



# TOWN OF WARNER

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## Select Board Meeting DRAFT Minutes

**Tuesday, 6:00 pm, October 11, 2022 Main Hall, Warner Town Hall, 5 E Main St**

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### I. 6:00 pm - Open the Meeting/Roll Call

6:00 pm Select Board Chair Sam Bower Opened the meeting

**Present:** Select Board Chair Sam Bower, Select Person Christine Frost, Select Person Lois Shea.

**Also present:** Town Administrator Diane Ricciardelli, Director of Public Works Tim Allen;

Kimberly Edelmann-Brown; Andy Bodnarik; Chris Beauchemin; Nancy Martin; Eric Cincotta; Mike\_Brown; Faith Minton; Wendy Hall; Ken Cogswell; Tim Blagden; Carol Zablocki; Jiselle Bogardus; Adam Sandahl of CMA Engineering in Portsmouth; Supervisor of the Checklist Christine Perkins; Assessing Clerk Elizabeth Labbe; Finance Director Clyde Carson; Land Use Administrator Janice Loz; Tax Collector Marianne Howlett; Town Clerk Michelle Courser; Martha Mical; Martha Bodnarik; John McGilvery; Angela Spinney; Dan Watts; David Gray; Select Board Administrative Assistant Judith Newman-Rogers; and Recording Secretary Ray Carbone.

Chair Bower opened the meeting by thanking volunteers and public safety officers who helped make the Warner Fall Foliage Festival (WFFF) a success this past weekend.

### II. **First Public Hearing:** To accept Unanticipated Funds Allocated to Warner for Highway Block Grant, \$110,333.45 and Bridge Aid, \$169,577.00.

#### a. **Open Public Hearing**

#### b. **Presenting: Tim Allen, Dept. of Public Works (DPW) Director**

Chair Bower opened the public hearing. He said that Tim Allen, Director of the Department of Public Works (DPW), was unable to attend.

Chair Bower said this hearing concerned unanticipated funds that have become available to the Town though the State's Highway Block Grant in the amount of \$110,333.45 for roads and \$169,577.00 for bridges.

Frost noted that accepting these funds, which are American Rescue Plan Act (APRA) funds, are available statewide; every municipality in New Hampshire is receiving some of these funds. If the Board votes to accept the funds tonight, there is no commitment regarding how the money will be spent; however, they cannot be spent on projects that are already in the planning or construction/design stage, Frost added.

#### c. **Open for Public Comment**

Chair Bower opened the hearing for public comment.

Andy Bodnarik asked the Board how long the Town had to spend the funds.

Chair Bower said that previous ARPA funds have had a five-year spending window, and he expected this would be the same. Town Administrator Ricciardelli said she would send Bodnarik an email addressing his timing question. Kimberley Edelman-Brown, who serves as a Trustee of the Town's Trust Funds, said the funds must be spent by the end of 2023. Select Board Administrator Judith Newman-Rogers said she would verify that information.

**d. Close Public Comment**

Asking for but seeing no other public to speak, Chair Bower closed the public comment.

**e. Select Board Discussion – Motion to Approve / Deny / Amend**

**f. Vote on the Motion – Pass/Fail**

Chair Bower made a motion to accept the block grant funds for \$110,333.45 for roads and \$169,577.00 bridges. Shea seconded. ROLL CALL: Bower, yes; Frost, yes; Shea, yes. The motion passed unanimously.

**g. Close Public Hearing**

Chair Bower closed the hearing.

**III. Second Public Hearing: To discuss and hear public input for a pathway to the Intervale District.**

**a. Open the Public Hearing**

**b. Open for Public Comment**

Chair Bower opened the public hearing. He noted many of the residents in attendance were notified by mail about this hearing; they own properties that are adjacent to the originally proposed multi-use path along Rte. 103/West Main Street. The Board wants all residents to have an opportunity to discuss the proposed project.

Chair Bower said the Town's application for a Transportation Alternative Program (TAP) grant has been accepted by the NH Department of Transportation (DOT) and there is upwards of \$800,000 in funding the Town may receive. In the 2021 and 2020 annual Town Meetings, voters approved setting aside \$20,000 for engineering costs regarding the project, which would link the downtown village area to the "Interval" district, i.e. the commercial area adjacent to Interstate 89's exit 9. He noted the recent Warner Fall Foliage Festival (WFFF) revealed the amount of pedestrian traffic the annual event brings to this stretch of roadway; in addition, the proposed Workforce Housing project for the Interval district would increase that traffic.

Frost reviewed the funding of the project (currently identified in official Town/State paperwork as a "multiuse trail," although it's commonly been called around Town a "sidewalk"); she noted the TAP money is a federal program administered by the NH DOT and it is a matching grant, i.e., the Town will have to commit \$200,000 to the project to be eligible to receive the \$800,000 TAP grant.

Frost also said that by looking at this issue again – after it was opposed at the 2022 Town Meeting – the Board is not indicating that it plans to move forward with the project as currently proposed, or at all. She said the Board wants to get input from all parts of the community to evaluate the idea of creating some kind of pathway linking the Interval and downtown village areas. If a warrant article is presented at the 2023 annual Town Meeting, the engineering parameters will be clearly delineated for voters before the vote, she said.

Shea read back to the meeting the portion of the 2022 annual Town Meeting minutes related to project. At that meeting, the original warrant article proposed establishing a TAP Capital Reserve Fund (CRF) for the *"design engineering in support of Warner's Transportation Alternative Program connecting the downtown village district to the Interval District and to raised and appropriate the sum of \$95,111 to be placed in the fund."*

There was a motion to lower the amount to \$5,000 with the added provision of establishing a committee that would study “the feasibility and impacts” of such a pathway, with at least 50% of the members being property owners along the impacted portion of Rte. 103 W. Both the amended article and the original article failed. Chair Bower reminded the group that at both the 2020 and 2021 Town Meetings, voters approved warrant articles that set up a fund and put a total of \$20,000 aside for engineering this project, (i.e., \$10,000 each year).

### **c. Open for Public Comment**

Chair Bower opened the Public Comment portion of the hearing.

Martha Bodnarik said voters indicated at last year’s Town Meeting they “don’t want to spend one more penny on this project.” She said the initial application to the DOT indicated there were at least two traffic fatalities related to the lack of a pathway, but that was untrue.

One resident asked if the Board intended to vote on the specifics of this project at tonight’s meeting, i.e., what kind of “multiuse” path would be created and where it would be located.

Frost said no, the Board wants to hear what people think about the idea of some kind of pathway link between the two areas of Town.

Clyde Carson, a member of the Energy Committee proposed the project, explained that if the Town were to move ahead with an engineering study as recommended by the Committee, the cost would be approximately \$95,000. That means that if the Town later decided not to use any of the study’s findings, it would have to pay that cost without any aid from the TAP grant.

One resident asked why the Town is considering “adding more infrastructure when we can’t maintain what we have now?”

Chair Bower admitted not all the sidewalks are in perfect shape but added the DPW does a “good job” to keep them passable. In addition, a new sidewalk plow the Town has purchased should make the job easier in the future.

Jim Brown said it’s inaccurate to say the sidewalks are maintained. Both he and his wife have fallen on ice-over areas on them, he said.

Tim Blagden, who is in favor of some kind of pathway, said building a wider trail (which could accommodate both walkers and bicyclists) could possibly be plowed with a pickup truck.

Another resident asked if there “has ever been a feasibility study” on this proposed project. “You’re taking about spending \$200,000 to get \$800,000 with no idea if it’s going to work,” he told the Select Board.

Frost responded that that is exactly the kind of question the Board should consider and suggested the Central New Hampshire Regional Planning Commission (CNHRPC) - which the Town belongs to - might be helpful in identifying the central issues to the proposed pathway.

Chris Beauchemin said he lives on Main Street and has two children. One has friends on the other side of Town, and regularly has to walk on sidewalks that are overgrown with vegetation and otherwise poorly maintained. Sometimes cars are parked on the sidewalks and she has to walk out on the street to get by. “If a child should get hit (by a vehicle driver), I would think the Town would be at a huge liability,” he told the Board.

Blagden agreed, saying he and his youngsters ride their bikes down to Market Basket together. “We have a need for a safer means of transportation,” he said.

Christine Perkins asked if any consideration had been given to somehow improving the Town's portion of the Concord-Lake Sunapee Rail Trail, which could then be used to connect the Interval and village areas.

Frost agreed that was an option worth looking at, even if there's only a slim chance the TAP grant money could be used for such a project. "We won't know unless we do some investigation," she added.

Andy Bodnarik said the problem with this project from the state is that it's a classic case of "putting the cart before the horse." He said a Sidewalk Committee should have been set up to look at the problem from the beginning, rather than allowing the Energy Committee to take the lead. "There are plenty of engineers in this Town," he said, who would have been able to assist such a group, he added.

Mr. Bodnarik also criticized the lack of any kind of Feasibility Study, saying that without that, the Town has to go forward with the TAP application as already approved by the DOT, which defines the pathway along Rte. 103 W. Finally, Bodnarik said hearing concerns about sidewalk maintenance could indicate the DPW should look at personal issues.

Chair Bower said the chief concerns he is hearing from this meeting are: (1) having a maintenance plan for a new pathway; (2) doing a feasibility study about the project; and, (3) ongoing sidewalk maintenance by the DPW. (The latter may be somewhat resolved when the new DPW equipment is available for plowing this winter.)

Mike Brown, who lives on W Main Street, said it is important for the Town to have this conversation. He said he would not support any plan that would be intrusive to the property rights of others along Main Street. Brown said that, even though poorly maintained sidewalks are better than no sidewalks, it's still dangerous for pedestrians when vehicles are speeding well above the posted speed limit on W Main Street.

The Town's primary obligation is to provide for the safety of the citizens and that may involve some kind of pathway link between the village and the commercial area but he didn't see any consensus about the issue at this time. "We're not there yet," he said, adding that he favors moving ahead with further research and discussion.

Administrator Ricciardelli asked the Board if it wanted to hear some of the remarks submitted by people attending the meeting remotely, via the Zoom chat function. Chair Bower asked her to read them.

- Two people posted they would more likely support a pathway that ran along the Rail Trail than one alongside W Main.
- Faith Minton wrote that she supports a feasibility study that could look at options for linking the two areas of Town.
- Steve Bridgewater wrote that a feasibility study should precede any proposed engineering study.
- A "show of hands" poll indicated that at least six of the 14 online participants are in favor of exploring some kind of pathway connection between the village and commercial area.
- Janice Loz said she is glad the Board is having this discussion because she still has a lot of questions about the whole idea. "We have a long way to go," she said.
- Kimberly Brown-Edelmann agreed the discussion is important and suggested property owners along W Main Street have a "seat the table." She also said the idea that the annual Town Meeting shouldn't vote on an issue more than once is faulty. She noted that the solar array project was voted down at one meeting before it was approved at a later one.
- Eric Cincotta said there's a real problem about drivers speeding and crossing the yellow line on the section of W Main Street being discussed. "Without some kind of (law) enforcement of the speed limit," he said, there will continue to be problems on the road. He suggested that law enforcement is lax in the area. In fact, sidewalks could actually exacerbate the safety problem.

Andy Bodnarik said the Town has bicycle safety issues as well. "If you build a multi-use path, you're going to have conflicts between walkers and bikers," he added.

Mike Brown asked the Board about the timing of the grant. Before the 2022 Town Meeting, he understood there was a tight timeline for the funding.

Administrator Ricciardelli said the Town does not have a specific deadline date at this time but she noted that it has received an extension on its grant application.

Frost said, from her experience, it is hard to set a specific deadline for this kind of project's tentative federal funding. It is more of an issue of how high up on the list of priorities the Town's project is. She explained: Right now, Warner's project is high on the list, so if the Town were able to come up with an acceptable plan, the TAP funding would likely be available. Whenever there's a delay, there's the possibility that Warner's application could be passed over for the next one on the list. "You don't know every year," she said, how much funding is going to become available for that year. The availability of funds is related to the readiness of TAP grant projects around the State.

Tim Blagden, who works with the Concord-Lake Sunapee Rail Trail, added it is not uncommon for small towns like Warner to need extra time to get a TAP grant project proposal ready.

One resident said she is concerned about the Town spending money it doesn't have. She said the Kearsarge Regional School District is preparing to seek funding for a special program, and the Town's property tax rate still hasn't been set.

Blagden said the Town has long expressed support for making Warner a more "walkable" community and that goal is part of the Master Plan. And he said that it is very difficult to get the speed limit on any State highway lower than the 30 mph that is currently posted on that section of W Main Street.

A general discussion led the Board to conclude that it should continue this hearing to allow for more research and more participation.

#### **d. Close Public Comment**

After some discussion, the Board decided to continue this hearing until Tuesday, Nov. 1, at 6 p.m.

### **IV. Appointments: Department Proposals for 2023 Operating Budgets**

#### **a. Assessing**

Assessing Clerk Elizabeth Labbe talked with the Board about her proposed operating budget for 2023. She said the initial bid for digitizing the Town's property tax maps would include an initial cost and then approximately \$3,000 annually to maintain the process; she said the company she has spoken with is widely used around New Hampshire and is recommended by the Town Assessor. However, other companies can be invited to submit bids.

Frost asked why Warner's accessing information (maps, etc.) are inaccessible online, when most of the other towns in the region appear to allow that.

Town Administrator Ricciardelli said she wasn't sure, but apparently when the idea was first proposed some years ago there were some concerns about anyone being able to see the layouts of private residences online.

After some additional discussion, Frost voiced her support for initiating a system like those used in other nearby communities.

Tim Blagden, who works with Concord-Lake Sunapee Rail Trail, said he regularly must look up this type of information and doing it in Warner is much more cumbersome than in any other local town. "It holds the Town back from economic development," he said.

Chair Bower suggested Labbe get together with Land Use Administrator as well as with the Tax Collector and anyone else on the Town Hall staff that may be helpful, to come up with a proposal to move forward with Frost's suggestion. Kimberly Edelmann-Brown said she is the Assistant Assessing Clerk for the Town of Salisbury and she invited Warner Town Hall employees working on the project to visit her office. Labbe thanked her.

**i. Land Use**

Land Use Administrator Janice Loz presented her proposed operating budget for 2023 to the Board. She noted some changes, such as increasing wages by roughly \$5,000 due to increased meetings; the Planning Board now meets twice a month, rather than once, and the Zoning Board of Adjustment (ZBA) is also very busy. At the same time, the proposed budget includes a decrease in the payments made to the contract professional circuit rider; she has moved those savings to the wages budget line.

Another change is an increase of \$3,000 in legal expenses. The rest of the budget has only minor changes.

**ii. Town Clerk**

Town Clerk Michelle Courser presented her department's proposed operating budget for 2023. She pointed out that computer software support costs have gone up as well as some membership fees. Other changes were standard.

**iii. Elections**

Supervisor of the Checklist Christine Perkins began by complimenting the Board members for maintaining decorum during the second public hearing at this meeting.

She said next year's Elections budget only involves the annual Town Meeting and one election. "We're getting ready for 2024," which will involve a presidential election, she said. That will likely include some new voting booths. "We have to have one booth for every 100 voters," she explained, adding that some of the current booths are in rough shape, being held together only with duct tape. Perkins also noted that some communities are having a difficult time holding onto poll workers because of an increase in the count-by-hand process.

**iv. Tax Collector**

Tax Collector Marianne Howlett presented her department's proposed operating budget for 2023. She said projected wages are the same and the computer expenses are strictly for support services. Chairman Bower thanked Howlett for her work. "Great job," he said.

**v. Finance**

Finance Director Clyde Carson said his department is still changing over to its new financial system, but things are going smoothly. Town Administrator Ricciardelli said the new software is "just amazing" for accomplishing tasks that were previously very time-consuming. Carson said most of the regular functions are now on the new system, but he wants to see the bank reconciliations "get clean" before he's completely assured.

**vi. Parks & Recreations**

Town Administrator Ricciardelli said Apryl Blood, president and treasurer of the Parks & Recs Commission, was unable to attend tonight's meeting, but the 2023 proposed budget was available. Ricciardelli said the budget represented a 4.4% increase over the previous year.

Frost asked why some of the expenditures were not included in the DPW budget since that is where they appeared to be most appropriately credited. Ricciardelli said this is simply the way the Budget Committee prefers the information.

The Board noted how thorough Blood's work has been for the commission over the years. The Town will have a difficult time if she ever leaves her volunteer position, they agreed.

Chair Bower offered a suggestion, "We need another ice rink," he said, explaining the current rink gets such regular use that it becomes slushy and then it has to be closed until the ice refreezes. A second rink would allow the players to "bounce back and forth" between the two rinks.

The Select Board has a few more budgets to review, Administrator Ricciardelli said. All remaining budgets should be prepared to go before the Budget Committee for that group's annual review next Thursday.

Still to review:

- DPW
- Transfer Station
- Some smaller budgets, i.e., American Legion, Cemeteries, etc.

To continue to adhere to the Budget Committee's request that its members have the department budgets one week before meeting with the department heads, the Select Board will need to meet for budget reviews:

Monday, Oct. 17, at 5 p.m. and

Monday, Nov. 14, at 7 p.m.

The Board is still planning to meet with CMI Engineering, the company working on the Transfer Station plan, at its Oct. 25 meeting. That meeting will include a presentation by CMI as well as time to allow residents to ask questions about the updating proposal project.

#### **IV. Old Business**

##### **a.**

- Shea said that the Economic Development Advisory Committee plans to discuss the proposed pathway project at its next meeting on Oct. 19.
- Shea suggested the Board put the issue of communications on a future agenda. There is a need to look at how the Select Board and other Town Boards communicate with the public.
- Shea reminded the Board about its interest in learning about the legal fees that have been incurred in recent years by the Welfare Department.
- Shea reported that, at the last Planning Board meeting, there was some question about whether the Town could use some APRA funds for Fire Department equipment.
- She also reminded the Board that it wants to have its own review of the Town's use and expenditures of ARPA funds.
- The Planning Board also wants to know if there are any funds in the Transportation Capital Reserve Fund that could be used to replace the trash compactor at the Transfer Station. Chair Bower said he understood the money to purchase the trash compactor was approved at the 2022 annual Town Meeting, but Foreman Varick Proper didn't want to install the trash compactor until the engineering work for the site was completed and the redesigned plan in place.
- Shea also reported that the Planning Board has learned of another tentative plan to build a multifamily housing project in Town. It isn't specifically identified as Workforce Housing at this time, but the developer has asked about any incentives that may be available.

##### **b.**

- Town Administrator Ricciardelli said she would like to reach out to a company named CivicsPlus about redoing the Town's website. The Board considered working with the firm a few years ago and she would like to revisit the idea; she believes CivicsPlus would be able to vastly improve the Town's website. Shea said that a website is a "key component" regarding communications with the public.
- Administrator Ricciardelli said the Town has heard from an applicant who's interested in the new vacant Health Officer's position.

c.

- Frost again raised the issue of the Board reexamining its ARPA list, i.e., what it has approved and what has been spent.
- Frost also asked if the Board had heard anything more about the plan to create an alternative emergency access route for residents living on or near Kearsarge Mountain Road.
- Frost asked about a fairly substantial tree house that she saw under construction. She wondered if it would require a building permit. Administrator Ricciardelli said she would ask the Building Inspector to look into the issue.

V. **New Business** - None.

**VI. Administrator's Report**

Administrator Ricciardelli said that she's "knee-deep" in preparing department budgets for review by the Select Board and the Budget Committee. She also noted that a projected 12% increase in insurance costs so she's looking into some alternatives.

VII. **Select Board Other Business** – (Included with Old Business Above, Item IV)

VIII. **Public Comment** - None.

**IX. Consent Agenda**

Shea made a motion to approve, as signed by the Warner Select Board

1. Building Permits:
  - Map 11 Lot 060-6      32 Brookmeadow Lane
  - Map 14 Lot 029-1-14    36 Pattee Road
  - Map 31 Lot 011        9 W Main Street
2. Notice of Intent to Cut Wood or Timber:
  - Map 08 Lot 023
3. Appointment of Dan Watts as a Trustee of Trust Funds until March 14, 2023, to fill the open position of Julia Bodnarik, resigned.
4. Certification to the State of NH that the inhabitants of Warner have been noticed of the where, when and for who, votes will be cast in the 2022 November Election

Frost seconded. In a voice vote, the Board approved the motion unanimously.

X. **Manifest**

Chair Bower made a motion to authorize the Select Board to approve manifests and order the Treasurer to sign:

- Accounts Payable check numbers 6386 through 6424, dated 9/28/2022, in the amount of \$531,924.61, which includes \$472,994 to the KRSD.
- Accounts Payable check numbers 6425 through 6426, dated 10/4/2022, in the amount of \$42,700.81, which includes a payroll deposit of \$41,575.97.
- Payroll paper check numbers 3056 through 3070 and direct deposit check numbers E00389 through E00425, dated 10/6/2022, with a net check and direct deposits totaling \$41,575.97.
- Federal Payroll Tax deposit check number 6327, dated 10/6/2022, in the amount of \$11,301.62.

Shea seconded. In a voice vote, the Board approved the motion unanimously.



**XI. Meeting Minutes**

After a brief discussion, Frost made a motion to approve, as amended, the minutes for the following Board meetings: August 10, 16, 23 and 30, 2022; September 9 and 26, 2022; and October 4, 2022. Shea seconded. In a voice vote, the Board approved the motion unanimously.

**XII. Adjourn**

With no further business to come before the Board and, without objection, Chair Bower adjourned meeting at 10 p.m.