analysis

The Selectboard will meet on July 3 at 4:00 pm with no appointments.

10. New Fire Station

Kimberley reported the new hydrant is in place and insulated concrete forms are going up.

11. Selling Town Parcels

Jim provided a revised sample letter to the former owners. Edits were made.

12. Municipal Records Retention Committee

Kimberley asked Judy if the Committee has met. Judy said no, she had said previously the Committee would meet after the tax season is over, sometime at the end of July. Kimberley asked Judy if the Committee can meet before July 17. Judy asked what does the Board want the Committee to report back with. Kimberley said start meeting and report back to the Board on how things are going. Judy said she will schedule a meeting and she will notify Jim on when to put the Committee on the agenda in probably July. Judy explained she had sent a spreadsheet to the Departments to identify the location of records. Kimberley asked Clyde if he will be attending the meeting on behalf of the Selectboard and he said yes.

13. Nonpublic Meeting Minutes

Jim explained an opinion from New Hampshire Municipal Association regarding nonpublic minutes involving hardship abatement requests. The opinion from NHMA is those minutes should never be unsealed. The opinion for nonpublic minutes involving personnel issues should be reviewed on an issue by issue basis. Jim will review the sealed nonpublic minutes that have been reviewed by the Board and filter out the minutes that will remain sealed based on the opinion supplied by NHMA.

14. Minutes

Selectman Dabuliewicz made a motion to approve meeting minutes dated June 5 & 12. Selectman Carson seconded the motion, the motion passed unanimously.

15. Manifest

1.) Selectman Carson made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 5366-5413 in the amount of \$47,793.72 (including 22 direct deposits) and Accounts Payable check numbers 55138-55193 in the amount of \$324,580.24 (includes a check to KRSD in the amount of \$201,002.66). Chairman Edelman seconded the motion, the motion passed unanimously.

2.) Selectman Carson made a motion to authorize the Selectmen to sign manifest and order the Treasurer to sign Fire Station Loan Accounts Payable check number 101 in the amount of \$7,470.00. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

16. Consent Agenda

Selectman Dabuliewicz made a motion to approve the Consent Agenda for June 19, 2018:

Previously signed by the Board are the following:

1.) Building Permit for:

- 1) Map 28 Lot 49
- 2) Map 6 Lot 57

2.) Intent to cut for:

- 1) Map 15 Lot 54

3.) Veteran's Exemption for Map 9 Lot 7

4.) Thank you letter to Pellettieri & Associates

5.) Years of Service letter to Justin Crotty

Selectman Carson seconded the motion, the motion passed unanimously.

17. Selectman's Other Business

A. Clyde reported he created a letter of intent for the Transportation Alternatives Program and he listed himself as the point of contact. The Board agreed to send the letter.

B. Jim said Coffin Cellars Winery would like approval for wine tasting at the Farmer's Market. Jim will pass the information on to the Police Chief for his comments before the Board makes a decision.

C. Kimberley will arrange a tour of the fire station site for David Hartman.

18. Public Comments

A. Martha said she spoke to the Assessor who asked her to check with the Selectmen regarding the revaluation contract he provided to Jim. Jim will provide a copy for their review. Clyde asked Martha if Warner is part of the legal group representing the towns regarding Eversource. Martha said Sansoucy presents the town as an expert in utilities and Upton Hatfield as the town attorney. Clyde would like an explanation of services regarding the town attorney. Jim said he will email and send all the response. Martha informed the Board has been used in the past.

B. The Town Clerk provided a copy of the unlicensed dog warrant for the Selectmen to sign.

Board Action

Selectman Carson made a motion to approve the unlicensed dog warrant as presented. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

19. Nonpublic Session

Members Present:	Clyde Carson	<u> X </u>
	John Dabuliewicz	<u> X </u>
	Kimberley Edelmenn	<u> X </u>

Motion to enter nonpublic session made by Selectman Dabuliewicz, seconded by Chairman Edelmenn

Specific statutory reason cited as foundation for the nonpublic session:

 X RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

 RSA 91-A:3, II (b) The hiring of any person as a public employee.

 RSA 91-A:3, II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

 RSA 91-A:3, II (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

 RSA 91-A:3, II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled

 RSA 91-A:3, II (i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

Roll call vote to enter nonpublic session: Carson - Yes, Dabuliewicz - Yes, Edelmenn - Yes

Entered nonpublic session at 8:50 pm.

Other persons present during nonpublic session: None

Description of matters discussed and final decisions made: Minutes are sealed

Note: Under RSA 91-A:3, III, minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of this board, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Motion to leave nonpublic session and return to public session by Selectman Dabuliewicz, seconded by Chairman Edelmann. Roll call vote: Carson - Yes, Dabuliewicz - Yes, Edelmann - Yes

Motion made to seal these minutes? If so, motion made by Selectman Dabuliewicz, seconded by Chairman Edelmann, to remain sealed, because it is determined that divulgence of this information likely would:

- Affect adversely the reputation of any person other than a member of this board
- Render a proposed action ineffective
- Pertains to preparation or carrying out of actions regarding terrorism

Roll call vote to seal minutes: Carson - Yes, Dabuliewicz - Yes, Edelmann - Yes

Motion: PASSED / DID NOT PASS

Minutes recorded by: Mary Whalen

20. Nonpublic Decision

The Selectboard made a personnel compensation decision.

21. Adjournment

Meeting adjourned at 9:20 pm

Board of Selectmen
Kimberley Edelmann – Chairman
Clyde Carson
John Dabuliewicz

Recorder of the minutes: Mary Whalen