



Warner Board of Selectmen

Meeting Minutes
Wednesday, October 24, 2018
APPROVED

Chairman Edelman opened the meeting at 6:00 pm

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

Others present: David Scott, Bill Grogan, Melly Dube and Bill Saffian - DOT, Ed Raymond, Natalie Wells, Judy Newman-Rogers, Chris Connors, Lynn & Karl Thulin, Ray Carbone, Nancy Martin, Ken Milender, Chris Beauchemin, Paul d'Entremont, Kristen Riley, Stephanie Monette, Tim Blagden, Elizabeth Hirschfeld, John Leavitt, Martha Mical, Ken Milender, Christopher Spannweitz, Laura Russell

1. NH Department of Transportation

A. Members from the Department of Transportation met with the Board to discuss and receive public comments on the planned bridge replacement on Route 127. Clyde asked if this is a formal public hearing and DOT said no, only if DOT needs to acquire formal landowner rights. This meeting is for information and feedback. Visuals were projected about the project and explained. Nancy Martin suggested to DOT that they reach out to Rebecca Courser for historical information about the area. Clyde asked if DOT could provide a copy of the slides presented this evening and they said they would.

B. Sample slides were shown about the areas that are starting to deteriorate. All environmental issues will be properly mitigated.

C. Comments

- Clyde asked if a multi-use path could be added. DOT said they can't guarantee anything this evening, they are here for in-put and comments. Clyde asked if there is a time frame for the town to weigh in on the project. DOT said that time would be tonight to receive the input. DOT also said the town could also email DOT in the next couple weeks and have another meeting to put all the thoughts together. There will be more meetings about this project.
- Chris Connors introduced herself as the Chair to the Warner River Local Advisory Committee. She said the Committee would be interested in the timeline of the project. DOT said the project is slated for 2021.
- Tim Blagden asked if this section of Route 127 is part of the Currier & Ives Scenic Byway? DOT said yes. Tim said he lobbies for improved pedestrian and bicycle accommodations along the scenic by-way. DOT said this project only addresses the bridge. Tim feels the construction would be the time to accommodate bicycles and pedestrians.
- John Leavitt asked if the sub-structure will be replaced as well. DOT said that has not been determined yet, they are at the very early stages of any engineering work to design the bridge. DOT is at this meeting to receive input then start the engineering process. DOT said there is a 0-9 scale, 9 being the best and the sub-structure is a 6. When it goes down to 4, that's when the bridge is placed on the red list. The deck itself is a 3. John Leavitt also asked what the life expectancy will be. DOT said if we build a new bridge, about 120 years, but there is the possibility a new bridge will not be needed. DOT said the Route 127 bridge is 80 years old and there is a definite need for a new deck, DOT is weighing their options. Will the bridge last another 60 years with a new deck on 80 year old beams, that's why DOT is looking for input to tip the scale one way or another.
- Someone asked what is routine maintenance. DOT said putting crack sealant on the deck every 5 years, wash the structure, year 10 getting the salt off the structure, year 20 up to 60 taking the asphalt off making repairs as needed, every 20 years the beams are painted, year 60 a new deck and then the 60 year cycle starts over again.
- DOT asked if there are safety concerns with the existing structure?
- Martha Mical said it needs a bicycle or pedestrian path on the bridge because of the large amount of bikes that travel that road.

- An abutter to the bridge agreed about the bicycle traffic which is significant and asked DOT to talk a bit about the range of impact to the abutters at the bridge. DOT explained some of the considerations for the abutters to weigh in on.
- Residents talked about tractor trailers not being able to turn left on to Route 127 from Dustin Road heading to Route 103 because there is not enough room. DOT said from their prospective, widening will be needed.
- Tim Blagden said years back both Warner and Hopkinton requested of DOT wider bicycle and pedestrian accommodations on the section of Route 103 leading down from the Exit 7 area into Contoocook. Tim said DOT denied the request. Tim said there is a lot of bicycle traffic in that area. DOT understood, but the project is solely the bridge, not Route 103.
- DOT explained as they look at the options for this project, there are certain standards to meet bicycle and pedestrian standards and that they will try their best to accommodate those standards. DOT will work towards a best fit solution that may not entail all the earmarks they are hearing, but, will do their best. DOT will hold more meetings in the future.
- Someone asked if the abutments will remain in the same place. DOT said that is the plan, but the piers will no longer be there.
- Ed Raymond, Fire Chief for Warner explained to DOT the bridge is a vital route for Webster and Hopkinton that provide mutual aide back and forth. Ed recommended notifying those two towns as well. Ed also explained the tractor trailer trucks turning right on to Route 103 from Route 127 are eventually going to take out the pole on the corner, there are marks on the pole, delineatetors are missing and the granite curb is disappearing. The pole that is being damaged is also a junction pole.
- An abutter called DOT about his concerns for his property and the old mill remains that are on his property. DOT said they will be visiting the property.
- Nancy Martin said she has an esthetic concern, which is to be able to look at the water when driving over.
- An abutter asked DOT how they would accommodate the turn problem for tractor trailers. DOT said they haven't gotten that far yet.
- Tim Blagden said if there was a way to get canoes and kayaks out of the river in that area, it would be a benefit to the community.

D. The traffic controls were discussed, one-way traffic could be maintained or close the bridge completely and detour all traffic. Using the one-way traffic approach the project will take 2 construction seasons to complete. If the bridge is closed the detour on local roads is 8 miles, and on State routes about 45 miles, completed in one construction season. The detour routes were demonstrated. The Town will need to grant permission on portions of the roads in the detour.

E. DOT explained another meeting will be arranged in the spring of 2019, at that meeting the preferred alternative will be presented for another opportunity for input. DOT is looking for input from the Selectmen within about a month about the kind of approach the town wants DOT to take such as is the town happy with the way the bridge is now, does the town want to see the issues with turning, bicycle and pedestrians fixed with a longer detour time or does the town want to see the bridge moved over so there is access during the construction year which will effect abutters significantly. Once the approach is known then DOT will know what direction to go. Someone asked who makes the final decision on the bridge. DOT said it is a consensus decision, they will lean heavily on the Selectman's feedback. The Selectboard asked for 6 weeks instead of a month to provide the needed input, DOT agreed.

F. Kimberley would like a better understanding on replacing the deck versus replacing the bridge. She said a photo of the I-beam looked questionable, will replacing the deck address the I-beam? DOT said deck replacement would take the bridge off the Red List, the I-beams would be addressed with paint, they don't believe the beams need structural repairs because it wasn't indicated in the report.

G. John asked does the final cost of the project figure into whether it will get done or not? DOT said no, because the deck is in such a condition that something must be done. John said in reality it is DOT that makes the decision on what to do. DOT said the decision is made with a consensus.

H. Kimberley told the audience the Selectboard will be meeting again about the bridge and for those interested to check the agenda on the town website. Audience members provided email addresses. Clyde suggested a deadline for receiving written comments in time for the Board to discuss on November 20 and then formulate the Board's response on December 4. DOT and the Selectmen agreed.

2. Conservation Commission

A. Nancy Martin, Conservation Commission Chair, learned the Selectmen have questions regarding the signature pages for the final easement that goes to Ausbon Sargent Land Protection Trust for the Brown Family Frazer Brook Farm Easement. John clarified with Nancy the town will accept the executory interest. The Selectboard signed the signature page notarized by Tim Blagden.

B. Nancy said a parcel of land once owned by Otto Fredricks is for sale as well as several other parcels. Nancy said she emailed the Board a letter dated October 17, 2018 with maps. The Conservation Commission is interested in a 9 acre parcel that is landlocked available only by boat. It connects other parcels the town already owns on either side of it, all sit over the aquifer. The parcel is assessed for \$7,470 and if approved by the Selectmen the funding would come from the Conservation Fund.

Board Action

Selectman Dabuliewicz made a motion to authorize the expenditure of funds from the Conservation Fund to fund this purchase by the Conservation Commission on behalf of the town after the required public hearing is held. Selectman Carson seconded the motion, the motion passed unanimously.

C. Nancy read a letter to the Board from Andy Duncan that owns a large amount of land in the Mink Hills.

Dear Selectboard

With this letter we request that the Board establish a warrant article for Town Meeting 2019. For the discontinuance of the Eliza Sanborn Trace [also known as Sanborn Trace]. Sanborn Trace is a Class VI road that extends northward from Badger Lane another Class VI road in the Mink Hills. A portion of Warner tax map 5, Sanborn Trace is noted as a dead end road that is completely surrounded by Badger conservation land which we own. This land has a conservation easement with a primary interest from the Society for the Protection of NH Forests and a secondary interest from the Town of Warner. As a dead-end road, Sanborn Trace does not go anywhere of note. Around 1910 it was essentially the driveway for the Eliza Sanborn home. Now at the end of this road there is a cellar hole with know one living there for over 80 years. The conservation easement prevents any homes or similar structures from being built further than 1,000' from the Henniker Road. The entirety of Sanborn Trace is well beyond this limit. To call this a road is to elevate its status far beyond its actual condition. This road is actually an impassable wetland for about 400' of its length. When it was built in the 1800's Sanborn Trace was likely above the water level of what was a much smaller water body. Over the years beavers have expanded the shallow pond, now what used to be a road is below the water level of the pond in many places and has up to 18" of water over it. Wetland bushes have grown up to this ecologically sensitive area. The former roadbed is too overgrown for either foot or vehicle travel. As Sanborn Trace climbs uphill away from the pond the pathway resembles an old lane but has not seen vehicle use in over 10 years. In summary, this disused road serves no purpose, it is entirely bound by private land under conservation easement and is underwater for a significant portion of its length. Yet, it is still a Class VI town road and is shown on many maps. We respectfully ask the Town of Warner to officially discontinue Sanborn Trace.

Yours sincerely,

Andrew Duncan and Laurel Horne

Nancy said Sanborn Trace is a sensitive wetlands area with a lot of wildlife. Nancy would like to see the road discontinued (Sanborn Trace) so that eventually the road will be removed from maps and is asking the Selectboard to consider presenting a warrant article in 2019. Chairman Edelman said the Board will take it under advisement. Martha Mical asked if Nancy if she is asking to discontinue Sanborn Trace and revert back to the abutters or is she asking for the road to be just discontinued which really does nothing. Nancy said to revert to the abutter.

D. Nancy said Susanna von Oettingen is asking that the Selectmen discontinue the Class VI portion of Davis Road. Nancy read Susanna's letter.

To the Board of Selectmen:

As a landowner on Davis Road in Warner, I am writing to request that the Board of Selectmen consider discontinuing the Class VI part of Davis Road in Warner. The section in question begins at the intersection of Collins Road and continues south for approximately 0.4 of a mile. (The map included in the letter is on file)

My request stems from the lack of a bridge crossing the stream at the southernmost end of the road, shortly after it becomes a Class VI road. The bridge and stone abutments collapsed over 20 years ago. Despite the lack of a bridge,

vehicles including trucks, jeeps, ATVs and dirt bikes continue to access Collins Road via Davis Road by driving on to private property, illegally crossing the stream, driving a short distance on a snow mobile trail and then regaining Davis Road.

My primary concern is the continued degradation of a Class B stream and the wanton disregard for NH wetlands regulations that prohibit "Driving through wetlands and/or removing vegetation when soils are rutted or the roots of vegetation are disturbed" without a permit (<https://www.des.nh.gov/organization/divisions/water/wetlands/categories/faq.htm>) (See attached photos (on file)). Vehicles periodically get bogged down in the stream, creating significant impacts to the stream substrate and stream banks when these vehicles are pushed or yanked out of the stream. We have observed multiple vehicles including jeeps, ATVs and dirt bikes crossing the stream at the same time, accelerating water quality degradation by increasing the area of stream bank sloughing and sedimentation. The Town of Warner is essentially complicit in allowing vehicular access to private property and wetland degradation by allowing Davis Road to remain open despite the lack of a bridge. Ideally, the Town would replace the bridge if it is important for Davis Road to remain open. If that is not an option, I respectfully request that the Class VI section of Davis Road be discontinued. I welcome a site inspection by the Board of Selectmen so that you can see firsthand the impacts that the illegal vehicle use has on the stream and snowmobile trail. You can reach me at 938- 5203 or the address above if you have any questions or would like to arrange a site visit. Thank you for considering my request.

*Sincerely,
Susanna von Oettingen*

Clyde asked Nancy if any one of these pieces could be potential pilots for Class A trails in the Minks. Nancy said yes but she doesn't know much about Class A trails, she does know they are wide spread in Hopkinton. A Class A trail is owned and maintained by the town. Nancy said the Commission has talked about Class A trails but has yet to identify any for Warner. The Davis Road is a possibility, she could bring that thought back to the landowners. Someone said there is no bridge to Davis Road so people would have to walk through the wetland, so the town would be liable to any damage to the wetland. Martha Mical said another thing that needs to be considered is if the Board closes Davis Road, the town would have to pay restitution to property owners because the town is denying access to properties. Jim said per case law, property owners would still be able to access their property. The Board will take the request under advisement.

3. Warner River Local Advisory Management Committee

Ken Milender, Christopher Spannweitz and Laura Russell completed nomination forms for the Warner Local River Management Advisory Committee. Ken said he brings engineering and natural science background. Christopher has landscape design background and has works with properties along rivers designing in compliance and he is an avid fisherman. Laura owns land on both sides of the Warner River.

Board Action

Selectman Dabuliewz made a motion to recommend Ken Milender, Christopher Spannweitz and Laura Russell for nomination to the Warner River Local Advisory Management Committee. Chairman Edelman seconded the motion, the motion passed unanimously.

4. Energy Committee

Clyde said he is recommending Harry Seidel for Energy Committee membership. Harry moved to Warner from the Sunapee area, he is active on the Zoning Board of Adjustment, and he has an interest in solar and would like to become a member.

Board Action

Selectman Carson make a motion to appoint Harry Seidel to the Energy Committee for a 3-year term. Selectman Dabuliewicz seconded the motion, the motion passed unanimously. Clyde said the Energy Committee talked about doing is starting to establish fixed terms for members for rotation purposes.

5. Economic Development Advisory Committee

Mark Govoni submitted a volunteer interest form for the Economic Development Advisory Committee. Mark has the time and business background to contribute. Clyde said he came to the last EDAC and explained the same interest to the members.

Board Action

Selectman Carson made a motion to appoint Mark Govoni to the Economic Development Advisory Committee for the next open term. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

6. Work Session

The Board will meet on October 30 at 4:00 pm to review Assessing, Tax Collector, Town Clerk, Elections, Finance/Treasurer and Landuse.

7. 2019 BOS/Administration Budget

Jim presented a flat budget for the Board to take home and review for discussion on October 30th. There are items that need to be addressed such as public communications. Clyde asked if money for the website is included. Jim said there is \$5,000 available in the 2018 budget and so far, none has been used and could be encumbered. And \$4,000 was added for the Economic Development Advisory Committee sub-website.

8. Tourism Brochure

A. Clyde also mentioned the need for funding the tourism brochure for the EDAC. The prototype is ready to go and would like to create some brochures for about \$2,000, Clyde will confirm the cost by email. Clyde received an email from the EDAC Chair that read as follows:

The estimated cost from RC Brayshaw is \$1,000 for 1,500 brochures, at first effort I think we should print 5,000 and the cost to the town is \$3,000 or less. Our plan is to have them available for Town Meeting.

B. Kimberley felt 5,000 is a lot for a test run. Clyde explained there is a distribution cost to get the brochures into the system (at the rest areas, etc.) Kimberley said the Board is not prepared to make a decision without seeing the brochure.

9. Town Administrator's Report

Dept. of Public Works: Tim Allen informed me that Tim Hayes, has accepted the position of facilities supervisor/hwy crew and will begin work with the town in 2 weeks. Final top coat of paving has been completed this week at Waterloo Street and the 2007 loader is out for repairs. The power steering pump needs replacing.

Finance /HR Admin Office: The Finance Office has received the draft audit report for the year 2017, which ended on December 31, 2017 from the town's audit firm, Vachon Clukay, and is ready for review by the Selectmen.

Administration: I met with Charlie Albano, Chair of the Economic Development Advisory Committee, on October 11 to discuss an outline of work and timetable for the redesign of the town website by Dimentech. A draft contract for redesigning the town website has been sent to the Board members for their review and revision.

I met with Mr. Turcotte of Ajax Auto Repair for a follow-up inspection of the auto yard and facility on Oct. 11th. Mr. Turcotte had removed 19 unregistered vehicles and 3 more vehicles were leaving the yard by next week. Mr. Turcotte is planning on erecting some fencing in the yard to improve the view from East Sutton Road. Another complaint came to the Selectman's office from a resident on Pumpkin Hill Road of a number of unregistered vehicles on a neighboring property. The property owner has been contacted and a letter will be sent this week.

Building Office: State Energy Code administration has now been transferred from the PUC to the local municipalities per RSA155-A:10-a. A copy of the notice of this change in administration is in your packet.

Town Hall: The restoration of the exterior brick walls on the front and west side of the town hall has been completed. Bricks were replaced as needed and re-grouting was done in all needed areas. Graham Pendlebury, who did the restoration work as well as the brick restoration work at the Pillsbury Free Library, recommended application of an oil-based water sealant for the front of the building and a water-based sealant for the west (driveway) side of the building to protect the bricks. Martha Mical asked if there is any progress on the waterline coming into the Town Hall for the fire suppression system. Jim explained the water line from Main St. up Kearsarge is only 6 inches, 8 inches is needed. The Water District is working towards getting the line replaced and the District and Jim are working on seeking some grant funding to cover part of that cost. Martha said she wants to make sure the money is encumbered for when the project is ready. Jim said the money for the project was built into the Public Works Department budget and it may be difficult to encumber without any invoice or contract in place. The project will need to be budgeted again. There are a lot of variables to line up in order to encumber money for the project, the Water District has to fulfill their end of the project first in order for the town to move forward.

10. Unregistered Vehicles - Adopt Procedure

The written procedure was posted on the website for public comment, no comments were received.

Board Action

Selectman Dabuliewicz made a motion to adopt the procedure for responding to complaints of unregistered junk vehicles. Selectman Carson seconded the motion, the motion passed unanimously.

11. Meeting Date

The next regular Selectman's meeting falls on Election Day, November 6, the Board decided to meet on Wednesday, November 7 beginning at 4:00 pm.

12. Fire Station Status

Kimberley reported there is a tour scheduled for noon time on Saturday, October 27. The project is running on time and within the budget. There was a change order on the way the doors work to a better mechanism, about a \$300 per door cost change. It was found that a vent is needed in one of the walls in the computer room to prevent over heating. A suppression system is needed for over the stove. Ed Mical said the garage door opener was moved for a better set-up as well. Kimberley said there is still \$20,000 in owner contingency, the town has also received some credits. Kimberley also received a phone message from George Pellettieri, he was concerned that the contractors were laying the base layer for the pavement in temperatures too low. Kimberley asked the contractors about the base layer, DOT guidelines specify that it is acceptable. Testing is continuously done on the materials being laid. Clyde said George told him he highly recommends keeping the test results on record. Kimberley said all the test records are available, keeping the records is part of the warranty.

13. Town Parcels

The two parcels that are in-process will be available for sealed bids in November, the 90-day limit ends November 1st as far as informing former owners. Confirmation has been received on the notices. The abutters were notified by regular mail. One abutter came into the Selectman's office saying they never received the letter, it was verified that others did receive the letter. Jim recommends when the properties are ready for sealed bids to notify the abutters by certified mail.

14. Minutes

Selectman Caron made a motion to approve meeting minutes dated September 25 public & non-public, September 26 & 28, October 2 public & non-public, October 3 & 10 and October 17 public & non-public. Selectman Dabuliewicz seconded the motion, the motion passed unanimously.

15. Manifest

Selectman Carson made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 5563-5575 in the amount of \$34,539.28, Accounts Payable check numbers 55606-55649 in the amount of \$324,150.33 and Fire Station Loan Fund Accounts Payable check numbers 118 in the amount of \$374,396.85. The A/P manifest includes a transfer of \$250,000 from the general fund to the Fire Station Construction Fund per passage of warrant article #4 in 2018 Town Meeting. Chairman Edelmann seconded the motion, the motion passed unanimously.

16. Consent Agenda

Selectman Dabuliewicz made a motion to approve the Consent Agenda for October 24, 2018:

1. Intent to Cut for Map 4 Lot 17
2. Building Permit for Map 30 Lot 51
3. Container Permit for Map 36 Lot 001-5
4. Sign Permit for Map 31 Lot 60
5. Application of Current Use for Map 5 Lot 2
6. Veteran's Tax Credit for Map 10 Lot 18-3 & Map 11 Lot 39

Selectman Carson seconded the motion, the motion passed unanimously.

17. Selectman's Other Business

A. Clyde called Merrill Construction and talked with Sue Merrill and mentioned the roundabout silt fences are still in place and there is still a crack that was not repaired. Sue got back to Clyde and said Merrill will take care of the remaining work. Clyde noticed the silt fences are gone but the crack is still there. Clyde will follow-up.

B. Clyde reported the Energy Committee filed the petition to intervene to the Public Utilities Commission docket and will follow-up to make sure the petition is accepted. There is a meeting scheduled with Kearsarge Elderly Housing to talk to them about possibly including them as one of the locations for solar. The Energy Committee is also meeting with the person that sets the tariffs for Eversource to get them engaged a little bit more in terms of the pilot project.

C. Clyde made a policy suggestion regarding the website. He doesn't feel changes should be made to departments without conferring with the Department Head and suggested it be a policy that is followed and made a motion to that affect. Kimberley said the policy needs to be written first then the Board will process the policy the same as all policies. Clyde said he will write the policy.

D. Clyde talked about emails coming into the Selectman's office and the Selectmen not seeing them. He recommends as practice those emails are forwarded to the Selectmen. A solution will be looked at for when the secretary is on vacation as well as the email address to the Selectman's office.

18. Public Comments

A. Chris Beauchemin read the following into the record:

Good evening Ladies and Gentlemen,

Allow me to introduce myself. My name is Chris Beauchemin and I am the current owner of 21 East Main St. As you are aware there is a property dispute between my property and that of 19 East Main St. We know this to be a civil matter and have wished not to involve the town. Therefore we have kept to ourselves and worked with our attorney to try and resolve the situation. Unfortunately, Sandy Bartholomew does not recognize this fact and has strongly requested town involvement. Our discovery of this was made when we appropriately sought a building permit for the demolition and restoration of a farmer's porch on our house. It was brought to our attention at that time how involved the town had become including: the police chief, the fire chief, the town attorney and the town building inspector. All of them had their attention drawn to our home. Not to mention the involvement of the planning, zoning and select board and those elected officials.

What is important for everyone to understand is that what is legally binding in this matter is the deed and title of a property. According to the deed and title sold to us in May 2016 the property, including the parcel in dispute, belongs to us. There are many other facts substantiating this and there are no town records disputing it, despite the accusations that have been made Sandy Bartholomew.

We would also like to clarify that, while it is a private matter between Sandy, Kay and ourselves, we have indeed attempted to work with them to resolve this in a neighborly and cooperative manner. We have documented proof of our efforts starting as early as August 2016 when we discovered the issue and ending with the letter from our attorney August 7, 2018. It is the owners of 19 East Main St that have refused to work with us and instead have threatened us, turning the situation into a legal matter.

We continue to want the town to remain uninvolved. It is not an issue that may be resolved by the planning or select board. It is a civil matter. However, we have serious concerns about the elected town official's ability to remain neutral. We are here this evening to remind you that you are elected officials for all the tax payers of this town and not just for your friends. We appreciate in a small town that friendships are formed but they can't interfere with your elected responsibilities. We are referring to:

Planning Board Meeting September 10th

Peter Anderson, "Can't someone issue a cease and desist to the home owner."

Don Hall, "I want to understand his ulterior motive. Now it appears he is doing construction on the barn. He has a dumpster. If he is proposing to modify the barn to suit his fancy, he best be explaining himself."

Sam Bower requested a building permit to perform work on 19 East Main St and it was granted without exception, despite the fact that his work involved land abutting the area of dispute.

Select Board Meeting September 11th

Clyde asked if there were any conflicts in approving our building permit as it pertained to the land maps with regards to the property dispute between 19 and 21 East Main St. No-one raised this question when Sam Bower made his request and it did involve the land in dispute.

Sam Bower sits on the Zoning Board and has spoken on behalf of the owner of 19 East Main Street at a Planning board and Zoning board meeting. My concern is that Sam Bower has a conflict of interest since he is a partner in Make Grow LLC, which just signed a 5 year lease with the owner of 19 East Main Street. Sam and Make Grow LLC

stand to benefit or lose depending on the out come of this civil dispute. At the September 10th Planning board meeting Sam did not elaborate on the possible implications of the work that needs to be done in close proximity to the property line in dispute.

Select Board Meeting September 25th

Martha Mical is noted to have personally driven Kay's documents to the Merrimack County Registry of Deeds and paid her fees even though she was fully aware that the property had previously been sold.

I expressed my concerns about the living space above 19 East Main St and whether it is a legally approved apartment to the Town Manager since there is no designated off street parking and Kay had submitted a letter to Sissy Brown in 2003 to convert the space to an office/classroom. Is anyone able to clarify this matter for me?

Going forward we would like the Town of Warner to rectify all town maps to accurately reflect the ownership of our property including the parcel in dispute and to have the Merrimack County Registry of Deeds rectified to reflect what was on record at the time of the sale in May 2016.

Thank you for your time,
Chris Beauchemin

Kimberley agreed and has been confirmed by the Town Attorney that this matter is a civil matter. Chris said we are not asking for town help in the matter, but he wants the tax maps to reflect the he owns the property behind Wingdoodle and reflected in the deed.

B. Judy Newman-Rogers wanted the Board to know there was no HR communication with her, she said she received a check in the mail, and she said didn't know what the check was really for. Judy thought she would have been spoken to, to have explained to her how to end her retirement and health insurance and she wasn't. Judy asked if something will be happening as a result of her leaving her position. Kimberley said to Judy she can call the Bookkeeper who can answer her questions. Clyde feels it's incumbent upon the town to lay everything out when one leaves a position. Kimberley said we will find out, this isn't the first time someone has left the town for another position. Judy said signs were put up reflecting the Bookkeeper does HR and asked does that position do the HR, if so then that's the person that should be contacting her. Clyde suggested the information is collected and Jim relay the information to Judy.

19. Chairman Edelman - Opinion

Chairman Edelman read the following into the record:

"Situations Made Known To The Town"

Soon after I was elected to serve as the newest member of Warner's select board, the former Town Clerk handed me an envelope. It was not marked confidential, but I believe she wanted me to treat it as such.

She said previous select boards had failed to address a situation she had made known to the Town, something which was explained within the contents of the envelope. She said she hoped I would look into it and take appropriate action.

The contents of the envelope did not include a note of welcome to my new role. It did not include a cover letter. It only contained internal Town Hall memos from January 2016 and March 2017. There was also a January 2016 email from a former citizen and a February 2016 email from the Town's legal counsel. The original issue referenced in the paperwork was in regard to a release of information which occurred in January of 2015.

As the new selectman, I was given access to the full set of documents regarding the issue. I learned that an investigation was done. I learned what legal advice was given. I read what action was taken. And, from what I could see, the issue was closed. Apparently the select boards (past and current) did not take the action the Town Clerk wanted.

I will say no more on that subject.

"Hostile, Unpleasant and Dysfunctional Environment"

I can speak to this aspect of the Town Clerk's emotive letter of resignation. I have had the pleasure of working in the Warner Town Hall in two different job positions. I temporarily worked as the Land Use Secretary while ours was

on leave. I also filled in as the Selectmen's Secretary when Mary left. By the way, Mary asked for her job back a month later. That is not something you expect people to do when the work environment is horrible.

In my experience, I can honestly say that I found everyone in the Town Hall staff, without exception, to be welcoming, helpful, and always aiming to do a good job serving the Town of Warner and its citizens.

I enjoyed the work experiences so much, I recommended the Warner Town Hall as a potential place of employment to two of my friends. I would never have done that if I thought it was an unpleasant work environment.

People Management

All people managers know that if you have a problem employee, it is critical to document that fact. Documentation will include formal complaints, performance appraisals, performance improvement plans and minutes from employee - manager meetings regarding performance. A manager also insures the employee signs each document.

Our Town Administrator was hired in 2013. He has not had any performance reviews. He has received verbal feedback, both complimentary and in the form of constructive criticism. But no formal appraisals. He has received wage increases and his contract has been renewed.

Town Administrator

As 1 of 3 selectmen on this board, I want to publicly say,

"Thank you, Jim, for the work you do on behalf of the Town of Warner and its citizens. I see the work you do. I'm impressed at the sheer volume and variety of issues and problems you address in your daily work. I appreciate your integrity and your calm management style. And of course, I'm thankful that you keep the selectboard focused on the work we should be doing. Thank you!"

Kimberley Edelmann, October 24, 2018

Clyde agreed the Board needs to address issues that were raised in Judy Newman-Rogers resignation letter, he doesn't think Kimberley's response addresses them. Clyde said it is obvious there is a division about how the Board feels about addressing it. Clyde is not sure this Board can do it without a neutral party looking at.

20. Nonpublic Session

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

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

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, Edelman - Yes

Entered nonpublic session at 9:08 pm.

Other persons present during nonpublic session: None

Description of matters discussed and final decisions made: John explained that he and Clyde in a public meeting told Michele Courser they both agreed to offer Michele a minimum of grade 6 step 6 under the existing wage scale retroactive to the day she started. John is now recommending grade 6 step 7. Clyde said he talked to Michele about getting her some help and Michele relayed to him that she would need some temporary help until the March election. Michele does have someone in mind to help in her office. The Board will also meet with Michele.

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 Selectman Carson. Roll call vote: Carson - Yes, Dabuliewicz - Yes, Edelman - Yes

21. Nonpublic Session Decision

Selectman Dabuliewicz made a motion to set the salary for the Town Clerk at grade 6 step 7, \$23.27 per hour retroactive back to October 15, 2018. Selectman Carson seconded the motion, the passed unanimously.

22. Adjournment

Motion to adjourn at 9:26 pm

Board of Selectmen
Kimberley Edelman – Chairman
Clyde Carson
John Dabuliewicz

Recorder of the minutes: Mary Whalen