



Warner Board of Selectmen

Meeting Minutes

Tuesday, July 7, 2020

APPROVED

Preamble

Chairman Carson read the following into the record:

Good evening, as Chair of the Selectboard, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town of Warner government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Public Session

Attendance by teleconference: Selectman Clyde Carson – Chairman, Selectman Judy Newman-Rogers, Selectman Jonathan Lord and Town Administrator - Diane Ricciardelli

Others participating: Mike Cutting, John Leavitt

Public Hearing – Unanticipated Funds

Chairman Carson opened the public hearing at 7:04 pm for public input on receiving unanticipated funds for the First Responder Stipend in the amount of \$24,442.95. Notice of this hearing was published in the Intertown Record on June 30, posted at the Town Hall and Post Office as well as posted on the Town's website.

Chairman Carson thanked Town Administrator, Diane Ricciardelli for all the work she did pulling the grant information together to be submitted to the State. Diane explained the \$24,442.95 is a stipend for Police Officers and the Fire Department. Each is provided with a weekly amount depending on their position on the force. The amounts range from \$300 to \$125 per week. After this hearing the money will be paid. Judy said didn't the Board make a motion at a previous meeting? Diane said there was a motion to apply for the funds. Judy recalls the motion to give the money. Diane said the money hasn't been distributed yet because the public hearing was needed first and it was decided to provide one lump sum instead of weekly payments. Judy said she doesn't know why the money hasn't been distributed yet. The check only recently arrived and we waited to receive the funds before distributing. Diane thought the money needed to be accepted in a public hearing first but she will check with the Bookkeeper. Judy said she is hopeful the money has already been distributed, such a benefit should not be held back.

Chairman Carson called for public comments.

Mike Cutting asked if taxes and retirement will be deducted. Diane said taxes will be reimbursed in a future Goffer grant.

John Leavitt asked what taxes will be absorbed by the Town. Clyde said the payroll taxes. Diane said those taxes absorbed by the Town can be submitted in the next grant application to the State.

Chairman Carson closed the public hearing at 7:12 pm

Public Session

Attendance by teleconference: Selectman Clyde Carson – Chairman, Selectman Judy Newman-Rogers, Selectman Jonathan Lord and Town Administrator - Diane Ricciardelli

Others participating: Mike Cutting – Budget Committee, Martha Mical – Budget Committee, Ed Mical – Emergency Management, Mike Carroll, Gary Young, Kyla Graves, Ken Cogswell

Motion to Accept Unanticipated Funds

Selectman Lord made a motion to accept unanticipated funds for the First Responder Stipend in the amount of \$24,442.95. Selectman Newman-Rogers seconded the motion. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

Ed Mical called in and said the Board made a motion to only accept the funds not expend.

Selectman Lord amended his motion to expend the funds. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

Chairman Carson made a motion to accept unanticipated funds in the amount of \$5,910.79 from the Governor's Office for Emergency Relief and Recovery Grant (GOFERR). Motion seconded by Selectman Lord. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

Meetings at the Town Hall

The Board talked about opening the Town Hall to the public and for public meetings. The sense of the Board is no, they are not ready to open for public meetings. Mike Cutting said the Budget Committee wanted to meet as a Committee, to function in person, and have the meeting open to Zoom access for the public. Clyde said the Board is requesting the Budget Committee to hold their meetings via Zoom. Mike said he will work with Diane on setting up the Zoom meeting. Clyde said this will stay in place until the Governor provides further directions. Martha Mical asked what will be done for those who do not have the ability to do Zoom. Diane said they can call in with a telephone. Clyde said the Board will revisit this topic at the next Selectman's meeting. Diane said she spoke with the staff at the Town Hall and all agreed it is safer if the Town Hall remains closed, business is being conducted without issues. Once one employee gets sick, the rest of the staff will need to quarantine for 14 days, Diane would like to avoid that.

Mike Cutting asked what is being done for the Property Revaluation hearings. Diane said those will be conducted by phone calls. Any time someone enters the building, door knobs and surfaces are cleaned. One staff member had to quarantine for 14 days because for potential exposure to COVID from a relative, that leaves only 6 staff members left in the building. Clyde said the audit is also being completed remotely and he feels at this time this is the right direction to go.

Hastings Rigolett – Graves Building Permit for an Accessory Structure

Clyde asked Hastings to state his concern to the Board. Hastings said he has the minutes from May 28, 2019 when he met with the Board. At the end of his meeting with the Board, Clyde said he would get back to Hastings and Hastings said that never happened. Hastings feels the Building Permit approved for the property owned by Kyla Graves was pushed through illegally.

Hastings listed his first concern, Article IV General Provisions: *Use Permit: No permit for the erection, exterior alteration, moving or repair of any building shall be issued until an application has been made for the certificate of zoning compliance.* Hastings asked if this certificate is available for this building. No answer was provided.

Hastings said on May 15, 2019 he went by the building, the front had been excavated and the back roof had been torn off and part of the back had been torn off. There was no building permit. He said he approached the Town and was told by the Selectman's secretary they didn't need a building permit. He said (6) days later they applied for a building permit. He said the building permit was filled out and very vaguely done and now he finds out things were added to the building permit after the Selectmen signed the permit. Judy asked Hastings if things were added to the permit after the Selectmen signed it. Hastings said yes, you can tell because there is different pen on the permit. Hastings said he has the original permit, regardless what was filled in, the permit is a contract. He sees this as another violation.

Article IV, Site-Plan Review, 5 (b), there is supposed to be an addendum attached to this building permit if this happens, he asked if it's available. No answer. Diane asked a Site-Plan Review for a commercial building? Hastings said no, this is a change of use, it was a pottery studio for years. He said now the property card lists the structure as a single family dwelling, there is already a primary residence on the property. He said he was told the structure was lived in previously, which they didn't, he needs to see an occupancy permit and a septic design from the Town. Diane said there is a septic design on file. Hastings said he is talking previous to this permit, when someone lived there. Diane said Mary (selectman's secretary) told her someone did live in the building when she rented the main house. Hastings said so Mary, who works for the Town, and they were living there illegally? They have no occupancy permit and no septic design approved by the State. Hastings requested a copy of this meeting notes. Diane said she would email it to him.

Hastings said if you go through the application checklist it was checked off Not Applicable for approval for construction of a septic system. Drive-way permit, he is not sure of because they go through his property to get to the structure. He said the property is also in current-use. Hastings requested a copy of the floor plans as well.

The footprint of the studio according to the property tax card is 1,639 square feet, and according to the property tax card the finished area is 1,435 square feet. He said RSA 674:71 73 part 3 page 23 #3.2.6 says 1,000 ft maximum, the building is already over sized. Hastings believes this building is in total violation.

Judy asked Hastings what the initial building permit is for. It was for interior renovation, electric panel, plumbing for septic and repairs. He said they put a totally new roof on and new sky lights and the building has new windows. Hastings said he was told that a Selectman was to meet the builder at the property today. Clyde said no Selectman visited the property today. Clyde said his understanding is the building is a conforming use. Hastings asked when the change of use was done. Clyde said in his mind it's not a change of use. The Building Inspector says it meets the codes and he is not sure what Hastings objection is. Hastings said RSA 674 says specifically the building can't be any larger than 1,000 square feet and the building is over 1,400 square feet, it's in violation of the State Statute. Hastings asked Clyde if he feels this is okay. Clyde said he is saying the Building Inspector says the building meets the codes, it's a conforming use, he said to Hastings that he is not sure what he wants to achieve. Hastings said he wants this to go through Planning & Zoning, it should have from the very beginning. Clyde said that would not be the normal process for this permit. Hastings said, of course it is, it's a change of use from a studio to a single family home so there will be two houses on one piece of property. Hastings asked Clyde what is the problem sending this to Planning, what is the resistance. Clyde said residential things don't go to Planning or Zoning unless it's a nonconforming use. The property is in an R3 zone and Judy asked if accessory structures are allowed. Clyde believes it is allowed. Hastings said again, this building is grossly over sized per the RSA. He said if the Town forces him to go further with this he will. He asked the Board why they don't want to do the right thing. Judy said she would like more time to look at this. Hastings said he is scheduled to meet with the Board again on July 21 and he would like answers to all the questions he posed tonight.

Clyde asked if anyone else would like to speak up. Mike Carrol said he is doing the work at the building being discussed. He was hired to do renovations, the footprint has not been changed. There is another room attached to the structure that is a storage space and is not a usable space. The property has been inspected by Tom Baye and Peter Wyman. Mike said he is working with the Town trying to do the right thing. Hastings said he has photographs of the building on May 15 & 16, the roof and backside was torn off, front was excavated, it looked like sills were being installed and there was no building permit. The building permit wasn't put in until May 21 when he approached the Town, then miraculously there was a building permit. Mike said he always pulls building permits and there is one for this project, he doesn't know what the problem is.

Gary Young said the building is an existing building and all they are doing is fixing that building.

Kyla Graves, property owner of the accessory structure said they have done everything by the book and have no interest doing anything that is unlawful. She said as far as she and Mike Carroll are concerned, they have done everything in compliance with the Town.

Abatement Request for Map 16 Lot 73

Assessing Clerk, Deb Moody, said the property owner is abating the amount of the tax bill from the property that was logged because they feel the conditions of the property was not as good compared to what the matrix said it was. The property owner obtained an outside appraisal that resulted in 66%. The Town Forester re-did his appraisal and came up with 73% which is for the quality of the wood, the location and the sale of the timber. The

Forester's first assessment was 1.00. The property owner was taxed using the 73% which reduced the tax bill by \$1,449.60, Deb is abating the difference from the first billing.

Board Action

Selectman Newman-Rogers made a motion to abate \$1,449.60 for Map 16 Lot 73. Chairman Carson seconded the motion. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

Budget Committee Meeting Schedule for 2020/2021

The Board will review the schedule for discussion at the July 21 meeting. Judy asked what about the concern having too many Budget Committee meetings. Clyde feels that is a Budget Committee discussion. Mike Cutting said the Board has had the Budget Committee meeting schedule since March and will be presenting it at the Budget Committee meeting on July 16. Compared to Hopkinton – 11 meetings, Bradford - 11, Sutton – 13 and New London – 7, Warner has 17 meetings scheduled. The concern is there are too many meetings. Budget Committee member Martha Mical said the Committee has more meetings because they go into more detail and she feels the Committee should be going into detail. Clyde said the Budget Committee is in control of how many meetings they need.

Horne St. Property

Clyde said the Board received advise from the Town Attorney. The question is does the Board want to sell it by auction or sealed bid. Jonathan recommends the bid process for this property. Clyde said confirmation is needed regarding the septic system, is there one or not. Abutter, Peter Flynn, said the previous owner had a porta-potty on the property, he said the gray water was dispersed on the ground. Peter Flynn said there is still the issue of the property being a non-conforming lot. Clyde said if the house is on the property there must have been a variance for it. Judy said a person could tear down the house and build in the same footprint. Peter said the non-conforming house hasn't been used for 5 years, it's abandoned, so the current zoning would apply. Judy said the property owner left the property because the Town placed a lien on the property because of the inability to pay the property taxes, that's not abandonment. Peter said the building is not habitable, and there is no septic system and because it has not been lived in for 5 years the property is now non-conforming. Judy said conforming and abandoned property will need to be researched pertaining to this particular property.

Town Hall Sprinkler System

Diane reported (from Tim Allen, Director of DPW) the plans have been submitted to the engineer and the hopes are to have something by Wednesday.

Old Fire Station

Clyde reported the occupant of the building is working on getting financing.

Recreation Plan for the Minks

Clyde said he doesn't have the final plan yet.

Junk Yard Site Visits

The visits were scheduled for July 8 and is canceled until July 15 because of potential rain storms. Ken Cogswell from the Conservation Commission forwarded a suggestion to the Board to have a member from the Water District visit the yard on Chemical Lane because there are wells in that area. Diane said she has contacted Ray Martin from the Water District.

Selectman's Other Business

Judy asked if the audit was finished. Diane said the Auditor's are still working on the audit remotely.

Judy wants looked at what happens when someone is hired, what is the process regarding needed paperwork, meeting staff members, insurance etc. Judy wants the employees to be informed when hired.

Jonathan is creating a spreadsheet for Town owned land, after, the Board will review the list. Clyde said a spreadsheet was created about 2-years ago. Jonathan has that list as well.

Clyde said the Water District may be able to do the water testing at the Town lake. Judy asked if the pipe work was completed at the lake. Clyde wasn't sure, but, the beach is open.

Town Administrator's Report

Diane has been working on what an opening of the Town Hall would look like and getting documentation in place, signage and supplies, who wears a face mask, who doesn't, etc.

The office moves will be taken place in the next couple of weeks. The Tax Collector will be moving into the newly renovated office space located off of the lower meeting room. Diane will be moving into the Town Clerk's office, the Selectman's secretary will be moving into the Tax Collector's office across from the Town Administrator and then the Town Clerk will move into the two offices that was the Selectman's office. The back office will be used for record storage.

Diane has been busy working on grants and helping with Landuse. Clyde asked Diane if her time working on the COVID grants qualify for reimbursements. Diane said yes, from the FEMA grant.

Public Comments

Martha Mical asked if the Board looked over the list of preliminary assessments. Both Judy and Clyde said they did. Martha asked the Board what they thought of the assessments. Clyde said he didn't see anything that jumped out at him for concern. Also, the Market Basket appeal has been dropped.

John Leavitt said the public hearings via Zoom seem to work very well for everyone but the public. There's documents being shared, you can't ask questions if you don't know what the people are looking at, there are no maps being shown, access to maps at the Town Hall is restricted. John said he attended the two Planning Board hearings last night and was very frustrated because there was a lot of information but not available to the public. How do you ask questions, calling in by phone is worse. John said the Town needs to get back to having meetings at the Town Hall. Clyde said that is everyone's goal, but, there is a pandemic at this time. Diane said all of the cases before the Planning Board at this time and all the documents relating to the cases are on the Town's website. There are also hard copies available at the front of the Town Hall. Diane said she is not aware of anyone calling the Town Hall not being able to access maps. She said to John to call her if he needs documents before a hearing or meeting. John said the public hearing notice doesn't say there is more information on the website. Diane said we will work on that.

John Leavitt said he received his new property assessment and he wants to know how the assessment was determined and asked how he can obtain that information because no one showed up on his property. John was told to call the Assessor for the information he needs. Martha Mical said the property cards need to be available at the Town Hall, she said to put them on the front steps so people can get to them. Judy said the Board talked to the Assessor about putting information on the website. Judy suggested putting information on the website on how property owners can obtain property information.

John Leavitt commented that Ben Frost, Chairman for the Planning Board, did an exceptional job conducting the meeting last night.

Meeting Minutes

Chairman Carson made a motion to approve meeting minutes dated June 23 public and nonpublic with grammar corrections. Selectman Lord seconded the motion. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

Manifest

Chairman Carson made a motion to authorize the Selectmen to approve previously signed manifests and order the Treasurer to sign:

- Payroll check numbers 6374-6383 in the amount of \$35,448.72 (this includes 26 direct deposits).
- Accounts Payable check numbers 57642-57677 in the amount of \$282,057.42.
- Accounts Payable check numbers 57678-57680 in the amount of \$1,239.22.
- An automatic withdrawal for payroll taxes for \$9,478.55.

Selectman Newman-Rogers seconded the motion. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

Consent Agenda

Chairman Carson made a motion to approve the Consent Agenda for July 7, 2020:

The items listed have been signed by the Board from June 24 to July 7:

1. 2 Reimbursements
2. Building Permits for:
 - Map 10 Lot 30-1
 - Map 3 Lot 24-10-MA
 - Map 3 Lot 92

Selectman Lord seconded the motion. Roll call vote: Carson – yes, Newman-Rogers – yes, Lord – yes.

Nonpublic Session

Motion to enter nonpublic session made by Chairman Carson, seconded by Selectman Lord.

Specific statutory reason cited as foundation for the nonpublic session: RSA 91-A:3, II (C) reputation.

Roll call vote to enter nonpublic session: Carson - Yes, Newman-Rogers - Yes, Lord - Yes

Other persons present during nonpublic session: Diane Ricciardelli and Ben Frost

Description of matters discussed and final decisions made: Minutes permanently sealed.

Adjourn

A motion was made and seconded to adjourn. Roll call vote: Carson - yes, Newman-Rogers - yes, Lord - yes.

Board of Selectmen
Clyde Carson – Chairman
Judith Newman-Rogers
Jonathan Lord

Recorder of the minutes: Mary Whalen