

TOWN OF WARNER



Board of Selectmen
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March 2, 2021

Board of Selectmen Approved Meeting Minutes

Tuesday, 6:00pm

No physical location for this meeting; it was conducted via Zoom.

1. PREAMBLE

Read by Chairman Clyde Carson: Good Afternoon, as Chair of the Select Board, I am declaring a state of emergency exists and I am invoking the provisions of RSA 91-A:2, iii (b). Federal, State, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town of Warner government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location. At this time, I welcome members of the public access the meeting remotely. The usual rules of conduct and decorum apply. Please note that all votes at this meeting will be done by roll call.

2. ROLL CALL/ATTENDANCE

Chairman Carson took roll of Select Board members.

ROLL CALL:

Clyde Carson, one other person in residence; Jonathan Lord, alone; Sam Bower, two others in residence

Also present: Rebecca Courser, member of Kearsarge Justice Alliance; Sherry Gould; Emily Karmen; Andrew Bullock, Director of the Kearsarge Indian Museum; David Karrick; Abigail Strauss; Lynn Clark, Executive Director of the Warner Historical Society; Diane Ricciardelli, Town Administrator; Judith Newman-Rogers, Administrative Assistant to the Board of Selectmen

3. APPOINTMENTS:

Barn Preservation for Nick and Katherine Clark – 278 Kearsarge Mountain Road

Chair Carson said the Clark's requested at a previous meeting, for their barn to be considered for a Discretionary Preservation Easement. The Selectmen went to tour the barn the following week. RSA 79d was read, which describes the reason why agricultural structures may be preserved. Chair Carson said the barn needs some TLC but the benefit of the Barn Preservation Easement has to do with less taxation for 10 years to enable the owners to improve the barn. It was noted that there are other barns that have qualified for the easement in the town.

Chair Carson opened the public hearing for public comment on this topic.

Nick Clark said they have had the barn about five years. He was given some good advice from an expert in barn preservation and he has done a lot of work to stabilize the barn. He has jacked up parts

of the barn and put some new sills in on one side, has replaced some flooring, and has a lot more to go. Their hope is to get the barn to last another 100-200 years by improving it. The barn was built in the 1820's.

Rebecca Courser said she supports this project. She hopes that it scores high on the scoring charts by the Selectmen as it has good visibility going up Kearsarge Mountain Road. Nick said that as far as being placed on the historic register, they do qualify as eligible for this designation.

Abigail Strauss thinks this is a great project to support. It is a lot of work but is an extremely important historic structure. Jason Strauss agreed with his wife's comments.

With no further public comment, Chair Carson closed the public hearing portion of this agenda item.

The select board went through the score sheet to determine whether the easement would be granted on the barn, as well as the percentage of reduction of the appraised value for a period of ten years.

The scoring was done taking the following into account:

1. Scenic quality of the structure
2. Public access and participation
3. Historical on the local, regional and/or national level
4. Age of the structure
5. Present purpose of the structure
6. Physical condition of the barn

The three selectmen agreed on the scoring and came to the score of 60. This would result in a reduction of 60% of the assessment of the barn, which would then reduce the taxation on the barn for a period of 10 years. The cost to register the easement is the responsibility of the owner of the barn.

Chair Carson asked if there were any comments from the public. There were no comments.

The Clarks thanked the Selectmen for their time on this endeavor.

It was moved by Sam Bower and seconded by Jonathan Lord to accept the application for the Discretionary Preservation Easement for Nicholas and Kathering Clark, 278 Kearsarge Mountain Road and set the reduction of the barn's assessment at 60% less, based on the score given by the selectmen.

Roll call vote:

Sam Bower: Yes, Jonathan Lord: Yes, Clyde Carson: Yes

The motion passed.

4. Request to Change Columbus Day to Indigenous Peoples Day

Chair Carson said that at the last meeting this was requested by several people. He said that the board wanted to wait for further public comment over the last month before making a change. There were several people at the meeting, he believed, who had a comment on this topic.

Chair Carson opened the floor up to anyone who would like to speak on this topic.

Andy Deegan, Sherry Gould and Rebecca Courser were on the committee to get this topic recognized. It is important to recognize the native citizens of this country and to understand that Columbus did not discover these lands. They feel this is a good time to recognize this. Other states in the United States have made this change already.

Chair Carson asked for all written comments to be submitted to the Selectmen's office.

Sherry said as an Abenaki woman, she has learned that the history is meaningful here and she is in favor of this change.

Andy Deegan added that as the director of the Indian Museum, he is excited to be a part of the community of Warner. Bud and Nancy Thompson, creators of the Indian Museum, always had wonderful things to say about how supportive the town has been. They are excited to help lend a voice to this issue.

Thomas Hogan, Grand Knight of the Knights of Columbus proposed that the Town keeps the observance of Columbus Day and instead of replacing it with Indigenous Peoples Day, add it as its own holiday. The city of Manchester has done this. Columbus Day is to celebrate the greatest naval feat in history and the joining together of the many cultures from around the world.

Lynn Clark said her PhD is on the contact period between native people and European explorers. Columbus' naval feat wasn't that great; people had been fishing off of New England for a long time before he even set sail. She said her grandfather was from Italy and was in the Knights of Columbus and she understands why Columbus was held up as a hero. Italians in this country were treated with prejudice and they looked to Columbus as a hero. That prejudice isn't there anymore; she doesn't need Columbus to be her hero as he wasn't a nice man. She believes that it would be best to acknowledge the people who were here first and in this one small way start to acknowledge the harm that had been done to native peoples since our contact with them.

David Karrick said he has an Italian grandfather who was a Knight of Columbus and came to this country in the 1890's. He and his four daughters faced prejudice until the 1920's. He feels since this is no longer the case, it is time to recognize those who came before them. He would like this celebrated instead of Columbus Day.

Betsy Janeway said Columbus wasn't a good man and his accomplishment wasn't an enormous feat. She has been a trustee of the Indian Museum "forever" and thinks it is appropriate that theirs, one of the best in the country, should be in on this celebration of Indigenous Peoples Day. She is all for it.

Roger Boucher said he is the Chaplain at the college in town and feels there is an inclusive approach by allowing both days to be celebrated. He referenced a study of Columbus that had been done, giving a good background. Both Columbia University, Columbus Ohio, District of Columbia, are named because of the moral vision Columbus had. Columbus is not promoted only by Italian Americans or the Knights of Columbus. Sometimes they need to step outside of their habitual assumptions and look at how people were brought together. There are surely missteps in history. He was in favor of Magdalen College maintaining the holiday as it connects them to the outside world and gives them a vision that other people were inspired with. Christopher Columbus bears a lot of scapegoating these days but he did inspire the Pope 40 years later to issue the forbidding of enslaving natives in America.

Hearing no further comments, Chair Carson closed the public hearing of the meeting.

Jonathan asked if the Town got any emails on this subject. Judy said that they did; a mixed batch of about 10. He asked Chair Carson about this proposal at the State level. Chair Carson said HB:155 proposes a similar proposal as the Knights of Columbus have; holding both days as a celebration. Jonathan said he fielded a lot of calls on this topic. Is it a larger issue than the three of them should make a decision on? Chair Carson said that other towns are taking action on their own. Jonathan thought the people should decide at Town Meeting through a vote.

Sam Bower said he was in favor of the change. Rebecca said it was brought up to the Select Board at Hopkinton. The vote was 4:1 to change Columbus Day to Indigenous Peoples Day. They replaced the day, not added it as a separate holiday. Chair Carson said that he would be comfortable adding Indigenous Peoples Day but keeping Columbus Day. Jonathan thought the people should vote on this. It is too late to bring this as a warrant article to this year's Town Meeting, but they could plan on having it as part of the 2022 Town Meeting. Sam thinks having both days observed is a nice compromise. He thought this discussion was good to have.

Sherry Gould said she thinks the compromise sounds fair; if people are motivated one way or another to propose something at next year's town meeting, so be it.

John Leavitt said he believes this could be brought up on the floor for a vote at this year's Town Meeting, as it doesn't concern money.

Mark Stolarsky, Worthy Chancellor for the Knights of Columbus thought they could come to a compromise observing both days. He thanked everyone for their time.

Judy said that something this important that will affect the town should be discussed in a Town Meeting. It is difficult to get information out to the public about what the selectmen are doing, and having it at a larger meeting where more people will be involved would be helpful. Chair Carson agreed however he thinks that Warner should have an Indigenous Peoples Day.

It was moved by Clyde Carson and seconded by Sam Bower to recognize Indigenous Peoples Day on the second Monday of October as a holiday, and to continue to recognize Columbus Day on October 12.

Roll call vote: Clyde Carson: Yes, Sam Bower: Yes, Jonathan Lord: Abstain

The motion passed 2:1

5. Eversource Easement Request – Brian Emmerson

Chair Carson summarized that Eversource was asking the town for an easement over town property to maintain power lines. He asked Mr. Emmerson about the need and details.

Brian said that Eversource has an initiative to acquire access easements around the state to take the "path of least resistance" to their corridors. Sometimes this involves some significant environmental impacts or obstacles that make it difficult. If they need to cross private or municipal property, they have done this with a verbal agreement in the past. They have decided to get rights of access in some of these difficult locations. Brian shared his screen to show a map of the town area where Eversource would like to cross. These easements are only for crossing, to get from one point to another; they will not have any rights to install any poles or anything of the sort. The land is behind property on Pumpkin Hill Road owned by Mr. Jenna, who Eversource already has an agreement of access with. Eversource would improve the access road just enough to get their equipment and trucks in there if needed.

Tim Allen asked if this was a permanent easement or if it had a time limit. It was noted that this was a permanent easement.

Jason Mutschler wondered if anything had been proposed to the town by anyone else as far as development along the road in the right of way. Chair Carson said not that he is aware.

Sherry Gould asked about the length of time for the right of way. There was an existing right of way at her property that made sense at one time, but not currently due to changes in the property. She thought that it would be best to have the easement be even 75 years, but not permanent. Brian said this could be an option if necessary. In the past they have included some language in the easement

that has an option to relocate the access easement; another location would need to be included which would work with any future development.

Brian said the reason they are looking to get this access is to utilize the bridge at Rex Jenna's property. Normally they would consider accessing from the substation, but because of Willow Brook they are trying to take a path of least resistance.

There were no further comments from the public.

Sam Bower asked if a new owner had the Jenna property, would they have to move the easement? Brian said that the easement goes with the land, not the landowner. Jonathan said he was fine with this proposal.

Chair Carson said this plan works. Brian said if their preference is something with a timeline/end it gives Eversource the rights to use the road but there is an end-date. The selectmen said this would be a good option to look into.

Judy asked Brian if the Town doesn't approve an easement but they do approve a license, is that something different for Eversource, does one have less of a benefit for the Town? Brian said not really. Compensation is minimal with a license as opposed to a permanent easement. Maintenance of the gravel road will be established in the easement language, to be agreed upon by the town and Eversource.

Rebecca Courser said the Jenna's bridge is substantial. If they do a permanent easement on the property and in 60 years down the road, the abutments of the bridge are weakening, who is responsible for the bridge? Brian said that if Eversource does any damage with their equipment, they will repair it. If, over time, the bridge disintegrates, the property owner will pay for repairs.

Chair Carson asked Brian to come up with an alternate document (license instead of an easement) for the selectmen to review.

6. Apryl Blood – Spring Sports Report

Apryl said last year there were no spring sports. She has been working with the youth sports groups and they will be using the "Safer at Home" covid rules and executive orders for use of the park. She thinks they can make it work within the guidelines. There is an adult league they would like to start up, with modifications. Their goal is to keep the community safe.

7. Tim Allen – Posting of the Class V Roads

Tim said he would like to do this on Monday, March 8th. Class V roads are usually posted the end of March, beginning of April.

Tim noted that he is still waiting from three vendors to get costs for signs to report to the Selectmen.

Chair Carson thanked Tim and his crew for the good work they did on the roads this winter.

8. Town Report Update – Diane

Diane said that Judy has been working on the report. It is almost done and will be online in two days and then mailed to everyone.

9. Town Administrator's Report

The Transportation Alternatives Program (TAP) grant is due March 19th. Chair Carson said he believes that if they receive funds, they will likely be well into 2022 to start the engineering.

Diane said that Department of Revenue Administration (DRA) has all their reports and are now asking for reports from their auditors. They also have an audit from NH Retirement which is due very soon. Kelly is working on the final pieces of that audit.

10. Town-Owned Deeded Property – Jonathan Lord

Something should be ready by the next meeting. He is still working with Judy on this.

11. New Business

There was none.

12. Other

Jerry Marsh asked if any of the Selectmen were familiar with the camper problem on North Road. Chair Carson said they are aware of it and are working with their legal counselor. He offered to discuss this further in non-public session following the meeting.

13. Consent Agenda

Previously signed by the Warner Board of Selectmen:

1. Building permits for: Map 3 Lot 066
2. Intents to cut: Map 12 Lot 17-1
3. A request that the Trustees of Trust Funds pay to the town \$14,307.50 from the Record Preservation Capital Reserve Fund to pay Donnegan Systems Inc. half the cost of the shelving project for the records room to lock in the quoted price prior to their planned price increase.
4. Solar Exemption: Map 6 Lot 42.

It was moved by Jonathan Lord and seconded by Sam Bower to approve the Consent Agenda for March 2, 2021, as stated above.

Roll call vote:

Jonathan Lord: Yes, Sam Bower: Yes, Clyde Carson: Yes

The motion passed.

14. Manifest Motion

Motion by Jonathan Lord and seconded by Sam Bower to authorize the Selectmen to approve previously signed manifests and order the Treasurer to sign:

- Payroll check numbers 6628-6640 in the amount of \$41,940.58 (25 direct deposits)
- Accounts Payable check numbers 58412-58479 in the amount of \$565,420.06
- Automatic withdrawal in the amount of \$11,714.42 for payroll taxes.

Roll call vote:

Jonathan Lord: Yes, Sam Bower: Yes, Clyde Carson: Yes

The motion passed.

*****It was noted for correction: On the February 2, 2021 Manifest Motion, Accounts Payable check numbers ended on 58411 not 58403.*

15. Minutes

Chair Carson said they would review the minutes of February 16, 2021 at the next meeting.

16. Non-public Session

- A. Motion by Clyde to go into Non-public session under:
91-A:3 II(c) - matters if discussed in public would likely affect adversely the reputation of any person; this extends to applications for assistance, tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay
- B. Second: ~~Carson~~ / **Lord** / ~~Bower~~
- C. Vote by roll call: Carson Y/N– Lord Y/N Bower Y/N
- D. Motion: **PASSED** / ~~FAILED~~
- E. Enter Non-public session: Time: 8:32 pm
- F. Return to public session: Time: 9:15 pm
- G Motion by Clyde on non-public minutes: Available or **Seal for: One (1) year.**
- H. Second: ~~Carson/Lord~~ / **Bower**
- I. Vote by roll call: Carson Y/N Lord Y/N Bower Y/N
- J. Motion on minutes: **PASSED** / ~~FAILED~~

17. Non-public Session

- A. Motion by Clyde to go into Non-public session under RSA 91-A:3 II(l) Consideration of legal advice provided by legal counsel, either in writing or orally
- B. Second: ~~Carson~~ / **Lord** / ~~Bower~~
- C. Vote by roll call: Carson Y/ N– Lord Y/ N Bower Y/ N
- D. Motion: **PASSED** / ~~FAILED~~
- E. Enter Non-public session: Time: 9:16 pm
- F. Return to public session: Time: 9:45 pm
- G Motion by Clyde on non-public minutes: Available or **Seal for: Five (5) years.**
- H. Second: ~~Carson/Lord~~ / **Bower**
- I. Vote by roll call: Carson Y/ N Lord Y/ N Bower Y/ N
- J. Motion on minutes: **PASSED** / ~~FAILED~~

Meeting Adjourned at 9:50 pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of Warner