



# Warner Board of Selectmen

**Meeting Minutes**  
**Tuesday, July 31, 2018**  
**APPROVED**

Chairman Edelman opened the meeting at 6:00 pm

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

Others present: Debra and Robert Farrell, Deb Moody, Martha Mical, John Leavitt, Monique Proulx, Judy Newman-Rogers, Ken Cogswell, Bill Chandler - Police Chief

## **1. Junk Yards**

- A. Debra Farrell was before the Selectman to discuss three properties regarding their appearance and the number of unregistered vehicles on those properties which are Gamil Azmy's, Harry's Garage and an auto repair establishment on the corner of East Sutton Road and Route 103 West. Jim spoke about Gamil's property and explained the town has been in a protracted litigation with Gamil Azmy, an agreement was reached over a period of several years which included a Judge touring the property and the Judge ruled Gamil was meeting the points in the agreement. Because the property is classified as a farm he may have more vehicles on the property. As part of the agreement, Gamil cannot have any more than 3 uninspected vehicles and 2 of these uninspected vehicles can be unregistered which are monitored by the Police Department.
- B. Jim said Harry's Garage has been in that condition for a long time. Jim said the main concern is the site could be a potential Brownsfield site. When the property is no longer operational he encourages the owner to apply for an assessment grant.
- C. Jim said he does not have any information pertaining to the property on the corner of East Sutton Road and Route 103 West. Debra said she attended the Planning Board meeting when the auto repair business was approved. The abutters were told the owner agreed there would not be any vehicles towed to the property, never more than 1 or 2 vehicles waiting outside to be serviced in the garage and he would have no junk vehicles on the property. He is not in compliance with what was approved by the Planning Board. Jim will research the original approval and follow-up if necessary. Jim also explained the Selectboard will be reviewing a letter created to address properties that the Selectman's Office is aware of that have more than 1 unregistered vehicle. Jim showed Debra the draft version of the letter, approval is still needed by the Selectboard.
- D. Debra asked as far as Gamil's, when is it a farm issue and when is it a junky yard issue. Jim said two towns, Webster and Warner have worked trying to control Gamil's property so that it would not become a nuisance to the neighbors. The property is in both Warner and Webster, the town spent about \$30,000 and didn't get much from it. Enforcement can mean filing with the courts if the town can't get cooperation with those who are in violation, the hope is there are results from an informal process. Jim will research the RSA's regarding the other 2 properties Debra mentioned. Jim encouraged Debra to keep in touch with him on his progress.

## **2. Unregistered Vehicles**

- A. Jim provided a draft letter for review, it is the first notification to property owners that have unregistered vehicles stored on their property. The letter notifies the property owner that they are in violation of an RSA and they have the option of getting the vehicles registered and inspected or removed from the property so there is no more than 1 unregistered vehicle on the property. The property owner will have 30 days to comply. The letter will be sent as a response to a received complaint. Clyde feels a written procedure is needed for when the letter will be executed. Clyde doesn't feel a letter should be sent based on a phone call complaint. Kimberley asked Clyde if he has a suggestion and Clyde said no. Martha Mical suggested asking the Police Department to verify the complaint before sending a letter. Clyde would still like to see a written procedure. Police Chief, Bill Chandler confirmed past complaints have been verified by the Police

Department. This topic has been an on-going issue. Jim feels it's the Boards obligation to follow-up and resolve the complaints, the office does receive complaints and to not respond in some manner that shows a paper trail and an effort being done is not a good practice. John is satisfied that a complaint will be verified first before the letter is sent, he doesn't see the need for a written process. Clyde said he wanted to understand the process, the letter is a new piece. Jim said part of the letter is derived from letters the past Town Administrator sent out while Clyde was a Selectman, it's not a new process, it's being revived. Kimberley feels the process should be documented for future Boards , but in the meantime, the Board should vote on the letter and proceed.

### **Board Action**

Selectman Dabuliewicz made a motion to prepare a procedure spelling out how complaints will be verified and followed up, complaints that are verified will be issued the first notification letter that was created. Selectman Carson seconded the motion but indicated reluctance. The motion passed unanimously.

### **3. Highway Safety Committee Report**

A. Police Chief, Bill Chandler, in his role as the Chair on the Highway Safety Committee reported to the Board about a recent Highway Safety Committee meeting. The meeting was held on July 3, 2018, to discuss concerns from Pleasant Pond Road regarding the condensed area from Route 103 up to Clement Hill. Bill said he met with the neighbors at the Police Department on June 19 and had an open discussion regarding their concerns. During the July 3 meeting, the Committee unanimously agreed to a green and black "Recommended 25 mph Slow Children Playing Beach" speed limit sign just before the bridge when you turn off Route 103 and another coming from Clement Hill toward the beach area. The Committee unanimously agreed and voted to recommend to the Selectmen for these signs to be put up. Kimberley asked if the signs are advisory, not enforceable. Bill said yes, the Committee wanted to take steps to bring awareness to motorists.

### **Board Action**

Selectman Carson made a motion to approve the purchase of signs as indicated by the Police Chief. Chairman Edelmann seconded the motion, the motion passed unanimously.

B. Bill talked about the intersection of Newmarket, Collins District, and Melvin Road, there is no signage at this 3-way intersection. The Committee voted to recommend to the Selectboard 2 STOP signs, one at the foot of Collins District Road and one at Newmarket Road. Kimberley asked why not have a STOP sign at Newmarket only, because Collins and Melvin is really one road with 2 names. Bill said some of the concerns were related to people that have come down Collins Road and someone coming through Newmarket without stopping plus there is foliage on the right-hand side of Collins Road obstructing views. Martha Mical encouraged the Board to install 2 STOPS because of inclement weather.

### **Board Action**

Chairman Edelmann made a motion to approve the Highway Safety Committee recommendation in terms of 2 STOP signs. The second to the motion was not identified. All were in favor, the motion passed unanimously.

C. Bill said there was a complaint about the use of jake brakes on Main St., research is being completed because it 's a State road. The complaint was for logging trucks jake braking before 6:00 a.m. coming down the hill towards the Old Graded School. Bill did learn some towns have a no jake brake usage signage, but this needs to be researched through the Department of Transportation. Kimberley said now that Irving is 24 hours she hears the jake braking all night.

D. Bill said this next topic was brought forward by the Fire Chief and has been talked about years ago making Old Main St. on the east end of town a one-way street going in from Route 103. There is still a number of issues to consider before making a recommendation to the Selectmen. The issue is visibility coming onto Route 103 from Old Main. John Leavitt recommended a weight limit. Bill said the other intersections that will be impacted by the one-way needs to be researched. Kimberley asked if a mirror could be put up. Bill said that's another State issue. Bill said he does not have accident statistics for that corner. Martha Mical said the current fire station will be closing and feels this would be a good opportunity to widen the School St. intersection. Bill said it would help, but not the narrowness of School St. up above. Jim asked if the line of site would be improved on Old Main at Route 103 if the vegetation is cut back. Bill said he would need to look into it. Kimberley said when transporting livestock and horses, turning left onto East Main St from the steep narrow end of School St. is not easy or pleasant.

#### **4. Wine Tasting at the Farmers Market**

Bill's position is the wine tasting is up to the Selectmen. If the Board chooses to do so, Bill wouldn't have any objections provided the vendor adheres to all the State laws pertaining to liquor. Martha Mical recommended a trial basis. Kimberley feels a trial is not necessary, if it doesn't go well the Board could revisit the issue.

#### **Board Action**

Selectman Carson made a motion to approve the wine tasting based on the Farmer's Market approval. Chairman Edelmann seconded the motion, the motion passed unanimously.

#### **5. Barn Preservation Easement**

A site visit has been arranged for August 7 at 5:00 pm located at 343 Route 103 East.

#### **6. Mt. Kearsarge Indian Museum - Payment in Lieu of Taxes**

The Museum submitted a Hardship Abatement Application for the Selectmen to consider. Jim said what the Board would want to know is the progress the Museum is having on getting a grant writer, this seems to be the key. Clyde said the Museum does not have a grant writer. The Museum Board just appointed a new Museum Director and will be on board in September. Any grants that would have normally been applied for won't be happening for 2018. Even if the grants were approved the museum would still have a hard time doing the projects. Clyde said with grants and the attendance, the Museum has a hard time doing the projects that need to be done. John said the application cited the lack of a grant writer is effecting the Museums income. Is the Museum going to come to the Selectmen every year? Clyde said they will probably become a non-profit. Martha Mical said the only part of the property that is being taxed is the house the Museum is renting, the rest of the property is exempt. Clyde said the Museum provides a very good benefit for the town, they need to make some capital improvements to keep the Museum attractive and they don't have the resources. John asked if the \$2,400 in taxes is going to pay for those improvements. Clyde said it will help. John said one of his concerns is by statute the Museum is supposed to do an agreement with the town every year about the payment in lieu of taxes and there hasn't been an agreement since 2015. The town abated half the taxes last year and he would like the statute followed moving forward. Martha Mical suggested the Board abate the taxes for 2018 and require an agreement by December 1, 2018, for 2019. John said the statute states November 1.

#### **Board Action**

Selectman Dabuliewicz made a motion to abate the taxes for the year with the condition by November 1, 2018, the town has an agreement per RSA 72:23-KII. Chairman Edelmann seconded the motion. Edelmann - yes, Dabuliewicz - yes, Clyde - abstained because he is a member of the Museum Board. Motion passed. Jim will draft a letter based on the motion.

#### **7. NH DOT - TAP Grant**

Clyde said a letter of intent was submitted for the multi use path from the Village to North Road. The next step is submitting an application. There is required training on August 14 & 15, either Jim or Tim Allen will go, notification needs to be provided by August 3. Also, to help the application Central NH Regional Planning has services, pre-engineering estimates for the project. Clyde said he spoke with Mike Tardiff at CNHRPC to confirm and Mike told Clyde to expect an engineer to be available for the town for about 2 days at no cost to the town. The estimate would add weight to the town's application in terms of getting points for approval. The time frame is August because the application deadline is in September. Jim will attend the training, he also recommended gathering information on the right-of-ways for the engineer. Clyde said a decision needs to be made on which side the of the road the sidewalk will be on, and the type of sidewalk. Kimberley feels the Board would first need the data from the engineer before making a decision on the type of sidewalk. Jim said years ago, Allan Brown did the work on which side of the road could handle a sidewalk and it was determined on the same side as the new fire station. Also, creating a multi-use path instead of a sidewalk gains more points on the application and it voids the towns obligation to keep it cleared all winter long. Martha Mical said she is not in favor of this project, at least do the path so the town doesn't have to maintain it in the winter.

#### **8. #2 Fuel Bids**

Warner, Bradford, and Sutton are included in the bid process for #2 heating fuel. 5 vendors were contacted, the bids received are as follows: Huckleberry ~ \$2.538, Rymes ~ \$2.659, HR Clough ~ \$2.609, Ayer & Goss ~ No response, Vaillancourt ~ No response.

## **Board Action**

Selectman Dabuliewicz made a motion to contract with Huckleberry for \$2,538 for #2 heating fuel. Chairman Edemann seconded the motion. Clyde asked if there is a commitment to a certain number of gallons and Jim said no. The motion passed unanimously.

## **9. Propane**

The town will work towards soliciting bids for propane.

## **10. Town Administrator Report**

Police Department: Ads to fill the open positions for a part time and a full-time police officer are now on the town website.

Dept. of Public Works: Highway crew has 60 more feet of drainage pipe to install at Waterloo and Newmarket Streets. The project should be completed and ready for paving by the end of this week. The water main project to the town hall will be next. All the Hwy vehicles and equipment are fully repaired and in working order. Maintenance and repair of snow plows and related winter equipment have been completed as well. The grader is out daily maintaining the gravel roads after all the rain we have had.

Capital Improvement Program: CIP project forms and schedules for the Board of Selectmen, PD, and DPW have been reviewed and submitted to the Land Use Office. I am waiting for approval of the CIP form for repair and replacement of fire/rescue vehicles that I developed for the Fire Department.

Solar Array RECs: Service contract between the Town of Warner and Revolution Energy Aggregation has been signed. Harmony Energy has been sent the PUC application for RECs eligibility to complete. The completed application, request letter and the interconnection agreement with Eversource will then be submitted to the PUC to complete this process.

Coffin Cellars Winery: Peter Austin of Coffin Cellars Winery called to ask if the Selectmen have decided to support his request to the NH Liquor Commission to provide wine tasting at his booth display at the Warner Farmers Market. Clyde asked if the Farmer's Market weighed in? Jim will call Bob Bowers who runs the Farmer's Market.

## **11. Job & Wage Analysis**

A work session is scheduled for Tuesday, August 1 at 4:00 pm

## **12. Fire Station**

Construction is pretty much on schedule despite the weather.

## **13. Selling Town Parcels**

Jim has 2 letters that are notifications to the owner of 2 properties that are non-conforming, non-buildable lots, the abutters are very interested in the lots. Jim would like the Selectboard to sign the letters that will be sent certified mail. Jim also learned from the Tax Collector back in 2016 the property owner sent a letter to the Board wanting to gift the land, but the letter was never acted upon. Clyde recommended a note to go along with the letter explaining the town did not act on the offer and it was appreciated etc.

## **14. Town Hall Lawn Status**

No new status. Clyde asked why the fountain is not working. Jim wasn't sure why.

## **15. Municipal Records Retention Committee**

A meeting is scheduled for Monday, August 6 at 9:00 am. The Town Clerk asked the Selectboard if they are in support of the Committee looking at the Old Graded School and planning for that to be a records preservation storage area along with offices that go with the records. Kimberley is in favor of the Committee investigating all options and deciding on the best situation and then making a recommendation. Clyde said he knows the EDAC has had talks on how to better utilize the building, they also talked about grants to improve the handicap access to the building. Jim said the Selectman's Office has been approached by someone who wants to start a Preschool as well.

## **16. Nonpublic Sealed Minutes**

Selectman Dabuliewicz made a motion to unseal the minutes as directed by the Town Administrator (no dates provided). Chairman Edemann seconded the motion. Clyde is not in favor. The motion passed 2-1.

Kimberley left the meeting at this time.

### **17. Manifest**

Selectman Dabuliewicz made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 5445-5459 in the amount of \$35,613.56 (including 23 direct deposits) and Accounts Payable check numbers 55310-55334 in the amount of \$156,512.71. Selectman Carson seconded the motion, the motion passed unanimously.

### **18. Consent Agenda**

Selectman Carson made a motion to approve the Consent Agenda for July 31, 2018:

Previously signed by the Board:

1. Intent to Cut for Map 2 Lot 56
2. Heavy Hauling Permit for Henniker Rd.

To be signed:

1. Heavy Hauling Permit for Dummer Road
2. Building Permit for Map 16 Lot 37

Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

### **19. Public Comments**

John Leavitt said at the last Budget Committee meeting it was stated that Selectmen approve all change orders for the new fire station. John asked what meeting was that change order discussed, he couldn't find the discussion in meeting minutes. The Chairman has been authorized by the Board to review and sign the change orders because decisions need to be made quickly. Discussion regarding change orders takes place during the construction site meetings that involve the Chair, the Town Administrator, DPW, Architect, North Branch, and sub-contractor. Clyde suggested more details be provided during the new fire station update in the Selectman's meeting.

### **20. Adjournment**

Motion to adjourn at 7:55 pm

Board of Selectmen  
Kimberley Edelmann – Chairman  
Clyde Carson  
John Dabuliewicz

Recorder of the minutes: Mary Whalen