

Warner Board of Selectmen

Meeting Minutes

Tuesday, November 17, 2009

Chairman Karrick opened the meeting at 5:30 p.m.

In Attendance: Selectman David Karrick, Jr. – Chairman, Selectman David E. Hartman, Selectman Clyde Carson &

Town Administrator – Laura Buono

Absent: None

1. Nonpublic Session

Selectman Hartman moved to go into nonpublic session under RSA 91A:3II (c) reputation at 5:30 p.m. The motion was seconded by Selectman Carson. A roll call vote was taken. Chairman Karrick – yes; Selectman Hartman – yes; Selectman Carson – yes. Motion passed unanimously.

In attendance: David Karrick, Chairman; David Hartman, Selectman; Clyde Carson, Selectman; Laura Buono, Town Administrator; Gamil Azmy.

The Selectmen met with Mr. Azmy to discuss the condition of his property and the current violations which must be rectified. Mr. Azmy described a farmers market which he stated he operates on the property as well as showed the Selectmen his certificate from the State of NH proving his designation as an aqua farm. Vehicle registration and inspection was discussed in length with Mr. Azmy and since he had not claimed the certified letter which was mailed to him with regard to the vehicles, he was provided a copy. The Selectmen scheduled a site visit with Mr. Azmy for Monday, November 23rd at 2 p.m. so they can further discuss the condition of the property and what is expected to be changed.

Selectman Carson moved to come out of nonpublic session at 6:20 p.m. Motion was seconded by Selectman Hartman. A roll call vote was taken. Chairman Karrick – yes; Selectman Hartman – yes; Selectman Carson – yes. Motion passed unanimously.

Others present at public session: Webster Board of Selectmen Thomas Mullins and George Hashem, Gamil Azmy, Brian Patsfield, Willard Richards, Peter Newman - Commissioner, Peter Savlen - Commissioner, Lynn Perkins – Commissioner, Jim McLaughlin

2. Azmy Property – Map 7 Lot 35

Chairman Karrick said Mr. Azmy has assured the Board of Selectmen that he would take some actions to improve his property. A large portion of the Azmy property is

located in Webster. Chairman Karrick asked the attending members of the Webster Board of Selectmen what requires a building permit. One of the Selectmen from Webster said a building permit is required for a dwelling only and set-backs requirements apply to other structures. Chairman Karrick asked what requirements Webster has for storing material on a property. The Webster Selectmen said Webster refers to the State junk yard law. Webster is primarily a residential/agricultural community; businesses are only permitted by a commercial exception unless the business was in operation prior to zoning (1974).

The Warner Board of Selectmen asked the Webster Board of Selectmen if they have the same concerns about the Azmy property. They said only if there are any zoning violations. Mr. Azmy has talked about running a flea market on his property. The Webster Board of Selectmen said he would need to go before the Zoning Board for such an operation. Selectman Carson is of the opinion both Towns could work with Mr. Azmy to bring his property into conformance with the existing RSAs in the State such as dealing with unregistered vehicles, obstructing the use of a Class VI road and the junk yard statute. If these items could be addressed this would satisfy the neighbors in having a property that looks respectful in the neighborhood as well as Mr. Azmy's desire to run an agricultural business.

The Town Administrator asked the Webster Board of Selectmen about the other items located in Webster; would the Town deal with the piles of metal and old building material? They said those items are not a zoning issue but a junk yard issue which would be a police item. The Webster Selectmen recommended having the Warner Police contact the Webster Police regarding the accumulated items at the Azmy property. Chairman Karrick confirmed that Webster has no restrictions on temporary structures other than set-backs.

The Selectmen discussed the two towns working together if the violations on the Azmy property should result in court actions. Webster feels dealing with the junk yard issue is a good place to start, they said this can be addressed with the two police departments. Warner is currently working with Mr. Azmy on the unregistered vehicles.

It was also brought to Webster's attention that the back portion of the house is located in Webster and is now two apartments. Webster said that would require a Zoning Board action. Chairman Karrick asked Webster to check on this. Webster asked Warner to tell them what is on the Webster portion of the property that doesn't appear to be agricultural/residential so they can review the property file. Webster said the next step would be to have the two police chiefs deal with the junk yard statute if necessary.

Warner will be visiting Mr. Azmy's property on Monday, November 23rd. Mr. Azmy said he is not sure of that visit because he feels Warner has provided Webster with misinformation. Mr. Azmy said he went to Webster and asked permission to repair (it was unclear on the recorder what was being repaired) and he doesn't understand why they are talking about a junk yard because he has already explained to Warner what is there. He would like the Selectmen to define junk yard. Chairman Karrick explained that is the intent of the visit on Monday. Mr. Azmy said Webster should also come at the same time. Webster said the RSA defines what a junk yard is and the police will

enforce it. Webster does not feel it is their place to decide if the property fits the definition of a junk yard; it is for the police to decide. The Town Administrator said she wonders why the decision of the two police chiefs was to not move on the junk yard issue, but at that time Warner was trying to deal with the property as a whole issue working with Webster. Webster recommended separating the junk yard issue from the Zoning Ordinance because it is a criminal offense.

3. Webster – Sharing Services

The Town of Webster formed a committee that is looking at the possibility of sharing services. This is something that came from their 2008 Town Meeting. Webster also shares the same concern regarding the ambulance billing from Hopkinton.

4. Hydrants

Chairman Karrick asked the attending Commissioners (Lynn Perkins, Peter Newman and Peter Savlen) if it was known who actually damaged the hydrant located at the Post Office. Peter Savlen said he had heard about who hit the hydrant second hand so he chose not to repeat that information. Mr. Savlen did ask if the incident was reported to the police and found that it was not. Peter Newman said the Superintendent reported the incident to the Director of Public Works when it happened, it is believed to be in December. Selectman Carson asked if there is insurance. The Town Administrator said the Town holds the insurance on the hydrant itself; there is a \$1,000 deductible. The Selectmen's office contacted the Post Office and learned what company is responsible for the snow removal. Chairman Karrick said the Town should pursue the company involved for the cost of the damage, if this proves unsuccessful the cost can be covered under the Town's insurance. Selectman Carson feels through this experience that a better process needs to be developed.

Selectman Carson made a motion to identify the company responsible for plowing into the hydrant, approach the company to recoup the cost of repair. If that fails file a claim with the Town's insurance. Chairman Karrick said the Fire Chief would like to see the hydrant repaired as soon as possible. Lynn Perkins questions the urgency; the hydrant has been broken since last February. He also asked if the Town has a smaller piece of equipment to dig up the hole. The Town does not; an outside source will be needed to dig the hole. Mr. Perkins said the precinct does not have the parts to repair the hydrant but they are readily available. Selectman Carson asked if there could be issues going across the road. The Commissioners said that there are no issues going across the road. Since the design has changed an adaptor is required to change from the old to the new.

Selectman Carson said the future procedure should cover responsibility of damage and also avoidance in having to dig twice because it is not known what is underground. Mr. Newman said what is needed is someone from the Town to be responsible for the job site. He said the Superintendent went to the Director of Public Works explaining he needed extended time to repair the hydrant because the parts were in Concord, NH or the hydrant can be capped and covered. The DPW said that he did not have money in his budget and to cover it up. The Town Administrator said the Town paid for the hydrant and the bill to dig it up once, the second digging cost is the issue.

At this point the Town has offered to pay half of the second digging. Selectman

Carson repeated his motion once again. Selectman Carson **motioned to identify the plowing company to take responsibility for the damage, process through their insurance company then use the proceeds to repair the hydrant and the digging of the hole. If failed the Town would submit a claim to the Town's insurance, if both fail the difference would be split in digging the hole and then a procedure would be created. Selectman Hartman amended the motion to have the hydrant replaced as a priority with insurance payment to follow. The Commissioners agreed.** It was clarified that the hydrant was damaged in 2009. Chairman Karrick seconded the motion; all were in favor, the motion passed.

5. Health Benefits

The Town Administrator reported that there is no \$25 co-pay available. It has been agreed to use the Matthew Thorton Option 1 as well as promoting the pre-tax savings account. The decision before the Selectmen is employee contribution. Chairman Karrick researched and found 13 towns have 10% employee contribution and 4 towns have 5%. A 3% employee contribution brings the increase to the Town to \$14K and a 5% employee contribution would be \$9,800. The Board agreed that it would be a rough year to add a lot of extra costs to the employees. The Selectmen broke down the employee impact for 3% contribution for Option 1:

Standard - \$225.00 per year

Two Person - \$450 per year

Family - \$609.00 per year

Selectman Hartman **moved to adopt a 3% cost for employees to contribute to their health insurance premium.** Chairman Karrick seconded the motion. Selectman Carson asked if this will be a hardship for anyone. The Board discussed Selectman Carson's concern; it is felt this contribution will not cause any hardships. Call for the vote; all were in favor; the motion passed.

The Board encourages the employees to take advantage of the health savings program. The Local Government Center will be invited to speak and explain all the benefits to the employees. Employees will still be able to choose the premium plan with paying the difference from the Town's portion plus the 3%.

6. Manifest

Selectman Hartman **moved to authorize the Selectmen to sign manifests and order the Treasurer to sign payroll check numbers 99-124 (includes 14 direct deposit stubs) in the amount of \$33,553.45 and accounts payable check numbers 43761-43768 in the amount of \$44,516.63.** Selectman Carson seconded the motion; all were in favor, the motion passed.

7. Other Business

Selectman Carson brought to the Board a concern that the natural screen at the tower site located on Kearsarge Mountain Road may or may not be in the original spirit of

the agreement. The Selectmen's office will gather all available information and Selectman Carson will contact the company representative from TDS Telecommunications.

Selectman Hartman will attend the Emergency Management Operations update meeting on November 18th.

Selectman Carson recommended representatives from the Board of Selectmen, Planning, Zoning, Budget Committee as well as the Emergency Management Director and the Fire Chief to man the committee that will research a new fire station site. Chairman Karrick will be the Selectmen's representative. The committee's name will be Fire Station Site Selection Committee.

The Selectmen discussed placing the Capital Budget and the Odd Fellows Building on the next Selectmen's meeting agenda.

8. Adjournment

Motion was made and seconded to adjourn at 8:25 p.m.

Board of Selectmen

David Karrick, Jr. – Chairman
David E. Hartman
Clyde Carson

Respectfully submitted, Mary Whalen, Recording Secretary