



# TOWN OF WARNER

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## Select Board - Work Session UNAPPROVED Town Hall- Lower Meeting Room-5 E Main St

Tuesday, May 10, 2022, 6:30 p.m.

### I. 6:30 pm Open the Meeting/Roll Call

Chair Sam Bower opened the meeting at 6:40 p.m. and recognized the presence of fellow members Clyde Carson and Christine Frost.

Also present: Steve Reddy of “Reed’s North” restaurant; Gear Up Homeschoolers members Elizabeth Labbe (outgoing president), Erika Carr, (new president), and Sam Carr (the group’s facilities director); Neil Nevins member of the Economic Development Advisory Committee (EDAC); Amelia Gardner, Farm Manager with nonprofit Farmsteads of New England/member of the Agricultural Commission; Tax Collector Marianne Howlett; Transfer Station Foreman Varick Proper; Emergency Management Director Ed Mical; Ken Cogswell; Select Board Administrative Assistant Judith Newman-Rogers; Town Administrator Diane Ricciardelli; and Recording Secretary Ray Carbone.

### II. Appointments

#### a. Steve Reddy, “Reed’s North”, Outside Seating

Chair Bower welcomed Steve Reddy of the Reed’s North restaurant in Warner, which took over the former Local restaurant’s space on Main Street earlier this year. The new establishment wants to provide outdoor seating during warm weather on the sidewalk space in front of the building, and is seeking the Board’s permission. The situation is a little unusual because the sidewalk is owed by building owners Bob Egan and Rhonda Rood, not the Town.

Reddy said the immediate goal would be to use the outdoors seating area on select nights and weekends. It would be roped off, as required by the NH Liquor Commission, so the other side of the six-foot wide sidewalk would still be available to passers-by. As proposed, the outside dining space would have no impact on the Main Street parking.

Reddy spent some time outlining exactly how the outdoor space would be configured during dining times. The establishment would like to utilize the outdoor area as soon as possible, he added, it is still waiting to get the required permission from the NH Liquor Commission.

Select Member Frost said she loved the idea but wanted to be clear about any potential liability issues that may arise regarding the Town. After further discussion, the Board agreed to meet with Reddy at his establishment on Thursday, May 12, at 6 p.m. The site visit would allow the Board members to get a better idea of exactly how the outdoor seating would be configured.

### **b. Gear Up Homeschoolers, Rent Relief Request**

Outgoing President Elizabeth Labbe said that she wanted to ask the Board to consider the Gear Up Homeschoolers' rent relief request regarding its annual \$400 for use of a space in the Town's Warner Community Center (WCC, aka "Old Graded School)."

Select Member Carson asked Labbe if she was aware of a new funding program that provides money to homeschooling families; he wondered whether local families who participate in the Gear Up program could defray some of the organization's rent.

Labbe said that, as she understood the funding program, it is money that goes directly to families, not independent nonprofit organizations like Gear Up.

Incoming Gear Up Present Erika Carr said the organization could make its participating families aware of the funding option and mention the Town's request for rental support.

Labbe explained that Gear Up is not an accredited school and that it runs on a very tight budget with an all-volunteer staff. The organization doesn't keep financial records of participating families; if it moved in that direction, she said, it would also be required to have a locked facility that protects properties, as well as other restrictions.

The whole idea behind the Gear Up Homeschoolers, Labbe said, is simply to provide a local alternative for families and students that would not otherwise be available. "The only thing we do is provide a safe place where children and families come and thrive, and we make it as cheap as possible," she said.

Carr said that the organization charges families just \$75 per year, and that it relies heavily on its volunteers as well as other people in the community – farm owners, etc. – to support the educational opportunities.

Carson said that the funding program he's referring to is a new Educational Freedom Accounts Saving program "that will allow eligible New Hampshire families (earning up to 300% of the poverty line) to direct part of their child's state education funding to pay for homeschooling programs." He understands that its mostly homeschooling families that are applying for the grant scholarships and that the awards are forthcoming fairly easily. A family of four earning up to \$79,500 could win an award of up to \$4,600 annually.

Labbe said this is a new program that she's heard about but had not yet learned the details. Labbe told the Board that she understands that renting the WCC space for \$400 is a great deal for Gear Up and that the group is fortunate to have a space it can call it's own; many homeschooling organizations have to unpack and pack up again after their regular programs because they work in spaces (like a classroom) that's used by others in their communities. But if the group could just

get a little bit more financial support this year, it would make a tremendous benefit. Gear Up leaders weren't even sure they'd be able to restart in 2022 until a short time ago.

After further discussion, Chair Bower said that he was prepared to move forward with the rent relief request tonight. But he noted that the Town is looking into making the best use of the WCC and one of the hopes is that rent of its space will allow the Town to operate the facility without losing money. An initial estimate put operating costs at \$25,000 annually. At the same time, the Board wants to keep the WCC available for groups that add significantly to Warner's community, as the Gear Up Homeschoolers do, Bower said. Carson said he's been a longtime supporter of the group.

Frost told the Gear Up representatives that it would be helpful if they can come to future meetings where the possible uses (and needs) of the WCC are discussed. Labbe said they would be glad to participate in those discussions.

**Chair Bower made a motion to approve the Gear Up Homeschoolers' request for \$400 in rent relief for use in the WCC. Carson seconded. In a voice vote, the motion passed unanimously.**

**c. Neil Nevins, Economic Development Advisory Committee (EDAC) and Amelia Gardner, Agricultural Commission, Community Garden**

Neil Nevins introduced Amelia Gardner, who serves on the Town's new Agricultural Commission. He said that, as a member of both EDAC and with the Warner Connects nonprofit organization (which operates the Food Pantry), he has been involved in the process of planning a "community" garden on land behind the WCC.

Gardner said that she works with an organization called "Farmsteads of New Hampshire", which operates a working farm and works with adults who have disabilities. She said Farmsteads has been supporting the local Food Pantry for several years, and more recently, has begun bringing its mobile food pantry to the Warner Connects Food Pantry operation at the WCC. (The Farmstead provides food at no cost, primarily to low-income elderly housing communities around the State; it began taking its truck to Warner's Food Pantry on a regular basis earlier this year because the steady line of people who use the local pantry – approximately 300 families a month – allows them to distribute fresh foods economically.)

Gardner said that, whenever it's possible, she likes to establish gardens where residents can raise their own food and flowers. She said she has been speaking with Lori Garrett at the Food Pantry about utilizing some of the space behind the WCC for some time now. As others in the community have expressed interest –including the Ag Commission – enthusiasm for the idea has grown.

Gardner said she's before the Board tonight to ask permission to use a space approximately 30' by 40' for a raised box garden in the area that was formerly used as a children's sandbox. The goals will be to aid the local Food Pantry with fresh fruits and vegetables and provide educational opportunities for local elementary and high school students. It will serve alongside other projects in the area that are working to address food security issues.

Gardner said that materials used on the site for the garden can easily be moved in and removed, so if the project doesn't succeed, there would be no undue burden to the Town. She also said the hope would be to get going sometime this spring/summer. After the fall harvest season, the Town and others involved could decide whether to continue with the work.

Frost said she likes the idea, but raised concerns of possible problems arising when a childcare facility begins operating in the WCC in the fall.

Frost also raised the question of some kind of written agreement outlining the planned activities and responsibilities of the participants. Carson suggested that the idea of reevaluating the program at the end of the summer would be helpful in terms of moving forward. Nevins said the garden would be a good addition to the community.

Chair Bower suggested that the Farmstead group talk with Warner Connects and the Town to put together an agreement for the program. Gardner said she would provide the Town with the insurance information that covers Farmsteads of New England.

**Carson made a motion to permit the Warner Connects Food Pantry and Farmsteads of New England to work together on planting some raised seedling beds in 30'-by-40' areas behind the Warner Community Center. Bower seconded. In a voice vote, the motion passed unanimously.**

#### **d. Ed Mical, Emergency Management, Update Shelter Training and Grants**

Emergency Management Director Ed Mical said he came to update the Board about his department's Updated Shelter Training and some Grants.

1. Mical said he's initiated a Memo of Understanding between the Town and the United Church of Warner. As a result, about three or four weeks ago, roughly 16 church members participated in a training program related to utilizing the Town Hall as a primary shelter in an emergency. The program, which was led by members of the Capital Area Health Network, went smoothly, he said. "So, now we have some people who are trained" in what could be a critical area in the event of an emergency.

2. Last year, the Town applied for a grant that would fund an update to its Emergency Planning Program. Mical said he put 50% of the cost of the program into his Operating Budget, as required; the way the funding process works, he explained, is the Department puts the costs into its budget and the State gets permission from the federal government to fund the other 50% of the program costs.

This week Mical said he learned that the process has been approved, so the Town will likely see the paperwork soon to pay for enhanced security measures at the Emergency Operations office, located in the Fire Department building.

3. Mical said he received an email several weeks ago about working with the Department of Public Works (DPW) on emergency management, including a hazardous mitigation grant program. These grants are typically split, with the Town paying for 25% and the federal government funding

the remaining 75%. But as a result of the recent Covid pandemic, the formula has changed: the Town will now pay 10% and the federal government the remaining 90%.

Warner has two projects that are already part of the Town's Hazardous Mitigation Plan (which is part of the criteria for winning a grant). One is for the culvert work on North Village Road (adjacent to the reservoir); the other is for the box culvert related to the Schoodac Road construction project. A Letter of Intent needs to be submitted by June 1 and the application has to be filed by July 1, 2022.

Frost noted that since some of the costs of those two projects are already included in the Town's budget, the grant money would allow some of those funds to be transferred and used for other projects.

Carson recommended the Board move forward with Mical's proposals and noted that as helpful as the grants will be, if the Town wins them, there are still issues that should be considered moving forward, including the long-term impact of global warming and predictions regarding "100-year floods." He also suggested that the Board communicate with the Conservation Commission to ensure that any relevant issues of "protected habitats" are taken into consideration.

**Carson made a motion to have Ed Mical send the State a Letter of Intent regarding the Town's plan to apply for the grants. Bower seconded. In a voice vote, the motion passed unanimously.**

4. Finally, Mical told the Board that he was looking for some help to put together a Request For Proposal regarding plans to create an alternative route off Mount Kearsarge that could be available if Mount Kearsarge Road becomes impassable. Frost said she would help Mical with the project.

#### **e. Marianne Howlett, Tax Collector, Tax Lien Properties**

Tax Collector Marianne Howlett said she came to inform the Board of private properties that are entering the final year of their two-year redemption period (for unpaid property taxes). She distributed a letter to the Board outlining the properties, as well as the legally required steps in the process.

The properties have unpaid property taxes from the 2019 tax year, which means that the relevant tax liens were executed on June 19, 2020; the two-year redemption period will be ending next month.

Chair Bower noted Howlett meets annually with the Board to review properties that are nearing the end of their redemption period and added that when those notices go out, the unpaid tax issues are typically resolved quickly.

Howlett said Sanders Searches, LLC, has begun doing title searches for these properties, that is, looking to identify any mortgagees and the owners. When completed, notices will be mailed to both the property owners and any mortgagees by June 3.

Howlett pointed out Map 30, Lot 10, has unpaid tax liens for 2017 and 2018 unpaid taxes; liens were waved on May 25, 2021, so Howlett requested that the Board lift both waivers so notices

could go out regarding the unpaid taxes for 2017, 2018, and 2019. The Board could still choose to reinstate liens in July.

Carson made a motion to lift the two waivers for the 2017 and 2018 property taxes on the property Map 30, Lot 10. Bower seconded. In a voice vote, the motion passed unanimously.

At Howlett's request, the Board members signed the relevant paperwork for all the properties impacted.

**f. Transfer Station, Discuss Fees, Container Update, CMA Engineer Contract**

Chair Bower said Transfer Station Foreman Varick Proper came to discuss signing the contract with CMA Engineering, which will allow the company to move forward with an evaluation of the Transfer Station property regarding recommended updates, improvements, etc. Bower said he has signed the CMA contract. The company has 90 days to complete its evaluation and submit recommendations: the deadline comes around when the Town begins drafting its 2023 Capital Improvement Program.

Proper also told the Board that he's still not heard back for several months from the container company regarding a new container for the compactor. Chair Bower suggested Proper call the company once more and if he doesn't hear back, he can come back to the Board for its consideration of a new container from a different company.

**Chair Bower made a motion to give Proper permission to bring back to the Board more options regarding the purchase of a new container for the Transfer Station compactor. Carson seconded. In a voice vote, the Board approved the motion unanimously.**

Proper presented the Board his proposed rates for resuming fees at the Transfer Station which have been suspended since the beginning of the Covid-19 pandemic in March 2020. He said many area towns are currently looking at restoring their collection practices, and some have not yet updated their fee schedules. Communities use a variety of models for their fee structures, including weight and material types; some are discontinuing the collection of certain materials, so residents will have to travel to another (larger) facility to trash them.

Chair Bower said it appeared that Proper's proposal would be a little lower than other Towns. Proper agreed, noting that if fees are too low for items like furniture and tires, residents from other nearby communities may be tempted to bring their refuse to Warner's Transfer Station; but if the fees are too high, some residents may be tempted to dump items in illegal areas.

Proper said he has considered discontinuing the collection of propane tanks and electronics due to difficulty in properly defining the latter, e.g., an electronic device could be anything from a cell phone to an old 8-track home stereo unit. "For the majority of consumer electronics, I'd recommend waving a fee," he told the Board, and suggested raising fees for items like recliners and couches.

After a brief discussion, the Board decided to reinstate fees at the Transfer Station, using Proper's new fee table, on Wednesday, June 1. "All these recommendations are reasonable," Chair Bower said.

Finally, Proper reminded the Board that the Town is hosting a regional Hazardous Waste Collection Day on Saturday, September 10.

### **III. Old Business**

#### **a. Process and Use American Rescue Plan Act (ARPA) Funds**

The Board had a brief discussion about ARPA funds but decided to hold off on action until its scheduled meeting, Thursday, May 12, where department heads can talk about ideas they have about how to utilize APRA funds. Frost said that, from the Board's earlier conversations, it might be that the Town is already overextended on how to spend the estimated funds.

### **IV. New Business**

#### **a. Abatement Requests**

##### **i. Map 18 Lot 001**

Chair Bower explained that this item was considered at a previous meeting. But it's now confirmed that "the logger put his decimals in the wrong spot" and that has been corrected and re-calculated.

**Chair Bower made a motion to grant the abatement for Map 18, Lot 001 for the Timber Yield Tax levied in the amount of \$157,828.48. Carson seconded. In a voice vote, the Board unanimously approved the motion.**

##### **ii. Map 10 Lot 029**

Incorrect calculations, now corrected, necessitated another abatement request.

**Chair Bower made a motion to grant the abatement for Map 10, Lot 029, Intent To Cut, in the amount of \$321.12. Carson seconded. In a voice vote, the Board unanimously approved the motion.**

### **V. Administrator's Report**

Town Administrator Diane Ricciardelli had to leave the meeting early but Board Administrative Assistant Judith Newman-Rogers presented the Administrator's Report.

The first item announced the receipt of Select Member Carson's resignation from the Board.

The second was the NH Department of Labor report received this week, following up on its recent visit to Town buildings. It includes recommendations for minor changes, and Ricciardelli is working with department heads to make the necessary improvements and changes.

Finally, reported is that Ricciardelli's office is continuing its work with Municipal Resources, Inc. (MRI) regarding the conversion of the Town's financials to new software; the current schedule calls for the Accounts Payable portion to be converted this month, and Payroll in June.

Frost added that employees should be aware that, from this time onward, reimbursement payments for work-related mileage would be included in the regular salary check, listed separately from wages and will continue to be a non-taxed amount.

## **VI. Select Board Other Business**

Frost said that she was able to cover a portion of the perambulation walk with Robert Garrison of Henniker recently. The pair walked approximately one mile into a wooded area off Rte. 114 to a disputed section of boundary line between Henniker and Warner. Frost said that when the line was checked seven years ago, an error was made, altering the boundary line as much as 30-to-40 feet in places. At that time, the boundary marker was considered to be a rock wall; but the correct marks are clear and a correction was proposed and made.

Frost reported the reconstituted Road Committee recently met and they will provide guidance to the Town's road construction projects. The \$2.6 million bonding article was approved at the annual 2022 Town Meeting in March.

Frost also met with the Parks and Recreation Committee, which she said is doing "great work" to have its new skate board park facility constructed. The material will be delivered in June and the Committee is planning to hold a "kickoff" event for the Riverside Park project sometime soon after.

Carson said he's been speaking with Zoning Board of Adjustment (ZBA) Chair Barbara Marty and Planning Board Chair Ben Frost about the formation of a Housing Committee that would look into affordable housing and other related issues. Carson said Ben Frost suggested it would be more proper to put it under the Planning Board rather than the authority of the Select Board. The other two Select Board members agreed.

Carson said he has learned there is some grant money available to hire someone with expertise in affordable housing issues to support the new Committee's work. A new timetable for possibly creating new zoning regulations that would deal with related housing issues can be looked at now to be presented for the annual Town Meeting in 2024.

Chair Bower said he's spoken with Chris Emond, CEO of The Boys and Girls Club of Central New Hampshire, about the club instituting a childcare program in the WCC, now that the local Head Start program has decided against continuing to use the space. Emond and Steve Brown, who owns the residence adjacent to the WCC (and who has indicated a willingness to adjust the property line to ease any traffic flow problems in the WCC parking lot), are hoping to meet soon with the Board and DPW Tim Allen. The group will do a walk-around on the WCC property soon. Bower said he would let the other Board members know the exact date once its established.

## **VII. Public Comment**

None.

## VIII. Consent Agenda

Carson noted a question regarding a request for an exemption from Gear Up Homeschoolers. After a brief discussion, the Board agreed to put the item aside and move forward with the Consent Agenda as presented.

Carson made a Motion to Approve as signed by the Warner Select Board:

1. Yield Tax Levy Warrant:
  - a. Map 07 Lot 039 \$5,033.64 (Updated Amount)
  - b. Map 18 Lot 001 \$3,819.14 (Updated Amount)
  - c. Map 12 Lot 014-2 \$ 339.67
  
2. Cemetery Deeds:
  - a. New Waterloo Cemetery Lot 43
  - b. New Waterloo Cemetery Lot K-17
  
3. Application for Property Tax Credits/Exemptions:
  - a. Map 12 Lot 17-2-3
  - b. Map 33 Lot 007
  - c. Map 16 Lot 032
  - d. Map 17 Lot 004-6-1
  
4. Building Permits:
  - a. Map 03 Lot 094 Plumbing
  - b. Map 03 Lot 094 Heating
  - c. Map 04 Lot 009
  - d. Map 07 Lot 070-4
  - e. Map 09 Lot 011
  - f. Map 14 Lot 005-1-1
  - g. Map 14 Lot 029-1-12
  - h. Map 31 Lot 003
  - i. Map 31 Lot 032
  - j. Map 31 Lot 058

In a voice vote, the Board unanimously approved the motion.

## IX. Manifest

Chair Bower read into the record: Motion to authorize the Selectmen to approve previously signed manifests and order the Treasurer to sign:

- Accounts Payable check numbers 59755 - 59810, dated 04/15/2022, in the amount of \$126,476.62.
- Accounts Payable check numbers 59811, dated 4/19/2022, in the amount of \$37,819.59, for the Payroll Transfer.
- Payroll check numbers 7154 – 7163, dated 4/21/22, with net check and direct deposits totaling \$37,819.59

- Accounts Payable check numbers 59812 through 59843, dated 04/27/2022, in the amount of \$40,991.22
- Accounts Payable check numbers 59844 through 59852, dated 04/28/2022, in the amount of \$311,184.01
- Accounts Payable (Parks and Rec revolving fund) check numbers 1024, dated 04/28/2022, in the amount of \$260.35
- Accounts Payable (ARPA) check numbers 6 through 7, dated 04/28/2022, in the amount of \$14,461.89
- Payroll check numbers 7164 – 7176, dated 5/5/22, with net check and direct deposits totaling \$39,590.25
- Accounts Payable check numbers 59853, dated 05/03/2022, in the amount of \$39,590.25, for the Payroll Transfer

All in Favor. Motion Approved.

**X. Select Board Other Business (Continued)**

Ricciardelli submitted a request that the Board approve the hiring of Clyde Carson as the Director of Finance at Step 10, Grad 7, starting on May 16, 2022.

**Chair Bower made the motion; Frost seconded.**

**In a voice vote, the Board unanimously approved the motion; Carson abstained.**

Carson said he would continue to serve on the Board for one more meeting this Thursday. Legally, he doesn't need to resign noting the Board agreed the resignation was appropriate for public perception.

Frost said she was very concerned about Carson leaving the Board, which he has served for approximately 12 years. She thanked him for his service and support for herself and others who serve the Town, on boards and committees, as well as employees.

**XI. Meeting Minutes: 4/14/22; 4/24/22**

Board decided to put aside this item until its next meeting.

**XII. Non-Public Session Under RSA 91A:3 II (if needed)**

The Board had a brief discussion about whether it would be appropriate to discuss who might be suitable to fill out the remainder of Carson's term (until March 2023 Town Meeting). Carson said a Non-Public Session might be helpful if the Board wants to discuss specific candidates.

Frost said she wants to advertise the vacancy as widely as possible. She also encouraged the other Board members to set up a timeline for finding the new member.

## **Non-Public Session**

### **Motion to go into Non-public Session by: Bower Frost Carson**

Under: RSA 91-A:3 II (c) - matters if discussed in public would likely affect adversely the reputation of any person

1. Second: Bower Frost **Carson**
2. Vote by roll call: Bower-Yes Frost-Yes Carson-Yes
3. **Motion: Passed** Failed
4. Enter Non-public session at: 9:08 pm

### **Motion to Return to Public Session by: Bower Frost Carson**

1. Second: **Carson Bower** Frost
2. Vote by roll call: **Carson-Yes Bower-Yes Frost-Yes**
3. **Motion: Passed** Failed
4. Return to Public session at: 9:18 pm

### **Motion on minutes by: Carson Bower Frost**

Available **Seal for: Eighteen Months**

1. Second: **Carson** Bower Frost
2. Vote on minutes by roll call: **Carson-Yes Bower-Yes Frost-Yes**
3. **Motion on Minutes: Passed** Failed

## **XIII. Adjourn - 9:20 pm**