



# Warner Board of Selectmen

## Meeting Minutes Tuesday, May 23, 2017 APPROVED

Chairman Dabuliewicz opened the meeting at 6:02 pm.

Attendance: Selectman John Dabuliewicz – Chairman, Selectman Clyde Carson, Selectman Kimberley Edelman

Absent: Town Administrator – Jim Bingham

Others present: Michael Kenyon, Martha Mical, Tim Allen, Barbara Annis, Judy Newman-Rogers, Ed Mical, Sean Toomey, Ed Raymond, Ray Martin, John Leavitt

### **1. Shed Request on a Class VI Road**

- A. Michael Kenyon met with the Board asking permission to place a shed on his property that is located on a Class VI road. John pointed out to Michael that the town has a policy which does not allow structures on a Class VI road. Michael asked if the Board would consider that this is an existing mobile home lot use on the property. John added that there is also an existing driveway on Michael's property off of East Joppa as well. Michael said he doesn't have a problem continuing use of the existing driveway, but for him it makes more sense to have a driveway at the other end of the property where the power will come in.
- B. Clyde asked the Assessing Clerk for some property history. Martha said there was a camper on the property that was used seasonally. Clyde asked Martha if there is a similar example on a Class VI road now. Martha said the place across the street is on a Class VI road, letters were found in the property file stating that the use of the building would be seasonal use only. Clyde asked Michael if he has considered solar as an option. And if solar is an option what does that say about our Class VI road ordinance in terms of the intent of the ordinance. John said it's not an ordinance it's a statute. John said Eversource will run service without a structure, the specs were sent to the Board via email. John said it's not about the electricity, it's about the road standards. Martha added a solar array needs a building permit which the policy states the Board will not issue a building permit on a Class VI road unless the road is upgraded to a Class V. Michael asked if he could put a roof structure over his camper and he was told not without a building permit.
- C. Martha said her concern is the seasonal homes end up being year round homes, she is opposed to the structure. Kimberley asked if an electrical pole is considered a structure. No one was sure. And she asked if the Board is happy with electricity provided on a Class VI Road. Martha said there is electricity in that area already. The only question then, is a pole a structure? The definition in the Zoning Ordinance for a structure is that which is built or constructed.
- D. The Board is concerned about creeping. John said the policy in place is there to prevent creeping. The Board wants to do further research and reach a resolution for the next meeting.
- E. John said the original request was for a driveway permit. There is already one driveway on the property. Michael said a building permit for a shed is only needed if the structure is over 200 square feet, he said he is willing to keep the original driveway. John said then there is no need to discuss this any further if Michael withdraws the driveway permit application. Kimberley still wants to do some further research.

## **2. Warrant for the Collection of Taxes**

A. Martha Mical presented a copy of the warrant that needs to be signed as well as the warrant book.

### **Board Action**

Selectman Carson moved to direct the Tax Collector to collect taxes in the amount of \$3,860,567.89 with an interest at 12% after the third day in July and further moved to order to pay the same when collected to the town Treasurer or designee as provided by RSA 41:29 VI on a weekly basis or when tax receipts total \$1,500 or more. Chairman Dabuliewicz seconded the motion, motion passed 3-0.

### **3. Projects**

Solar Array: The lot has been cleared, the stumps need to be ground up. The next step is the array layout. Clyde signed the paperwork for the grant and for the financing which is at 2% for 12 years. Clyde said there are some guidelines that will need to be reviewed to make sure the town is adhering to the financing guidelines, Clyde will provide a list.

Fire Station Site: Kimberley reported the Fire Station Building Review Committee recently met. The Committee would like to install a banner at the fire station site noting it being the future site of the new fire station. The Committee is waiting for the architects to finish. The RFP has gone out on the house the Board would like to see moved off the property.

Town Hall Lawn: Clyde said the Lawn Committee would like the Selectmen to weigh in about the water main upgrade. Ed Mical said he heard a rumor that the fountain will be moved. Clyde said the fountain is part of the lawn renovation. Ed said we talk about the rural character of Warner and part of it is the front of the Town Hall with the fountain.

Policies: Kimberley has been completing an inventory of all the policies. The Personnel Policy itself, she is hoping to get to soon after the inventory.

Economic Development Committee: Next meeting is scheduled for May 25<sup>th</sup>, Clyde is the Board's representative.

Job & Wage Analysis: Two consultants have responded. The Board wants to meet with both consultants.

Selling town parcels: No report at this meeting. Martha Mical noted that abutters should be noticed when a town parcel is up for sale.

### **4. Town Hall – Fire Marshal Inspection**

A. Fire Chief, Ed Raymond and Deputy Fire Chief, Sean Toomey, met with the Board to discuss the Fire Marshal's inspection. The Fire Marshal said from this point on the point of contact will be the Fire Chief. Sean said it's a collaborative act between both the Fire Department and the Selectmen. John wants to know if there is an alternative that will allow the usage of the lower meeting room for meetings. Sean explained the fire codes, and no, because the room is below grade the room can't be used without a sprinkler system. Ed said the inspection was done on March 29 where the Administration was told the room can no longer be used for meetings, and it continued to be used. And since then, Ed hasn't seen any activity towards resolving the other issues from the inspection. Some of the violations have been brought to the towns attention from the previous Fire Chief as well, for about 25 years. John said his intention is to direct the Town Administrator to implement what is on the inspection results. John also asked how the Fire Marshal is involved from here on out. Ed said when the list is complete the Fire Marshal will conduct another inspection and will forward his results from that. Kimberley said having an action plan does not give the town access to the rooms that are off access. Ed agreed.

B. The Board will meet with Ed and Sean to begin putting a plan in place.

C. John Leavitt said if the town came up with a corrective plan with target dates it would give the Chief more confidence in granting some lenience. Kimberley doesn't feel a corrective plan is going to alleviate the safety issue.

D. Clyde brought up the building is going to have a sprinkler system installed, the main water line coming into

the building will need to be upgraded and any upgrades to the Town Hall lawn should be done after that upgrade. Clyde suggested obtaining some quotes and funding the project from the Town Hall maintenance line. John said let be sure what we want quoted first, John will contact the Water District as well.

### **5. Second Public Hearing – Right-of-Way Easements**

- A. Chairman Dabuliewicz opened the public hearing at 7:02 pm for public comment regarding the proposed acceptance of a right-of-way easement by the town at 20 Split Rock Road, Map 14 Lot 005.
- B. Public Comments: No comments
- C. Chairman Dabuliewicz closed the public hearing at 7:04 pm
- D. Chairman Dabuliewicz opened the public hearing at 7:05 pm for public comment regarding the proposed acceptance of a right-of-way easement by the town at 15 East Main St, Map 31 Lot 58.
- E. Ray Martin from the Fall Foliage Festival provided some background. Ron and Deb Moore gave the town an easement to use the property for purposes of parking auto's at anytime and normal use for the Fall Foliage Festival in October of each year. The school district can also use the area for special occasions. The property can never have a structure on it and it can never be used as a road.
- F. Clyde would like the Board to explore if there is a need to keep the area open in the winter time.
- G. Public Comments: No Comments
- H. Chairman Dabuliewicz closed the public hearing at 7:10 pm

### **6. 911 Addresses**

- A. The Assessing Clerk, Martha Mical, identified 4 properties that need to be flagged by 911 because to get to them you have to travel a certain route. 911 informed Martha that they couldn't do that and referred her to dispatch. Dispatch was contacted, and they red flagged the properties that were indicated one being the Liquor Store which is described as behind McDonalds. Martha said years ago the driveway that is owned by Market Basket and McDonalds was named Nichols Mill Lane, the signs were up but were run over by the trucks. Martha composed a letter to the 5 businesses asking for concerns and comments regarding the name of the road and renumbering of the buildings. Before any letters are sent, Martha is asking for the Boards support. The Board expressed their support.

### **7. Investment Policy**

Selectman Carson moved to re-affirm the Investment Policy that was in effect up to this year. Selectman Edelman seconded the motion. Judy Newman-Rogers asked if the Board is saying the Treasurer and the Trustee's have the responsibility to do the investing? John said pay outs are by order of the Selectmen. Judy asked who knows if the Treasurer does the investing, where is the oversight? Is it recorded in the Town Report? Martha said yes, it's in the Town Report. The motion passed 3-0.

### **8. Library Trustee Alternate**

Selectman Edelman moved to appoint Rhonda St. James as an alternate Library Trustee for a one-year term. Selectman Carson seconded the motion, motion passed 3-0.

### **9. Minutes**

Selectman Carson moved to accept meeting minutes dated May 4, May 9 Nonpublic, May 9 Public, May 11, May 15. Selectman Edelman seconded the motion, motion passed 3-0.

### **10. Manifest**

Selectman Edelman moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll check numbers 4750-4765 in the amount of \$32,538.67 (including 18 direct deposits) and Accounts Payable check numbers 53732-53784 in the amount of \$77,899.55. Selectman Carson seconded the motion, motion passed 3-0.

## **11. Consent Agenda**

Selectman Carson moved to approve the Consent Agenda for **May 23, 2017**:

- Building Permit for Map 12 Lot 20 (previously signed)
- Thank you letter to Spann-Weitz
- Intents-to-Cut for:
  - Map 16 Lot 66
  - Map 16 Lot 67
  - Map 16 Lot 65
  - Map 16 Lot 61

Chairman Dabuliewicz seconded the motion, motion passed 3-0.

## **12. Other Business**

- A. Clyde reported the Town Hall Front Lawn Committee met last Wednesday. Marianne Howlett, Clyde, Tim Allen and Bob Bower attended. Clyde said they put together their thoughts and notes, circulated that to the group for comment. The next meeting is scheduled for May 24<sup>th</sup>.
- B. Clyde reported Parks & Rec met this past week, he said there a few members that do a lot on behalf of the town for the kids. Clyde said he wants to look at this during budget time. Parks & Rec purchased a dragger for the ball fields.
- C. Clyde asked the Board whether they want to weigh in and say to the Planning Board that they should consider to have a noise ordinance in place before approving any shooting ranges. RSA 159:B, shooting ranges, the state treats ranges as a special category with regards to what towns can and cannot require. The town does not have a noise ordinance in place at this time that specifies what is allowed at a given location, for any shooting range they are held to the standard that's in place at the time of approval. Someone named Ken asked if the RSA differentiates between indoor and outdoor. Clyde said no. Martha said because there is an application for a shooting range before the Planning Board, you can't make new rules. Clyde said until the Planning Board approves the application, it can be approved with a condition. Clyde asked the Board if they should advise the Planning Board. John said to Clyde that he has just put him in an awkward position being on the Planning Board with a pending application and he is not going to weigh in on it. Clyde said this RSA exists and we haven't considered it and the town doesn't have a noise ordinance. John said and we never considered it until suddenly somebody is proposing something were a lot of people are complaining about. John said to Clyde it is his prerogative to propose an ordinance. Martha disagrees there should be a condition of approval for an application that is already before the town. She said the Selectboard had a recent shooting issue where a noise ordinance wasn't brought up then, so why all of a sudden? Clyde said shooting ranges are exempt from any nuisance ordinances. John said the nuisance ordinance is not a stand alone ordinance, it's part of the zoning. Clyde said Warner does not have a noise ordinance and this RSA is really based upon having a noise ordinance in place, he thinks it's serious and from the town's perspective he thinks the Board should consider whether it should have one in place. Kimberley thinks having a noise ordinance is going to be difficult in general because there is a lot of people who do like to shoot, there is an outdoor venue that plays loud music, you can't go after a shooting range that might make a little noise from the parking lot and not go after everyone that wants to shoot targets in their backyard etc. Clyde doesn't feel that's the case, you adopt an ordinance to what the town requires, and not having one in place says there is no noise ordinance and then with regards to shooting ranges you have no leverage. Kimberley said the shooting range being proposed is an indoor range, and if the Planning Board wants to say they want assurance it does stay silent from the outside, that's up to the Planning Board. Clyde thinks they will be exempt once they are approved. Kimberley said to Clyde she knows he's against the shooting range, he's made that very clear. Clyde said he's not against the shooting range, he's against losing a high tech company. John stopped the conversation at this point because it is not relevant to the point Clyde raised which is communicating to the Planning Board the Board's desire for the Planning Board to impose a condition.

## **Board Action**

Selectman Carson moved to have the Selectmen advise the Planning Board to take RSA-159B, shooting ranges into consideration when approving any applications for shooting ranges. Selectman Edelman seconded the motion, motion failed, Clyde – yes, Kimberley – no, John – abstained because he sits on the Planning Board.

### **13. Public Comments**

- A. Barbara Annis asked if Parks & Rec is still using PayPal? Clyde said PayPal was too confusing so they stopped it until they figure it out. John asked what were they using PayPal for? Clyde said for purchases on-line. Barbara said it never came before the Board of Selectmen. John asked if they had authorization from the Treasurer? Clyde said he thinks there was some confusion on the process. Judy said it's in the Investment Policy in the case of a recreation revolving fund established pursuant to RSA-35 B:II, upon the order of the Park & Recreation Commission the Commission requests....Judy said the RSA has been brought up several times and explained to the Town Administrator, she knows there is confusion with the Parks & Rec person that she talked to about it. Judy said it states clearly in the law the requests for funds have to go through the Treasurer.
- B. Barbara Annis said another thing Clyde had mentioned is the fact that Parks & Rec people are very involved and over burdened, she agrees, but they were trying to raise funds. Barbara said WYSA raises funds to do stuff. Parks & Rec has a budget, they do not raise funds, it goes into the general account. Clyde said Parks & Rec is a Commission and they can raise funds. Martha said they are not a Commission, they are a Committee. Clyde asked if she was certain of that? Martha said yes, and Ed Mical said because you appoint them. Judy said she will look it up.
- C. Judy said if the Finance office is going to remain down stairs she would like to request use of the office that is above hers. Kimberley asked for it as well for the Selectmen and the Supervisor's of the Checklist have asked about it as well. Judy said it would be helpful to put records in that office until something permanent is arranged.

### **14. Nonpublic Session**

Chairman Dabuliewicz moved to go into nonpublic session at 8:30 pm. under RSA 91-A:3 II (d) acquisition/sale of personal or real property. Selectman Carson seconded the motion. Roll call vote was taken: Selectman Carson – yes, Selectman Edelmann – yes, Selectman Dabuliewicz – yes.

Present: Selectman John Dabuliewicz – Chairman, Selectman Clyde Carson, Selectman Kimberley Edelmann

Chairman Dabuliewicz moved to come out of nonpublic session 8:53 pm. Selectman Edelmann seconded the motion. Roll call vote was taken: Selectman Dabuliewicz – yes, Selectman Edelmann – yes, Selectman Carson – yes.

### **15. Seal and Restrict**

Selectman Carson moved to seal the May 23 nonpublic minutes for 1-year under RSA 91-A:3 II (d) acquisition/sale of personal or real property. Selectman Edelmann seconded the motion. All were in favor the motion passed 3-0. iterative

### **16. Adjournment**

Meeting adjourned at 8:55 pm.

Board of Selectmen  
John Dabuliewicz – Chairman  
Clyde Carson  
Kimberley Edelmann

Recorder of the minutes: Mary Whalen