



TOWN OF WARNER

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Board of Selectmen
Clyde Carson, Chairman
Sam Bower
Christine Frost
selectboard@warner.nh.us
Diane Ricciardelli,
Town Administrator

September 14, 2021 **BOARD OF SELECTMEN** **Tuesday, 7 pm**
MEETING MINUTES
DRAFT

I. Roll Call / Attendance

Present: Clyde Carson, Selectman Chair, Sam Bower, Selectman, Christine Frost, Selectwoman.

II. A. Department of Transportation, Rehabilitation of bridge carrying Route 103 over I-89 Northbound

Presentation by: Jennifer Reczek, Abby Morgan, Julie Whitmore

No immediate adjacent properties impacted; there are no ariel utilities.

- Concrete bridge deck is in poor condition (rated a 4 out of 9)
- Has been on the Department's State Red List of Deficient Bridges since 2014
- Concrete deterioration on underside of bridge deck, paint failing – rust staining.
- Debris screening installed on underside of bridge deck in 2019 as temporary measure
- Cracking at bridge ends, pavement cracking at deck end, no expansion joints
- Steel girder paint is deteriorated

Scope of bridge rehab.

- Replace concrete bridge deck, membrane and pavement
 - Bridge width will remain the same
- Replace bridge rail and snow screening (3 bar steel)
- Install expansion joint at north abutment
- Rehabilitate concrete abutments
- Clean and paint structural steel and bearings
 - Completely remove & contain existing lead paint
- Minimal impact to NH Rt 103 roadway, approach work to match existing roadway (no work on I 89 Northbound ((NB))

Maintenance of traffic – two options of road closure.

Bridge closure and detour (12 mile)

Two phase construction (preferred), signal controlled one-lane, two way alternating traffic.

Work done in two different construction seasons.

There is a figure eight, 12-mile detour; local traffic might find a different route.

Work to be completed in 2 phases

Phase I.

Maintain one lane of alternating two way traffic on NH Rt 103 and full access to Schoodac Road intersection.

Temporarily restricts access to Warner Cemetery.

Then flip the traffic.

New construction, new deck, new rail.

Maintenance of Traffic on I-89:

During cleaning and painting of steel:

- NB lanes will shift to allow the rapid deployment unit to work under the bridge, while maintaining 1 lane of traffic during daytime
- Takes about 4-6 weeks.

Impact

- All work will be done within the State owned Right Of Way (ROW)
- No Property acquisitions are anticipated
- Southern limits are within the 250 foot Shoreland Protection buffer of the Warner River, therefore, a Shoreland Permit by notification.
- No impact to ariel utilities.

Next Steps and Schedule

Present to NH DOT traffic control committee

Advertise in fall 2022

Construction begins in spring 2023

Bridge construction completed by fall 2023

Bridge painting April 2024 – June 2024

Estimated construction cost is \$1,205,000.

Questions:

Christine: How many red listed bridges exist in Warner?

Jennifer: It is listed on our website.

Christine: Isn't there a Warner River Local Advisory Committee? (WRLAC) Is there advising to them?

Jennifer: We can be sure that everyone is notified.

Sam: There are two bridges in a row. You are working on the North one. How does the Southern bridge look in comparison?

Julie: I believe the deck is at a 5, so has serviceable life. It is not on the red list.

Jennifer: SB 367 funds are funding this. The gas tax is the funding for red listed bridges, more rehabilitation for rural roads, and then paying off the debt for I-93 before it expires. The funding would not be approved for the South Bound (SB) bridge.

Jennifer: The bridge itself is still in good serviceable condition. Concrete and salt don't go well together. A sixty year lifespan is about right for a bridge deck. This is typical of what we see.

Clyde: To summarize: During construction, the on and off ramps will be open, effected is mainly passing across the bridge on the north bound side, the detour is not a main consideration and the work requires going over two seasons.

Open the Public Hearing:

Charlie Albano: I support this. I have biked the entire length of the rail trail, if this is half as nice as that, it is great and provides economic stimulation.

Tim Blagden: There are two red list bridges, the other is on Route 127.

Clyde: Plus any covered bridges are red listed.

No other comments.

Close the Public Hearing:

Jennifer: Is the lower Warner cemetery, (cemetery on the bridge being discussed) maintained by the Town?

Clyde: Yes, it is maintained by the Town. Diane will help coordinate access with the right person.

B. Open Sealed Bids

1. 2006 Ford F-550

2. 1997 Mack RD 690P

Director of Public Works, Tim Allen, provided a brief description of vehicles:

Mr. Albano said Ken Bartholomew, Warner School Board representative, called him regarding child care. He said the Kearsarge Regional School District (KRSD) Superintendent is interested in Bradford and Warner to establish a “James House”, a program located in New London for 3 and 4 year olds who have special learning needs. The Superintendent came to an EDAC meeting that Selectman Bower and Selectwoman Frost also attended. Although happy Warner is looking at the child care issue, the Superintendent was interested in seeing how the Warner Community Center (WCC) evolves as a possible location.

Space under the building where Family Tree Medical is located was considered for James House; 2200-2300 square feet, close to Simonds school, and if there is a child care center, it would be a good place for 3-4 year olds to have access to quality care. The space is available but is it to be determined if it is sound proof enough for the Doctor’s offices above.

Questions:

Christine: My understanding is that the EDAC interest in the child care is an economic interest which means bringing in a “for-profit business”. The James House is only a couple of hours a day, so does not fit the same model. However, those kids could then go back and forth. You (EDAC) are just focused on the economic impact.

Charlie: If we were to have both in Town, it would be a plus for kids and parents. It would be separate.

Clyde: Why does the school district have to go to Bradford? James House is not just for children with special needs, it is for all kids.

Charlie: The Superintendent tries to have full integration of all children. Those who have special needs are paid for by the district. Those who do not have special needs pay for their care. Bradford wanted to build two portable classrooms and put them next to the school.

Clyde: The Superintendent mentioned cost, and the availability of a playground facilities.

Charlie: There was information sent in two documents. One was a North Country study, and basically they reiterate that there is a dire need for child care exacerbated by the pandemic.

Clyde: Perhaps after October 11, we could get an update - either when you hear from the Superintendent or when the results from the survey are returned.

B. Re-approve document from Town Attorney regarding Joint Community Power Agreement

1. Appoint a Liaison from the Select Board to the Community Power Group

Town attorney reviewed the Joint Community Power Agreement and then a change was made. It will be resubmitted to Town counsel but the Town is still good to go.

Christine: We just got this today: #6 on page #14 says, “cost sharing agreement means CNHRPC...will be shared.” When Henry (presented the Community Power Agreement at a previous Board meeting) was here, we asked him that question specifically, and he said that his pay comes out of the proceeds. That is not explicitly said in here. It seems that this language opens us up to the cost, whatever they are. Do we want to be more explicit?

Clyde: Now we do not have a contract for electricity. If the Town wants to do this, we can go through Community Power Coalition to handle our back office functions. For that, they put a fee on top of the electricity. The fee flows back to the people that pay the electric bills.

Clyde: **Motion to authorize the signing of the Joint Community Power Agreement. Sam second. Voice Vote. All in Favor. Motion Passed**

Clyde: There is a group meeting on October 1, 2021. As a signer of the Joint Powers Agreement, the Town can appoint a member. I would like to represent the Town.

Clyde: **Motion to volunteer and nominate myself, Clyde Carson, to be the main representative to the Community Power Coalition, and that George Packard be the second representative for the Town. Sam second. Voice Vote. All in Favor. Motion Passed**

Clyde said he would sign into the zoom meeting on Thursday.

Christine listed the communities involved. Walpole, Warner, Dover, Rye, Exeter, Harrisville, Cheshire County, Nashua, Lebanon. Clyde said Warner is an early founder and there are other communities involved: Plainfield, Enfield, Marlboro, Derry, Durham, and Hollis. He said by grouping with all these communities, the Town can achieve better rates. By aggregating the power from the members in the group, better rates are available than individuals have - for example Market Basket has a different rate due to their large volume.

Tim Blagden: Individual residents can opt in? Clyde replied, "Yes".

V. Town Administrator Report

Town Administrator, Diane Ricciardelli, reported:

- Comet, LLC., received their driveway permit from DOT.

- American Rescue Plan Act (ARPA) Grant Funding:

The costs can be incurred by Dec 31, 2024 and must be expended by December 31, 2026.

Christine: I learned that this is a grant, which is a lot of paperwork.

Clyde: We have a list of ideas from the community, we can sort through what we have for funding, and somewhere down the line decide how we want to allocate those funds within categories. Some of the things we can spend on are cost revenue loss. Other ideas fall into doing things for the Town to offset the impact of COVID 19. One thing we need to prepare the Town for is the next COVID.

Christine: Short of having people come in and build expectations, especially since the list we have so far is pretty significant, if we send out an email to these folks, then we can catalog everything. I think it is a lot of time and energy on people if they came in to a meeting.

Clyde: We have a lot of time for this.

Reverend Jim Wilson, of the United Church of Warner: I was curious about areas where there is not an organization. There is nothing on the list to ensure internet access for people who cannot necessarily afford it. The KRSD gave out 4G routers. The hot spot may or may not work. A hot spot does provide the bandwidth for families with many children. We don't have Warner Connects, how would those needs be addressed?

Christine: You are already on the list, and broadband is a use for funds.

Tim Blagden: Can these be matched against other federal funds?

Clyde: No, they cannot. Next step is to send an email for organizations we have identified.

Christine: Can we compose an email and put them all in one place?

Clyde: Yes, we can.

- Signs on 103 for motorcycles rest area was either removed or will be removed.

- Transportation Alternatives Plan (TAP) Letter read into the minutes.



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

September 1, 2021

Ms Diane Ricciardelli
Town of Warner
P.O. Box 265
Warner NH 03278

Subject: Transportation Alternatives Program Round 4 application

Project Description:

Const. 8' wide multi-use path for 3,750 LF along NH Route 103.

Dear Ms Ricciardelli:

Congratulations, Warner Transportation Alternatives Program (TAP) application #21-06TAP had a ranking of 4 out of 34 and has been recommended to the Governor's Advisory Commission on Intermodal Transportation (GACIT) for funding at their September 1, 2021 meeting. All project recommendations will also be included in the Draft Plan that will be released in September, and through adoption of the Ten Year Plan GACIT, then actions by the Governor and Legislature, TAP recommendations will become final. Final approval is anticipated in June 2022.

Until formally approved, the list of projects recommended for funding may be changed by GACIT, the Governor and/or the Legislature. The Department will begin sending out Municipal Agreements to municipalities awarded funding after the final approval by the NH Legislature in the summer of 2022. Funding for projects that are approved and part of the 2023-2032 State of NH Ten Year Plan will be available starting in October, 2022 (Federal Fiscal Year 2023).

If you have any questions about the TYP process, please don't hesitate to call or email me.

Sincerely,

Thomas E. Jameson, PE
Project Manager
Bureau of Planning and Community Assistance
Tel. (603) 271-3462
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VI. Other Selectmen Business

A. Christine: The Warner Fall Foliage Festival (WFFF) is canceled but there will be a Farmer's Market and a Road Race.

B. Sam: We still need to reappoint members from various committees. I heard from the Warner River Advisory Commission. Perhaps we should put a note out to departments that if terms have lapsed. Clyde asked Judy to look at the list and contact committee chairs if anyone needs to be reappointed.

VII. Public Comments

A. Rebecca Courser: I have a point of clarification for the historical plaques. I put up the stakes but not sure what is the next step to address the signs.

Sam: We looked at this at a previous meeting.

Christine: I was expecting to see a map, or a drawing. But if everyone is good with it (the pictures of the locations for the plaques Rebecca sent), then I am fine with it.

Clyde: When we reviewed the Lafayette plaque, (Town Hall lawn near sidewalk) we were going to relocate that to a new place.

Sam: There is the Black Heritage Trail and the Lafayette. Is it possible that the Lafayette one would move? Or were you thinking of a place holder?

Rebecca: It was closer to the church that Lafayette stopped at.

Christine: Just for clarity, the locations are fine, and they were approved at the last meeting.

Rebecca: When those minutes come out, then I will have the approval.

Clyde: My only concern is that the Town Hall does not become a place for numerous plaques.

Martha Mical. Just so you are aware. We are going to pull out the bushes in a few weeks.

B. Martha Mical: How is our tax rate coming?

Judy Newman-Rogers: The firm (Sansoucy) that assesses the utilities needed more time. Our Assessing Clerk asked and received an extension from the state until October 1, 2021 for the MS-1. (Department of Revenue ((DRA)) Form)

Martha Mical: What that means is that you cannot send out your tax bills as it takes several weeks to get all the information gathered.

VIII. Consent Agenda

Clyde: Motion to Approve the following as read into the record for the September 14, 2021 Select Board Meeting, signed previously or at the meeting:

1. Building Permits For:

Map 25 Lot 034	(2021-60)
Map 18 Lot 038	(2021-59)
Map 15 Lot 059-1	(2021-62 DEMO)
Map 15 Lot 059-1	(2021-62)
Map 10 Lot 067-2	(2021-61-1)
Map 10 Lot 067-2	(2021-61-2)
Map 29 Lot 12	(2021-63 Renew Permit 2019-53)
2. Warrant for the Collection of Gravel Pit Excavation Tax:

Map 07 Lot 060	0 Yards	\$ 0.00
Map 07 Lot 06419	127 Yards	\$382.54
Map 03 Lot 084-10A	1,997 Yards	\$ 39.94
Map 03 Lot 059	274 Yards	<u>\$ 5.48</u>
Total:		\$427.96
3. Notice of Intent to Cut Wood: Map 18 Lot 001
4. Authorization to Transfer Funds in the amount of \$1,188.49 from the American Relief Program Act (ARPA) account for the purchase of an OWL camera for setting up ZOOM meetings.

Sam Second. Voice Vote. All in Favor. Motion Passed.

Clyde suggested that as money is spent out of the ARPA fund account, along with the expense, a folder is kept of all transactions and at the end of October present the first report.

Martha asked if the OWL (Technology for hybrid meetings) can be used.

Clyde: We will be testing it over the next few weeks, and still need to purchase a monitor.

IX. Manifest Motion

None

X. Any Other Business

Before the Board moved into a non-public. Session, Hastings Rigollet said he thought he was on the agenda regarding his neighbor not having access to their property.

Christine: I don't know what you are talking about.

Hastings: I own a piece of property, my neighbor does not have a permit, and is building (renovating) a studio. The neighbors do not have access to the property.

Clyde: I don't think we are going to solve that one tonight. They have used that driveway for decades.

Police Chief Bill Chandler: I talked to Hastings last week; it is not a Police matter. He explained that it has always been an assumption that what is used is a shared access driveway. Hastings was informing me that from Red Chimney Road to the neighbor's property there is no (neighbor owned) driveway. A driveway permit was given, and then aborted for that property. I was under the assumption-all the years I have lived here that it was an access for both places. I explained to Hastings that this is not a Police matter.

Clyde: It is not a Select Board matter either. This is a civil matter between neighbors. They have had access for as long as my kids have been alive. From a building permit perspective, they did have a driveway, I would assume you are sharing a driveway.

Hastings: When the property was subdivided, they used my driveway. They recently blocked access to my house. They just park in the driveway, in front of the studio.

Chief Chandler: Hastings showed me his deed. It would be interesting to see the deed of (the neighbor) to see if there is a shared Right Of Way or an easement. My common sense tells me that Hastings would need to get legal counsel to determine that.

Clyde: (For a building permit) We would have seen a house that has been there forever - it was not new construction. A driveway permit is needed for a new lot. From the building permit perspective, they already have a house number, so they have a driveway, because the driveway comes before the number to the house. This seems to be an issue between neighbors.

Chief Chandler: For your benefit, Hastings, you would need to get an attorney. His deed, your deed, to clarify legally, then your lawyer will advise the Town. I have always assumed it was a shared driveway.

Marie Barrett, member of the audience with Mr. Rigollet: What would help would be the documents. Getting the building permit when it comes in, instead of calling to see if it has come in. Anytime anything is initiated here. Two years we have been waiting to see a floor plan of our neighbor's house.

Hastings: There is a current use issue. They may be out of current use. It was always a pottery studio. It is listed as a residence. A lot of assumptions were made. May I put another house on my property without a building permit?

Judy: The Building Permit has expired and I think a lot of these issues will be addressed if/when the permit is renewed. For right now, it is an invalid permit and the applicant is in violation if they continue to do work.

Marie Barrett; When I try to get out of the driveway, I have to ask someone (the neighbor or workers) to move a car. That is a fact.

Hastings: I was told by the police department it is a safety issue, someone can not block a right of way. They make no attempt to leave the driveway open.

Chief Chandler: I would rather you call us to address that issue than risk words or actions negatively down the road. There is potential to get heated. If they are blocking the driveway Hastings, you can call the police.

Hastings: We don't have good internet connection. This building permit needs to be looked at very closely.

XI Non-Public Session Under RSA 91-A:3 II (e) Legal

A. Carson Motion by to go into Non-public under:

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

1. Second: **Bower**

2. Vote by roll call: **Carson: YES Bower: YES Frost: YES**
3. Motion: **PASSED**
- B.** Enter Non-public session: Time: 8:55 pm
- C.** Return to Public session: Time: 9:24pm
- D. Carson** Motion on Non-public minutes: **Seal Permanently (Legal)**
 1. Second: **Bower**
 2. Vote by roll call: **Carson: YES Bower: YES Frost: YES**
 3. Motion on Minutes: **PASSED**

XII. Non-Public Session Under RSA 91-A:3 II (c) Matters that if discussed in public would likely affect adversely the reputation of any person

A. Carson Motion by to go into Non-public under:

RSA 91-A:3 II (c) - matters if discussed in public would likely affect adversely the reputation of any person; this extends to any application for assistance, tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

1. Second: **Bower**
2. Vote by roll call: **Carson: YES Bower: YES Frost: YES**
3. Motion: **PASSED**
- B.** Enter Non-public session: Time: 9:25 pm
- C.** Return to Public session: Time: 9:36 pm
- D. Bower** Motion on Non-public minutes: **Seal Permanently**
 1. Second: **Carson**
 2. Vote by roll call: **Carson: YES Bower: YES Frost: YES**
 3. Motion on Minutes: **PASSED**

Meeting Adjourned, 9:37 pm.

Respectfully submitted,
Diane Ricciardelli
Edited,
Judy Newman-Rogers