



# Warner Board of Selectmen

Meeting Minutes  
Tuesday, August 6, 2013  
APPROVED

Chairman Hartman opened the meeting at 6:05 p.m.

In Attendance: Selectman David E. Hartman – Chairman, David Karrick, Jr. – Selectman, Clyde Carson – Selectman and Jim Bingham – Town Administrator

Others present: Ed Mical, Martha Mical, Rebecca Courser, Mark Govoni, Barbara Annis, Ken Cogswell

## **1. Reverse 911**

Ed Mical reported to the Board that he has completed the reverse 911 training which the State has put in place for land line phones. There will be voluntary sign up for cell phone users, more information will be available in the next Newsletter. (Reverse 911 is a public safety communications system developed by Cassidian Communications, formerly PlantCML. It is used by public safety organizations in Canada and the United States to communicate with groups of people in a defined geographic area. The system uses a database of telephone numbers and associated addresses, which, when tied into geographic information system (GIS), can be used to deliver recorded emergency notifications to a selected set of telephone service subscribers).

Chairman Hartman asked who defines who receives the emergency message. Ed said the designation is the Town of Warner based on the 911 addresses where an emergency is happening or could happen.

Barbara Annis asked if the reverse 911 could be used for a lost child. Ed said it is to be used for a bona fide emergencies.

Chairman Hartman asked if this system could be used during a long range storm and power outage. Ed said this is new and he is not sure, the training was not specific as far as when to use the system beyond a 911 emergency. Ed said he would not send out a notification without the permission of the Town Administrator, Selectmen etc.

A back-up contact needs to be established and the Town Administrator is waiting to hear back from the Fire Chief.

Ed also reported that the Capital Area Health Network will now be coordinated by Granite United Way for the next 2 years beginning July 1, 2013.

## **2. Lull Trace**

Mark Govoni who is logging on his property accessed by Lull Trace met with the Board regarding the current condition of the road. Mark said he has spoken with the Director of Public Works and both are in agreement that the road will be put back to pre-logging condition once the logging is complete (there is a heavy hauling permit in place to assure this). Mr. Govoni said the road will be in better condition than before the logging started.

Rebecca Courser spoke about some (not all) past logging operations did not reclaim the road and because of that people do watch and notify the Selectmen about potential concerns for them to follow up on such as the current condition of Lull Trace.

Mr. Govoni's Forester explained to the Board how the road will be reclaimed. He estimates that it will cost about \$5K to fix it and they plan to use the Director of Public Works guidance. A tree was removed from a cellar hole in efforts to preserve the hole because the roots were going to break the cellar hole apart.

Mr. Govoni felt this meeting was disconcerting because he is not finished with the logging operation. The Forester said the operation is two weeks away from being complete.

Selectman Carson said a standard should be set for restoring Class VI roads from logging operations. The Forester said that is why he met with the Director of Public Works, for input on restoring the road.

Barbara Annis recommended that the Director of Public Works take pictures of the roads condition prior to the logging activity. Martha said that the Director of Public Works does take pictures. Barbara said she complained about Bog Road and she said there were no pictures. At one time she could drive on Bog Road with a car and after a logging operation she couldn't drive down Bog Road with a truck and she said the Director of Public Works said the road was fine.

### **3. Fund Balance Policy**

From the last Selectman's meeting the Board had a question regarding what percentage of the total appropriations would be sufficient for unassigned fund balance as a buffer. From that discussion came how much does it take to run the Town on a monthly basis. A cash flow analysis was created showing two six month periods showing totals for monthly expenditures and monthly municipal account balances.

#### **Action**

The Town Administrator will review the revenue portion of the cash flow analysis and also obtain prior tax rate tabulations and prior fund balances at the time of tax rate tabulations. The Town Administrator will also contact Vachon & Clukay for more information on the fund balance.

### **4. Old Graded School Bids – Dry Wall**

There was water damage from a leaking pipe. Bids were received and out of those bids the Town Administrator is recommending Pleasant Lake Construction for the drywall because they can begin work immediately. Most of the work is covered by insurance.

#### **Action**

Selectman Karrick moved to accept the bid as submitted by Pleasant Lake Construction. Selectman Carson seconded the motion; all were in favor, the motion passed.

### **5. Special Events Procedure & Application**

The Town Administrator presented to the Board an example of a Special Events Application and procedure for them to consider. This application was created because of a recent event (camp & jam) held on Tobi Nickerson's property that ended up with about 500 people in attendance. The Town Administrator made sure the organizers of the camp & jam met with the Fire Chief & Police Chief to coordinate emergency response. Other town's were researched and it was found that most have a Special Events application.

Martha Mical strongly opposes this if it pertains to private parties.

Selectman Carson said what if someone wants to hold a "Woodstock" on private property, that would definitely be an impact to the community. The Town would respond adequately to an emergency if it knows in advance about such an event.

Liability insurance is now required for events held at the Town Hall that include alcohol.

#### **Action**

The goal is to have an ordinance ready for Town Meeting.

### **6. Town Administrator's Report**

Town Hall Steps: The hand rails should be ready to be installed later this week. The Director of Public Works informed the Town Administrator that the cost of the rails will be about \$2,000. Chris Sisley, who fabricated the hand rails, is donating his labor to the Town. The highway crew has also replaced the walkway bricks that were removed during construction and will be re-pointing other areas as well.

Old Graded School: H.R. Clough is finishing the boiler installation this week. Ed Mical obtained two bids to replace/repair the flooring and carpeting in the CAP office on the main floor and the Head Start Office on the lower floor and three bids to repair the water damaged wall board in the halls and ceiling of the lower level.

Capital Improvement Program Process: The CIP Committee reviewed the project update sheets submitted to date. There were questions concerning the accuracy of the estimate for construction of the fire station. The FD is asking Warren Street Architects to obtain bid prices based on the current design plans. The Town Administrator is working with Matt Waite to update the equipment purchase schedule and road construction schedule for the CIP committee. New CIP projects from the PD for Police Station repairs and for insulation of the CAP building have been received. The CIP Committee will meet next on August 7 at 7 pm.

Events at Town Hall and Other Town Facilities: There has been discussion among Town Administrators about liability issues for the Town when third parties rent/use town property for private and public events such as parties, dances, weddings, etc. We just had a situation in Warner in which a High School class reunion was to take place at the Town Hall and alcohol was being served. The issue of who is responsible if an alcohol related accident occurred and was linked back to this event at Town Hall was raised. The Town Administrator asked if the organizers were adequately covered in the event of liability based litigation. Without requiring the host or organizers to obtain temporary liability insurance the Town takes on the full risk when renting or permitting the use of their facilities to third parties. We now inform those applying for rental of the Town Hall that they need to have liability insurance and list the Town of Warner as a co-insured on their policy. The Selectmen's Office provides them information on TULIP (Tenant User Liability Insurance Program) coordinated by NH LGC, which offers tenants one day coverage of their event. We also provide contact phone number for E & S Insurance Services in Gilford, NH. Both offer event insurance at reasonable rates; the applicants can also contact their own insurance company for coverage.

Bartlett Loop: The Town Administrator contacted Mark Moser of Moser Engineering to inquire about his availability and interest to be a consultant for the Bartlett Loop Project. He will contact Matt Waite to schedule a site visit at Bartlett Loop. As was mentioned in the Town Administrator's last report, there are two options in selecting a consultant. First option is to submit a letter of waiver to DOT to bypass the QBS process, stating that the Town already works with an engineering firm with bridge experience and requests that the state accept that firm based on their assessment of his qualifications. The second option is to contact three firms requesting a statement of qualifications and the board reviews the qualifications. The Town Administrator has forwarded Mark Moser's resume qualifications to Nancy Mayville for review.

Odd Fellows Building: The Town Administrator received an email from NH-DES regarding next steps in addressing the hazardous material. Since the Town voted at the 2000 Town Meeting to purchase the building, (Article 19) it is unlikely that the Town will be eligible for a grant under the Brownfields program to abate the building. There is a loan program offered by NH-DES to assist in hazardous material abatement, which will be investigated. We have a certified abatement specialist scheduled to conduct a walk through of the building this Thursday, August 8 at 3 pm.

Mr. Alosa and Tract 7: Per the Board's request, the Town Administrator forwarded Mr. Alosa's request along with copies of the documents pertaining to his request to unmerge tract 7 that were presented at the last BOS meeting to Attorney Mayer for review and legal opinion regarding the authority of the BOS to allow the unmerging of tract 7 from Map 26, Lot 20. The Town Administrator also forwarded to Attorney Mayer a copy of BOS meeting minutes for July 8, 2008 when this request was previously presented to the Select Board. Attorney Mayer sent his assessment of the documents and his opinion on the matter via email this morning, which was forwarded to the Board members.

Based on Attorney Mayer's assessment of this request and the supporting records, deeds and survey map, Attorney Mayer stated that "It is readily apparent that what Mr. Alosa is seeking is a subdivision, not a restoration of previously merged lots." ... "The current request seeks to subdivide tract 7 into parcels on the south and north sides of Hartshorn Lane." Attorney Mayer further states that the Board of Selectmen cannot condone the creation of a new lot. Attorney Mayer did suggest that Mr. Alosa seek relief from the Planning Board and Zoning Board.

The Town Administrator recommends the Board entertain a motion to deny Mr. Alosa's request to unmerge tract 7 based on Town Counsel's reading of RSA 674:39-aa and notify Mr. Alosa of such in a timely manner.

### **Board Action**

Selectman Carson moved to deny the request for unmerging tract 7 on Map 26 Lot 20, and direct the Town Administrator to pass on the Board's decision to Mr. Alosa as well as other options available to Mr. Alosa. Selectman Karrick seconded the motion; all were in favor, the motion passed.

### **7. Selectman's Other Business/Reports**

Selectman Carson contacted the Currier & Ives Byway Committee to see if Warner could be added as a member. The Byway starts in Henniker and ends in Salisbury. It has a website which is used to promote the towns along the way. Selectman Carson will represent the Town at the Committee's next meeting in September.

Selectman Carson recommends discussing/establishing goals for an Economic Development Committee at a work session in the near future; the Planning Board as well, is working on suggestive membership.

### **Action**

The Town Administrator will schedule a work session in the near future that will have a main focus on Economic Development.

Selectman Karrick recommended removing the "passenger vehicles only" sign from Bartlett Loop. Chairman Hartman would like to see the Pumpkin Hill Road sign installed at the Denny Hill intersection as well.

Chairman Hartman said that he will not be able to attend the next Concord Regional Solid Waste Operating Committee on Thursday, August 8. He asked the Town Administrator to verify if the Transfer Station Foreman will be attending.

### **8. Consent Agenda**

Selectman Karrick moved to approve the Consent Agenda for August 6, 2013:

- Building Permits for:
  - Map 16 Lot 26 --SIGNED
  - Map 30 Lot 1 -- SIGNED
  - Map 36 Lot 6 – SIGNED
- Cemetery Deed for Lot J20 New Waterloo Cemetery
- Dog License Reimbursement – (initialed previously)

Selectman Carson seconded the motion; all were in favor, the motion passed.

### **9. Manifest**

Selectman Carson moved to authorize the Selectmen to sign manifests and order the Treasurer to sign:

- Payroll check numbers 2704 – 2722 in the amount of \$29,605.29 (including 19 direct deposits)
- Accounts Payable check numbers 48647 - 48697 in the amount of \$375,520.01 (includes Tax Lien Deposit check in the amount of \$232,074.42)

Selectman Karrick seconded the motion; all were in favor, the motion passed.

### **10. Meeting Minutes**

Selectman Carson moved to approve meeting minutes dated July 22, 23 and 30, 2013. Selectman Karrick seconded the motion; all were in favor, the motion passed.

### **11. Nonpublic Session**

Chairman Hartman moved to go into nonpublic session at 8:26 p.m. under RSA91-A:3 II (a), dismissal, promotion, or compensation of any public employee. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Karrick – yes; Selectman Carson – yes; Selectman Hartman – yes.

In attendance: Chairman Hartman, Selectman Carson, Selectman Karrick, Town Administrator – Jim Bingham

Chairman Hartman moved to come out of nonpublic session at 8:39 p.m. Motion was seconded by Selectman Karrick. A roll call vote was taken. Selectman Karrick – yes; Selectman Hartman – yes; Selectman Carson – yes.

Selectman Carson moved to seal and restrict the August 6, 2013 nonpublic meeting minutes RSA91-A:3 II (a) Chairman Hartman seconded the motion; all were in favor, the motion passed.

### **12. Nonpublic Session**

Chairman Hartman moved to go into nonpublic session at 8:41 p.m. under RSA91-A:3 II (e), legal. Motion was seconded by Selectman Carson. A roll call vote was taken. Selectman Karrick – yes; Selectman Carson – yes; Selectman Hartman – yes.

In attendance: Chairman Hartman, Selectman Carson, Selectman Karrick, Town Administrator – Jim Bingham

The Town Administrator updated the Board about a civil rights claim.

Chairman Hartman moved to come out of nonpublic session at 8:46 p.m. Motion was seconded by Selectman Karrick. A roll call vote was taken. Selectman Karrick – yes; Selectman Hartman – yes; Selectman Carson – yes.

**13. Adjournment**

A motion was made to adjourn at 8:46 p.m.

Board of Selectmen  
David E. Hartman – Chairman  
David Karrick, Jr.  
Clyde Carson

Respectfully submitted,  
Mary Whalen  
Recording secretary