



TOWN OF WARNER

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Board of Selectmen- DRAFT MEETING MINUTES Town Hall- Lower Meeting Room Thursday, February 24, 2022, 7 p.m.

Transportation Alternative Program (TAP) Grant – Information Session

I. Open Meeting/Roll Call

Chairman Clyde Carson opened the meeting at 7:10 p.m. and recognized the presence of the full board: himself, Sam Bower, and Christine Frost.

Also present: James Brown; Steve Hall; Darren Blood; Dave Grey; David Bates; Kimberley Edelman; Town Administrator Diane Ricciardelli; and other residents. (Recording Secretary Ray Carbone worked remotely.)

II. Transportation Alternative Program Matching Grant - Information Session

*Warrant Article 16: Transportation Alternative Program Matching Grant
Shall the Town vote to establish a Transportation Alternative Matching Grant capital reserve fund under the provisions of RSA 35:1 for design engineering in support of Warner's Alternative Program connecting the downtown village district to the Intervale District, and to raise and appropriate the sum of \$95,111 (Ninety-five Thousand one hundred eleven dollars) to be paced in that fund? The Board of Selectmen are agents to expend.
(Not recommended by Budget Committee, 2-5; Recommended by Select Board, 3-0)*

Chairman Clyde Carson opened the meeting by reviewing a set of slides that the Board of Selectmen have prepared for presentation to voters at the annual Town Meeting on March 9. He briefly went through the project's history, noting that in a survey preceding the 2011 Master Plan, "75% of respondents supported the creation of bicycle and pedestrian paths linking the Exit 9 area with Warner Village." The plan for the path has been included in the Town's annual Capital Improvement Plan since 2018, and voters approved setting aside funds to advance the project at both the 2020 and the 2021 annual Town Meetings.

The goal of the federally funded Transportation Alternatives Program (TAP) is to provide choices for non-motorized users that are safe, reliable, and convenient. The program provides 80% / 20% matching grants, with the Town paying the smaller amount. Warner has applied three times for TAP grants regarding this project: in 2016, the application wasn't accepted; in 2018, it was ranked highly, but disqualified for paperwork problems; last year, the application

was ranked first in the Merrimack County region and fourth in the State. The grants are highly competitive, Carson said, but “this time, we’re very likely to get it.”

Warrant Article No. 16 that will be presented to Town Meeting voters for consideration would set up a \$95,111 capital reserve fund that would be used to pay for an design engineering study of the proposed project, Clyde explained. (The Select Board unanimously supports the proposal, but the Budget Committee voted not to recommend it, 2-5)

The State administers the grant so a tentative schedule for the program would call for the Governor and Executive Council to award the TAP grants this fall, and project funding to become available by the end of the year. In 2023, the study would begin, which would include public meetings with residents to hear ideas and concerns; the study would also look at land-related (and access) issues to evaluate which side of W Route 103 would be best for the pathway as well as exactly what kind of pathway would be developed (sidewalk, bike path, combination, width, etc.). Depending on how the study develops, a proposal for doing the work could be presented to Town Meeting voters in either 2023 or 2024.

Clyde stressed that many of the questions that people have raised in the last year, (i.e., which side of the road would the path be on, would utility poles be moved, how trees and right-of-ways (ROW) will be addressed, etc.) cannot be answered until at least after the engineering design study is completed.

The State will match the Town’s design engineering costs up to 80% -- this proposal will put the Town’s share of the cost into Capital Reserve Fund. That money would have to be refunded if the project doesn’t move forward.

Chairman Carson opened the meeting to public comments.

Martha(?) said that she noticed that one of the ranking factors for the TAP grants is related to the number of deaths that might be related to the road, and that the introduction of Select Board’s Capital Improvement Project (CIP) request mentions two tragic deaths of children. She said it was misleading and “horrible” when “everyone in the room” knows that the deaths would not have been prevented if there was some kind of sidewalk or bike path, on the road.

Clyde said that the population of the Town has risen significantly in the last 10 years and that’s reflected in the amount of vehicular transportation on Rte. 103. Martha(?) said that, Warner Water Village Administrator Ray Martin has said that water usage in the district has actually dropped; that means there are less people in residences in the village area, she said.

David Grey asked if the NH Department of Transportation (DOT) will pay for the design engineering work. Chairman Carson said the Town pays for the engineering design work, because the DOT doesn’t do that work; the grant will then pay 80% of those costs.

Grey also noted that a new path would require an increase in costs to the Town related to maintaining the path, i.e., snow plowing, removing leaves, etc. He said those costs are not mentioned in the proposal.

Eric Cincotta asked if the Town has done – or, would do, as part of the engineering design study, if the article is approved – a traffic study and/or a pedestrian study. “I look out my window and I see maybe five people” daily walking in the area that the path would accommodate.

“Who’s actually going to use this,” he asked the Board members. For instance, residents who live in the Couchtown Road are not going to use it. He encouraged the Board to try to find out more regarding exactly who wants the path and who would actually use it. It’s significant because there could be major disruptions for homeowners in the area.

Chairman Carson said that the pathway would not only be for the safety of the walkers/bikers but also for drivers, especially with the increased road traffic. In addition, Carson said it’s impossible to know the number of people who don’t walk from the village to the commercial area because, without a sidewalk, it’s not safe; for instance, parents who won’t allow their children down to the stores or elderly residents concerned about their safety.

Cincotta said the DOT advises against placing a bicycle path adjacent to a two-way road, because it’s actually less safe for bicyclists.

James Brown asked about the survey that’s been used to indicate that 75% of residents support the path proposal. Chairman Carson said it was done several years ago and the response was fairly strong, with well over 200 respondents. But Brown said those votes don’t indicate where those voters currently live.

Steve Hall said that he thought the Town was putting the “cart before the horse,” because, if the warrant article passes, Warner will be asking someone to do an engineering design without knowing exactly what kind of path (size, location, etc.) it could have or wants. Chairman Carson said the purpose of the engineering design study is to research and resolve those issues. Hall said that the issue of utility poles (and possible service interruptions) needs to be taken into consideration.

Darren Blood said that he might be able to answer some of Mr. Hall’s questions. He said that the engineering study would begin by looking at the exact issues that he’s raised, i.e., property lines, ROWs, etc. In addition, alternative approaches to the plans will be vetted through Town Hall, public outreach forums, etc. It’s similar to the way both DOT and municipalities typically do sidewalks, bridges, etc.

Andy Bodnarik asked if the Town has contacted DOT about the existing ROWs on the road. He said that a previous case before the Planning Board revealed that the ROW on Main Street is not a straight line. Chairman Carson said that if the Town has that information, it will be found and utilized; the information may have to be updated.

One resident asked if there is a cap on the grant. Chairman Carson said that there is. He added that the Town has applied for approximately \$1 million. The resident asked if the Town would be responsible for paying the difference if the costs goes beyond the grant award, and Carson said it would. Carson said the Town is continually updating the costs of the project and working cooperatively with the DOT on the estimates.

Dave Grey noted that there was a conceptual drawing submitted with the grant that indicates an 11-foot wide bicycle lane, a five-foot walking trail, etc. In all, the trail could stretch 29 feet out from the center lane. If that happens, he said, the DOT would be plowing snow (and other chemicals) off the road and onto the lawns of property owners – including one that raises sheep that could suffer related harm.

Chairman Carson said that the illustration is just conceptual one done by a member of the Central New Hampshire Planning Commission (CNHPC) in the early stages of project development. "It's not how it's *going* to look," he said.

Selectman Bower said that the proposed engineering design study will provide more answers to the questions that residents are raising. Carson said that the Town wants to have something that will work for everybody.

Another resident noted that an earlier proposal to build a sidewalk was estimated to cost \$800,000 but the idea was set aside because Department of Public Works (DPW) Director Tim Allen said the Town needed to spend \$800,000 simply to repair current sidewalks. In addition, the Town already has debt related to the new Fire Station building, the new Solar Array project, that could be raised by as much as \$1 million for needed work at the Transfer Station. "This Town seems to have a problem with priorities," he said, noting that the Transfer Station problems impact almost everyone in Town. "That should be addressed before the sidewalk is contemplated," he said.

Michael Brown said his family is very much in favor of the sidewalks. He's concerned about his property and the properties of his neighbors, how they're going to be impacted by the project, but we won't have the answers until the engineering design study is completed. Brown said he uses the road daily and sees problems for children and senior citizens. "It's a very dangerous road," he said.

Martha(?) said there are already problems maintaining the Town's sidewalks, and that the project would take out some "sacrosanct" stone walls. She also questioned the idea that there was a significant and particular danger to people in the area. The project would only benefit a relatively smaller part of Town but all the property taxpayers would fund it.

Andy Bodnarik asked why the Budget Committee didn't recommend the warrant article. He also said that he's counted at least 15 utility poles that are close enough to ROW that they will have to be relocated; some will have to be replaced to deal with new fiber optic demands. In addition, he pointed out that the survey that the Board references regularly was done in 2011, more than 10 years ago; the community has changed since then. In conclusion, Bodnarik said that it seemed like the Board has not done sufficient homework about the project before tonight's public meeting.

Chairman Carson said his information is that Public Service of New Hampshire (PSNH) will pay the cost when utility poles have to be moved; several people disputed that claim.

In answer to a question regarding the public support for the projects, Chairman Carson said that when the project was discussed at both the 2020 and the 2021 annual Town Meetings, a large majority of the voters supported it. But several people disputed the idea that a "large majority" of the Town is behind the proposal, at least one noting that the recent pandemic meant that few people attended the last two Town Meetings.

Jim Brown said that he's taken some measurements on the road and his property. If the project were to be constructed as indicated on the illustration, the front door of his West Main Street home would be less than a yard from the road and/or pathway. He also indicated that he was concerned about losing some trees and a portion of his front yard. The house, built in the 1800s, and its foundation could be impacted by the construction project. Brown suggested

that the Town could have done better with the proposal if they had reached out to local homeowners much earlier.

Bower suggested that a trail could be placed in between the road and the utility poles.

David Bates said that some people opposed to a sidewalk/bike trail idea are raising every argument possible, including some that could not co-exist with others. The point of funding the study is to narrow down the options.

Kimberley Edellman, who serves on the Budget Committee, told the group that the Committee didn't support the pathway proposal because this meeting had not yet taken place.

Darren Blood, a civil engineer who has worked as a private consultant with the DOT for many years, said he's not aware of any DOT projects where a utility pole was moved and the State paid for the work; the State has to give utility companies access to the ROWs, so the companies pay for moving poles. (A utility pole by the new Fire Station was not paid by PSNH simply because that building wasn't a State DOT project.)

Jim Brown agreed with Kimberley Brown that the Budget Committee voted against the project at least partly because the public had not had a good chance to comment on it; but some members also felt that the project was "ill-conceived, too expensive" and that other projects were more deserving of attention at this time.

Andy Bodnarik said he still has reservations about whether PSNH will pay for moving the utility poles because this trail is a Town project, not one being done by the DOT. Bodnarik also mentioned that there are issues related to the Rte. 103 ROW because it's not a straight line. There are also land slopes that the project will need to take into account during the design engineering phase.

One resident said that since the trail is not a DOT project, there is some question about eminent domain issues that would likely raise the need to take any property to complete the trail. He also asked whether there is a timeline to the grant and what that is.

Chairman Carson said the Town does have time to do the design engineering work and still come back to the 2023 annual Town Meeting for approval.

Christine Frost suggested that there are likely to be shut-offs by the Warner Village Water District during the construction work for the pathway.

One resident said that the Town should have done a better job of communicating with local property owners who would be impacted by this project before getting to a Town Meeting vote that could decide its future on a single vote.

Another resident said that local homeowners get emotional about something that may have a significant impact on their property. She suggested that the Board of Selectmen move more slowly and do a feasibility study that could look at various aspects about the project before moving forward with the design engineering work. She also thanked the Board and the other citizens for their respectful discussion.

III. Adjourn

At 8:33 p.m., Chairman Carson thanked the residents for attending and participating in the meeting and, without objection, adjourned the meeting.