



TOWN OF WARNER

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Select Board
Sam Bower, Chairman
Lois Shea
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Select Board DRAFT Meeting Minutes Tuesday, 6:30 pm July 5, 2022 Lower Meeting Room Warner Town Hall 5 East Main St

I. 6:30 pm Open the Meeting/Roll Call

Chair Christine Frost opened the meeting at 6:30pm and called roll. Lois Shea Select Board Member, Diane Ricciardelli, Town Administrator, Judy Newman-Rogers, Admin Asst to Select Board

II. Appointments

a. Emergency Management Performance Grant (EMPG) – Emergency Operations Center (EOC), Ed Mical, Select Board's signature

Ed Mical, Emergency Management Director, said last fall he submitted a grant application to homeland security. Due to Covid, it had taken considerable time for the State to review the application. The requested funds are meant to pay to install security equipment at the Emergency Operations Center (EOC), which is located at the Warner fire station. The original amount requested was \$17,000 - \$18,000 but because of increases in prices, the State gave them the opportunity to ask for up to \$22,000. Ed noted that the grant is a 50/50 match, so the Town will need to match the grant. He said that outside of the \$22,000 for equipment, the rest of the funding will come from the regular operating budget for Emergency Management. He had included an amount for the grant in his budget (\$17,000), so anything they get above the \$17,000 will need to come from his budget. Ed said that part of the 50/50 will pay for things like stipends and office supplies.

Christine thanked Ed for all his work on this. Ed said he believes the deadline to use the funds is sometime in 2024.

A motion was made by the Board of Selectmen to accept the terms of the Emergency Management Performance Grant as presented in the amount of \$22,000.00 for the purchase and installation of security equipment that will increase and enhance the current security capabilities at Warner's Emergency Operations Center. Furthermore, the Board acknowledges that the total project costs will be \$44,000.00, in which the town will be responsible for a 50% match (\$22,000) of in-kind services.

The motion was approved unanimously.

b. Red Chimney Road Easement – Status

i. Tim Allen, Director Department of Public Works

Tim said he hasn't heard back from Department of Environmental Services (DES) on how this funding can be used. He said that Department of Environmental Services (DES) had recommended doing away with the rain gardens and making some other alternations. Regardless of this, the particular structure they need to put in for the crossing will need an easement from the landowner so they can maintain whatever they put in.

Tim said part of the concern from the last meeting from DES was a commitment from the Town to do something on that road as nothing had been done with it for a long time. The hot top is so far out of shape and broken and hard to maintain, he would like to reclaim the road; grind it up so the Town can maintain it. They could do this until they figure out what they'll do with the two crossings; one at resident Hasting Rigollet's driveway and the other is up the roadway, 600-700'. The original idea was to have three structures done in five years. Instead, Tim said he agreed to do the first design of the box culvert crossing and get the design work done for the other two so the paperwork would be in place in the event the money became available to do all of the crossings. He feels the crossings need to be done before the road can be worked on. He would like to show the commitment from the town by reclaiming the remaining section of Red Chimney Road. He would like to reshape, re-grade and compact the remaining section. It wouldn't be paved, but would have an asphalt/gravel surface that could be maintained with the grader until they decide what to do with the other two crossings. This would show a commitment that the town wants to make the road a better road.

ii. *Ben Nugent, Fisheries Biologist from NH Fish and Game*

Ben said that there is a habitat important to the brook trout in this area where the culverts are going. A culvert is usually a round pipe but over time creates a restriction, which creates an increased velocity of the movement of water. The trout have trouble jumping up into the culvert to move to other areas for cooler temperatures or to spawn. They have spent the last 13 years looking at the brook trout populations in the Warner River watershed. They have worked with a Master's Student at Plymouth State College to identify where all the culverts are that need to be replaced. They have created two phases to replace them. DES has provided extra funding to help with this initiative. The ARM grant is not always available, but it was for this year. For this area, over a million dollars was requested, and there is only \$250,000 available. The Town won funding from the program for this project.

Tim said that there were some designs for rain gardens that help deal with runoff from the road before it drains into the brook. DES suggested changing the size of these, as they could be smaller, or another option could be implemented to handle the runoff. He has not heard back from DES.

Christine asked what would be lost in the town budget if they were to spend the \$25,000 to reclaim the road. Tim said that only about \$11,000 would be used over what he has budgeted for road work. As far as materials are concerned, it would use some of the materials they have stockpiled. Tim said it has always been his intention to fix that road. If the weather is good, he felt the work could be done in a week. This would help save in maintenance on the road in the wintertime.

David Gray asked what the timing was to pave the road after it was reclaimed. Tim said that if they can do one of the crossings, they can pave from where they stopped paving in 2012, and past about 100' from the first crossing. When the second structure is put in, they will pave up to and past it. This has always been a five-year project in his mind.

David said that he thought the easements should be obtained before the designs are made and paid for. There was discussion about what parts of the road would be paved and "what if" the easements were not granted.

Tim said that there are other options, but it is hard to determine what the next steps would be because he hasn't heard back from DES. He had heard back from the state that the Town of Warner hadn't shown that there was a commitment to upgrading the road. Tim feels that doing this work to the road would show a commitment so the project would move forward.

Christine said that even if they don't get to do the culverts, they will still need to fix Red Chimney Road. There is no loss if the work is done now and they don't end up getting the funding. It has to be done anyway regardless of the culvert replacements.

David said that they don't want the upper pipe to blow out. Christine said that this would all be determined through the engineering that would be done before any work has begun. David asked if the upper pipe helps or not? Ben said that the upper pipe is at grade right now but the issue is the vulnerability. Both culverts are extremely undersized and he wouldn't like to see one of them compromised.

Christine confirmed that this reclamation of the road project is a temporary project until they hear how they can move the grant funding to another part of the project. Sarah Allen said there are three culverts, and the most restricted one is on East Joppa Road, and it doesn't sound like it will be touched until last. Tim said he agreed; he is trying to concentrate on Red Chimney Road first. The other part of the equation is that these crossings are all in the town's Hazardous Mitigation Plan as well. The crossings have been looked at in the past by Emergency Management to have a plan to replace them so that they don't have to have roads washed out. This is another reason why they should address the two on Red Chimney, as well as the one on East Joppa Road.

Christine said that Tim does not need the approval of the Board of Selectmen, as it is his budget he is working within.

It was noted that if the town wasn't seen as being "on track" the State may decide not to provide funding to the town. Christine said she didn't think it was necessarily a direct negative, but these grants are highly competitive. If they don't show that they ready for a project to go, they are less likely to be considered for funding.

Christine said that if any residents along Red Chimney Road have any questions, to contact Diane and they would be addressed as best as possible.

III. Old Business

a. Auction of Town Owned Properties - Status

Christine had a list of properties that had sold. None of the properties have closed yet but there were bids for three properties. She felt that the process worked well and that the auctioneers did a great job. Diane said there wouldn't be any closing costs because they are doing all the paperwork themselves.

IV. New Business

a. Kearsarge Mtn Indian Museum Raffle Request

Christine said that this has been done for several years in the past and their permit has recently expired.

It was move by Christine Frost and seconded by Lois Shea to approve the request for the raffle permit for the Kearsarge Mtn Indian Museum. The motion was approved unanimously.

b. CORRECTIVE – ABATEMENT NOTICE, Map and Lot: ON-03-024-5CC in the amount of: \$46.44.

It was moved by Christine Frost and seconded by Lois Shea to approve the corrective abatement notice of \$46.44 for Map and Lot ON-03-024-5CC. The motion was approved unanimously.

- c. **CORRECTIVE – ABATEMENT NOTICE, Map and Lot: ON-03-024-PLE in the amount of: \$36.84**
It was moved by Christine Frost and seconded by Lois Shea to approve the corrective abatement notice of \$36.84 for Map and Lot: ON-03-024-PLE. The motion was approved unanimously.

V. Public Comment

John Leavitt said it was his understanding that the Town cannot make money on the auctions. They can only recover back taxes. Christine said that was her understanding as well. She thinks they accomplished this on one of the properties. The other two, what was owed was less than what they were sold for. However, they will be sold and go back on the tax rolls.

Dan Emmanuel lives on Newmarket Road. He would like to start a discussion on Zoning Ordinances and permissibility of Air B&Bs as well as a discussion on the current use of the Ordway House, which is across the street from him on Waterloo. Its current use is an Air B&B. He is trying to find out if Town ordinances are permissible in nature. It seemed to him that they were. He understood that a use could be approved with a special exception. He wanted confirmation that the process was to apply for this kind of approval. He wanted to know if the owners on Watetrloo had requested and obtained a special exception for their property to be used as an Air B&B. He wants to get along and be good neighbors but at the same time wants to protect his home and neighborhood property values. He has read what is being advertised for this house – feels the way it is being used is a little questionable, such as the fact that it sleeps 11 people.

Christine thanked Mr. Emmanuel for coming to the board. She said that talking about special exceptions would be under the purview of the Planning Board. There are five Air B&Bs in Warner. There is state legislation currently about Air B&Bs and she wasn't sure where it was in the process. She felt that the conversation needs to be had in a holistic way, not house by house. She understood that there was a housing committee that has been created to discuss housing, so perhaps they could look into this. Her understanding is that the town does not regulate Air B&Bs. Inns are different from Air B&B, because an Inn is seen as a business. She wasn't sure there was any information they could provide that evening, other than to help make a connection with Mr. Emmanuel and the Planning Board. Mr. Emmanuel said there has been some decisions made already at the Supreme Court level with regards to Air B&Bs. It is now up to the Town's regulations to determine what is permissible in each zone. He said he has talked with the Zoning and Planning Board who have both steered him towards the Board of Selectmen.

Christine said that this is an issue that needs to be fleshed out; there was no decision they could make at this point in time. She was unaware of what the process was to allow this kind of thing. Mr. Emmanuel asked which of the boards he could go to in order to find answers. Christine said that there needs to be a conversation with the new housing committee chair on what kind of resolution they would make. There is no place for him to go at the moment; there is no action for the Zoning Board to act on. This would be perceived as a complaint that there is no purview. He was correct to come to the Board of Selectmen to start the discussion. Christine said she appreciated Mr. Emmanuel's position but there is not a good process at this point in the town of Warner. She apologized and said that clearly, this needs to be on their plate to help them determine how to move forward. A warrant article would likely need to come forward from the Planning Board to come before Town Meeting to change the ordinance. This is a whole process that has to happen before anything can be implemented.

Christine said she would report to everyone at the next meeting about where the State sits on this issue. She offered her husband's phone number to Mr. Emmanuel, as he is the Chair of the Planning Board and is a lawyer who is familiar with what is going on at the state level. She appreciated a citizen coming to the Select Board to get these kinds of issues brought to light so that discussions can begin.

VI. Select Board Other Business

Christine wondered if someone could be on the Zoning Board and the Planning Board. She said she checked with her husband who said it would be fine as long as they recuse themselves from topic discussions/votes that may pose a conflict. Christine asked Judy to contact this individual who volunteered and see which board she would prefer to be on.

VII. Administrator's Report

Diane said that one of their police officers hit a bear with a cruiser. The officer is fine but the cruiser would cost around \$1,500 to repair. Town deductible is \$1,000. The bear was OK. – it ran off into the woods. Another estimate is coming in for the repairs.

August 6th is the annual road race of the Kearsarge Classic. It has happened for the past three years or so and the organizer has already made contact with the police and Café 1 East. Church Street would be closed to vehicular traffic. They take care of signage, etc. and have a certificate of insurance.

A final visit was made by the Department of Labor. They just need to come back once and she thanked the faculty and staff for their hard work. They approved the safety manual and the audit in one month.

Tim Blagden of Concord/Lake Sunapee Rail Trail applied for grant funds. He is asking to present to the board on August 30th and for Diane to be a signer on the project. DOT will insist that the town sign off on this as well. She had copies prepared electronically of the grant that would be put on the website and sent to the board. Tim is asking for an easement on a piece of property the town owns to access the rail trail.

The Boys and Girls Club lease at the Warner Community Center is ready and is with Chris Edmond's attorney. If it is approved, they will have a signed lease.

The employee reviews are going well. They are being done currently and will be finished at the end of the week.

Budget: Town is at the half way mark of the year and is at 40% of total budgets spent. The first budget meeting would be on July 15th.

They had a very successful transition to MRI – financial software. Payroll is being run in tandem and AP is transitioned. They are working with MRI on the budget modules.

The phone situation is being revisited and two companies are being compared.

When asked, Diane said it is on her radar to get all the locks changed for Town owned buildings.

VIII. Consent Agenda

Motion to Approve as signed by the Warner Select Board:

Request to the Trustees of Trust Funds to pay to the Town of Warner from the Transfer Station Equipment Capital Reserve Fund: \$10,650.00 for payment to East Coast Container.

It was moved by Christine Frost and seconded by Lois Shea to move funds in the amount of \$10,650 from the Transfer Station Capital Equipment Reserve Fund to East Coast Container. The motion was approved unanimously.

IX. Manifest

It was moved by Christine Frost and seconded by Lois Shea to authorize the Select Board to approve manifest and order the treasure to sign:

Accounts payable checks 6140 and 36148, dated 6/14/22 in the amount of \$66,132.45.

Payroll checks #7210-7242 dated 6/30/22 with a net check and net deposit of \$61,492.37.

The motion was approved unanimously.

X. Meeting Minutes: 5/10, 5/12, 5/24

The minutes were not reviewed at this meeting. They would be reviewed at the next meeting.

XI. Adjourn The meeting adjourned at 8:08pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of Warner