



TOWN OF WARNER

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[Town Administrator](#)
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SELECT BOARD MEETING DRAFT Minutes

Tuesday, 6:00 pm November 1, 2022
Lower Meeting Room Warner Town Hall 5 E Main St

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

Chair Sam Bower opened the meeting at 6:01 p.m. and recognized the presence of Board members Christine Frost and Lois Shea.

Also present; Martha Bodnarik; Eric Cincotta; David Gray; Mike Brown; Mark Govoni; Angela Spinney; Andy Bodnarik; Nancy Martin; Jim and Carol Zablocki; Ken Cogswell; Tim Blagden; Ken and Casey Milender; Jill Brown read a message from her cousin, James Brown; John Leavitt; Janice Cutting; Select Board Administrative Assistant Judith Newman-Rogers; Town Administrator Diane Ricciardelli; other residents; and Recording Secretary Ray Carbone.

II. Continuation of Public Hearing Held October 11, 2022 **Discuss and hear public input to obtain options for a safe pedestrian travel way between the Interval Commercial area, (Exit 9 area) and Warner Downtown.**

- a. Reopen the Public Hearing**
- b. Presentation, Review**

Chair Bower announced this hearing was a continuation of the October 11, 2022 hearing. At that time, the Board was listening to concerns about a proposal to create a Multiuse Path (or, something similar, a connection, e.g., a sidewalk) to link the Downtown village area with the Interval commercial zone adjacent to exit 9 off Interstate 89. He mentioned several issues of concern that were raised at the Oct. 11 meeting including maintenance of the pathway, pedestrian safety, vehicular speed along this stretch of Rte. 103 (West Main Street), etc.

Chair Bower reviewed the background of the situation. He said in 2021, the Town applied for a Transportation Alternative Program (TAP) grant; the NH Department of Transportation (DOT) manages the grants, which operates on 80/20 funding formula, i.e., the Town funds 20% of the project and the federal grant money pays the remaining 80%. When the Town's application was evaluated, it was ranked No. 1 in the region and No. 4 in the State.

At two consecutive annual Town Meetings, voters set aside a total of \$20,000 to fund the initial part of the project, i.e., an engineering study. At the last annual meeting, the Select Board proposed a \$95,000 warrant article to fully fund the \$120,000 study. However, discussion centered on the concerns of residents who own properties on West Main Street that would be most impacted by the project. Several said they had received little notice of the proposal and were concerned their property would be taken by eminent domain, which would significantly infringe on the "peaceful enjoyment" of their homes.

Chair Bower said he spoke with Department of Public Works (DPW) Director Tim Allen about maintenance concerns regarding a pathway. Allen said there would be a big difference in maintenance issues depending on exactly what kind of path was built and what materials were used (concrete, etc.). However, he said if it were completed as a standard sidewalk, i.e., with paved concrete or bricks, it would be easy to maintain. In addition, Allen noted new equipment the Town has purchased recently would make the process much simpler.

Chair Bower also reported Town Administrator Diane Ricciardelli had spoken with Police Chief Bill Chandler about the traffic safety concerns. "There was a traffic study done some years ago," Bower said, that included this stretch of Rte. 103 which indicated about 4,000 cars transverse the road. "We do not have a pedestrian study for that stretch of road," he explained.

Town Administrator Ricciardelli added that Chief Chandler considers that portion of West Main Street, from the Interval area to the sidewalk in front of the Warner Community Center (WCC), to be "dangerous." Based on the traffic study, she added, it's possible that the more than 4,600 cars now travel the road and, by next year, that figure could be over 5,000.

Chair Bower also noted, in his opinion, the Town is not interested in creating the full Multiuse Path outlined in the original grant application. However, the Town could possibly rework the application for a sidewalk or some similar option, if that is what the voters want.

c. Open for Public Comment

Chair Bower opened the public portion of the hearing.

Martha Bodnarik strongly expressed her concerns with the way the Select Board explained how the Town had set aside money for this project. She said Town Meeting voters originally set aside only \$5,000 for a "traffic safety," including maintenance. Then, in 2020, residents voted to put \$10,000 aside for the engineering study outlined in the grant application. In 2021, the voters again set aside \$10,000 to go into a Capital Reserve Fund for the matching grant application.

"So, we have one account with \$15,000 in it for a matching grant, for transportation improvement and to maintain and repair the existing sidewalk," she said. "And we have another \$10,000 for an engineering study," related to this TAP grant application.

M Bodnarik also noted the grant application was for a "Multiuse Path," and not a sidewalk, so she questioned whether making a change would be approved by the DOT. If it wasn't, she said, the matching TAP grant's 80% portion would disappear, and the Town would have to pay for the whole project itself. She added, at the last Town Meeting, former Select Board Chair Clyde Carson said, "I think the sidewalk is dead."

Chair Bower said that was in reference to an amendment proposed at the meeting, not the whole project.

David Gray said DPW Director Allen should be able to estimate a cost to maintain this pathway, whatever form it may take. The Board is "not coming to this meeting with figures," he complained. He asked if the Select Board had found out what the deadline is for the grant.

Select Person Lois Shea reminded the group that everyone in the room is there because of their interest in the Town. She encouraged the group to not interrupt one another and to "disagree without being disagreeable."

Select Person Christine Frost said, regarding the "deadline" for the grant, it is not simply an issue of a date. "The DOT creates a priority list," she explained, and it will go down the list working with projects from various communities. If the next project on the list is not ready to move forward, the DOT will move on to the next one. "We (either) put ourselves in a situation to be funded or we don't," she said.

Chair Bower said it is impossible to get an accurate figure of what maintaining the pathway would be until the engineering study determines the material that would best fit the work.

One resident suggested it would be beneficial to have a pedestrian study of the area where the MUP/sidewalk is planned.

Another said he is not sure about such a study because it would not measure people like himself, who would “use that (route) more if I wasn’t scared for my life or my dog’s life.”

Tim Blagden said he regularly bicycles to the Market Basket area, and he would support a Multiuse Path that would allow bicycle traffic on the street. He said Warner’s TAP grant application for this project is still listed on the State’s 10-year plan recently signed by Gov. Chris Sununu.

Mark Govoni said he used to live on W Main Street in a house his grandchildren now live in. He would enjoy walking with them to the commercial area, but “you take your life in your hands when you step on the (road).” He also said a connection between the village and the exit 9 area would support the Town’s economic development.

Andy Bodnarik said there is some confusion about the monies the Town has set aside regarding this project. He said in 2017, Town Meeting voters set aside \$5,000 for consideration of “transportation improvement grants.” Then, in 2020 and 2021, the voters set aside \$10,000 each year towards this particular project. So, there’s \$25,000 but it’s in two different accounts, he said.

Select Person Christine Frost said she appreciated Mr. Bodnarik’s observation but did not see how that information is helpful to this conversation. A Bodnarik said it is helpful to understand, because there is some confusion about what kind of path may be created, i.e., a sidewalk or a Multiuse Path. Frost said that is the kind of issue the Select Board is hoping to clarify at this meeting.

Mike Brown, a W Main Street resident, said there has been significant support for some kind of connection between the two commercial areas of town at three different annual Town Meetings. Now, the key is to get some options about how to proceed with that support. He suggested the engineering study would be the best way to gather all available options so the voters could then consider how to best proceed.

Chair Bower said, despite the rejection of the warrant article at the last Town Meeting, the Board has received many letters of support from various individuals and organizations including the Kearsarge Area Chamber of Commerce, Main Street Warner, Community Action Program (CAP), the Economic Development Advisory Council, the Conservation Commission, and the Warner Fall Foliage Festival Committee.

Casey Milender, resident on W Main Street, said she sees a lot of pedestrian traffic on this road. But she’s concerned about how far onto her property this kind of facility (sidewalk, MUP, whatever) would go. She also has questions about where on Rte. 103 a crosswalk would be located. She suggested that, at this point, the group is getting “mired in minutia” about issues like maintenance and snow plowing.

Chair Bower said the Board of Selectmen made a mistake prior to the March 2022 Town Meeting when it sent out some information about the TAP grant. The details indicated the large Multiuse Path that could be funded with the money; but it would have been more advantageous if the Board members had explained that this “large project” would not be built without the support of Warner citizens and a smaller one could be considered. At this point, he suggested “nothing larger than a sidewalk” could possibly be built to connect the two neighborhoods, and that kind of project would likely be able to use the TAP grant money.

Chair Bower added the DOT website has images of various kinds of projects built with the TAP grant money, including to a basic “sidewalk” project. Still, he said it is hard to move forward without “an engineer to tell us what is actually feasible,” i.e., without having the engineering study. He urged residents to go to the DOT website and look at “TAP grants.”

Select Person Christine Frost reiterated Chair Bower’s point, stressing the cost of any project will cost exactly what the taxpayers choose. “We (Board members) don’t make that determination, you do,” she told the audience. An engineer working with Central New Hampshire Regional Planning Commission (CNHRPC) could tell the Town what one approach to the project is likely to cost, “but we don’t have a crystal ball,” she said; and that’s especially difficult considering how the cost of some materials have risen drastically over the last year.

Select Person Frost suggested residents consider how they want to approach the next step. “Do you want to form your own (study) committee,” she asked.

Eric Cincotta said it is impossible for anyone to have a valid opinion on moving forward with the proposal without more details. “We could say we want to build a monorail,” he suggested wryly. How could local groups offer their support, “When they don’t know what it’s going to look like,” he asked.

Cincotta said the Town should form a study committee with the majority members people who live on the area of W Main Street who would be most impacted by a project. He also noted the lack of a pedestrian study. He said he had recently set up a trail camera in front of his home to track the number of walkers. “Over an entire week, I saw nine individuals who used Main Street to get down to the (Interval area),” he said. The idea that there is a great need for this project is “factious,” he said. “It’s not real.”

Judith Newman-Rogers, said Cincotta’s camera might not be the best measurement of the need for the project. “The camera doesn’t show the number of people who would like to walk on Main Street but don’t because it is dangerous,” she said. She also said, as a W Main Street homeowner, she has no problem believing the statistics about the increase of traffic on Main Street over the years.

As Select Board Administrative Assistant, Newman-Rogers also explained the Town has two different Capital Reserve Funds for transportation-related work; the original one and a second one created later because the TAP grant application required creating a new fund. In addition, she added, the possibility of receiving some of this TAP grant money is much later than originally expected, perhaps as late as in 2028.

Newman-Rogers also suggested that when former Select Board Chair Clyde Carson commented the “sidewalk is dead” at the last Town Meeting, he was expressing his own frustration with the reaction from some voters, rather than an observation regarding the whole project. “If the Select Board had the opportunity to make a full presentation” before action from the floor moved the discussion onto other issues, voters would have had a better idea of the entire TAP grant process.

Finally, Newman-Rogers said, establishing a pedestrian connection between the Interval and village area is important for sustaining the downtown area. People ask who and why someone might walk to the exit 9 area, Newman-Rogers said, and instead should think about people safely walking to the village area, to enjoy and support those businesses.

Chair Bower noted there is specific wording Warrant Articles must comply with, and if a Warrant Article is submitted for this project, the Board will make sure wording would specify the funding could only be used for the engineering design study. Everyone will know the estimated costs on future steps before the Town moves forward.

Martha Bodnarik said she does not live on W Main Street but is opposed to putting a sidewalk where the properties on that road would be reduced. She also said one reason the Town’s TAP grant application was considered so favorably by the DOT was because of faulty information regarding two traffic fatalities.

M Bodnarik also said she is concerned the idea for this project came from the Energy Committee about six years ago, and that, to this point, the Town has still not done a feasibility study. "We thought we killed this," she added, noting that opponents of the project were relieved after voters rejected it at the 2022 annual Town Meeting. "But the selectmen chose to go ahead and bring the zombie back to life."

Andy Bodnarik agreed voters at the last Town Meeting rejected the Warrant Article that proposed moving forward with the project. In addition, an amendment to do a \$5,000 study was rejected. At this time, the TAP grant still refers to a "Multiuse Path," he said, and research indicates that does not work well on a State highway like Rte. 103.

A Bodnarik suggested the Select Board establish a study committee and put forward a warrant article that would fund a feasibility and engineering study independently, rather than continue working with the TAP grant and its language.

Tim Blagden said CNHRPC has already indicated it thinks the idea of linking the two areas of town via some kind of path "is a good project." He said the engineering study is the best way for the Town to move forward at this time.

Blagden also refuted the idea that two deaths moved the Town's TAP grant application near to the top of the NH DOT's list. "There is an open scoring process the Planning Division (of the NH Office of Strategic Initiatives) uses to rank projects and several criteria that produced the Town's strong ranking."

In addition, Blagden noted Rte. 103 has existed since the 1700s and, according to statute, the State can claim eminent domain 25-feet out from the center of the road on both sides.

Chair Bower agreed with Blagden's statement about Warner's TAP grant, saying that when DOT considered it, the project "scored high across the board."

Ken Milender said he has been walking from the Simond School to his home on the "Warner Flats" since he was in sixth grade and he's "not sure where all the concern for safety (along W. Main Street) comes from." But he said approximately 50% of the people at the last Town Meeting were in favor of the project. He said, if the Select Board decides to establish a study committee, he would volunteer to be a member of the group.

David Gray said again he believes DPW Director Allen could come up with some estimates for maintaining the facility if he looks at available materials and the various construction options. "I'm scared that we're going to put this thing in and we can't maintain it," he said, adding some other sidewalks in the village area are in disrepair. In addition, he noted some snow-melting materials that might be used on a path could contain chemicals that would be harmful for properties along the proposed route.

Jill Brown read a message from her cousin, James Brown, resident on W Main St, who was unable to attend the meeting. He said creating this kind of pathway would "change the face of Warner" in a negative way. He charged that some people are in favor of "pushing this through," although it would involve "removing rock walls" and making other irreversible changes. "This project is a folly," he said, when portions of the current sidewalks are not maintained.

One resident asked the Select Board exactly what the engineering study would yield. Select Person Christine Frost said a study could do as much or as little as the Town requested. "If we say we want only the smallest, cheapest option that is the least intrusive, that is what they will give us," Chair Bower explained. "The more we ask them to do, the more our costs would go up."

Andy Bodnarik said the Town could still get a workable study by working with CNHRPC. He also said, as a member of the Town's Groundwater Study Committee, he is becoming familiar with issues related to uncovered salt storage as related to the Aquifer Protection Zone in the area, as well as other "potential sources of contamination." This proposed project would not only impact the property owners along W. Main Street, he warned.

“With help from CNHRPC, we may not get a down-to-the-penny estimate, but we could get a very good engineering study” done that would give the Town a good idea about how (and if) to move ahead with the project.

Chair Bower said it appears this conversation is coming to an end and the Select Board’s next step may be to decide whether to move forward with an independent feasibility study or go for the engineering study related to the TAP grant.

Martha Bodnarik asked the Select Board to “pay attention to what was said at the (last) Town Meeting. We voted down putting money into an engineering study,” she said, even when the article was amended to radically reduce its costs. “We don’t need to spend money on engineering, or a study committee. The Town said ‘No,’ I urge you not to proceed at all,” she concluded.

Tim Blagden said some voters rejected the amended article regarding the engineering study because it was impracticable. “Five thousand dollars will not get you a \$100,000 worth of work,” he said. In addition, “You cannot get a full engineering study with CNHRPC because they don’t have the (staff) capacity,” Blagden said. “You need to hire a real engineering (firm) to do a study to be able to answer these questions.”

Ken Milender said there are “a lot of people who live off of Main Street who don’t want to spend money on a sidewalk they’re never going to use.” He concluded by saying he was originally opposed to the project but is gradually coming around to think that “it may be best for the Town,” if it ends up as a “small six-foot sidewalk” connecting the two commercial areas.

d. Close Public Comment

e. Select Board Discussion

Chair Bower thanked the residents for attending and participating in the meeting. He said the Board will consider the issue again at its meeting on Wed., Nov. 9.

IV. Adjourn

With no further business to come before the Board and, without objection, Chair Bower adjourned meeting at 7:39 p.m.