

TOWN OF WARNER



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BOARD OF SELECTMEN July 20, 2021 APPROVED MEETING MINUTES Tuesday, 7 pm

I. Roll Call / Attendance

Clyde Carson (Chair), Sam Bower, Christin Frost,

Ia. Non-Public Session 91-A:3 II(I) - legal advice

A. Motion by Carson / ~~Bower~~ / ~~Frost~~ to go into Non-public session legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

1. Second: ~~Carson~~ / Bower / ~~Frost~~

2. Vote by roll call: Carson: YES / ~~NO~~ Bower: YES / ~~NO~~ Frost: YES / ~~NO~~

3. Motion: **PASSED** / ~~FAILED~~

B. Enter Non-public session: Time: 7:03 pm

C. Return to Public session: Time: 7:20 pm

1. Motion: Sam Bower to seal meeting minutes for 2 years.

Non-public minutes: ~~Available~~ / Sealed for 2 Years

2. Second: Carson / ~~Bower~~ / ~~Frost~~

3. Vote by roll call: Carson: YES / ~~NO~~ Bower: YES / ~~NO~~ Frost: YES / ~~NO~~

4. Motion on Minutes: **PASSED** / ~~FAILED~~

II. Appointments:

A. 7:00 pm: Henry Herndon, Community Power Coalition of NH, "The Benefits of Joining

Clyde Carson spoke about the Energy Committee subcommittee which is comprised of David Bates, George Packard, Clyde Carson, and Neil Nevins. They are looking at the topic of Community Power, and a proposal to bring to Town Meeting, as soon as next March. Henry Herndon helped with our solar projects. In his new role, he is working on Community Power. They are forming a group that will help towns put together their paperwork consisting of back-office services, which are services that Towns, on their own, may not be able to do.

Henry Herndon: Henry is a contractor and currently works for Lebanon and Hanover, in a non-profit created by municipal governments. Warner has been invited to join at this early stage to explore Community Power, made possible by recent 2019 legislation, and it can be brought to Town Meeting. Step one would be to choose from where the electricity comes, which includes more options of green energy. Some of the history – Mr. Herndon recently worked for clean energy, working with Clifton Below who has done a lot of work on legislation in the state. Prior to being enacted, Hanover, Nashua, and some other towns began to research other states. They looked at Massachusetts, California and NY. They came to understand the 'coalition model' is the gold standard. Communities come together to collaborate to choose from where the electricity comes. The communities put together a bid to hire legal counsel to develop the non-profit. 6 law-firms applied, and spent the second half of 2020 writing an inter municipal agreement to create the coalition.

It is a non-profit created by municipal governments. If Warner were to join, it would have an appointment on the board.

Sam Bower asked if Warner wanted a different package of energy, than the other (up to 9) Towns, and wanted nothing but Solar Power for Warner, would that be possible, or would the coalition make a decision for all 9?

Henry responded that each town and member writes its own plan. All benefit in economy of scale, but no member can impose a plan on another. If a member wanted to build a solar array, no other member would be effected unless they chose to be involved.

Clyde Carson believes that the Community Power legislation changed so that towns have the right to 'opt-out', as opposed to 'opt-in'. It was hard to convince a town to sign up and then get everyone to sign up. The model that takes this to Town Meeting works better.

Warner's first step is to develop a Power Plan: get support to put the plan together. This would give a lot of resources to take to Town Meeting. Becoming members has no cost to the Town. We are not liable for any charges of other towns. If we jumped in, the cost of those services would be charged back through electric bills.

The Town may not approve but if the Town does, then we move forward and discuss services. Plans have to be submitted to public utility commission, and they have 60 days to review and reject, or it automatically goes forward.

Christine asked what is currently supporting the plan. Henry explained that the city of Lebanon has a 60k grant used to fund Henry and one other. Hanover has also donated. The plan is to incorporate this fall. The way this has worked in other markets, the vendors will provide the service up front at no cost. Once it is up and selling electricity, they recoup their cost through the electric bill.

No member is required to contribute any funding. Once it gets going, then a small portion is for the back office costs.

Christine asked, "what is the savings?"

Henry: 8-12 pct savings which translates to 100's of dollars per year.

Clyde: If you think about it, as a buyer of electricity, you can go to one of the providers of power and pay the rate that was negotiated. As a town we are able to negotiate for a better price if you aggregate with other towns. Harrisville offered 3 options. And it would be up to us to decide how many options we want to offer.

Christine: how would doing this through the other vendor effect net metering?

Henry: The long term goal is to create more opportunities, roof top solar for example.

A vendor would be the vendor buying the electricity as a portfolio. The individual consumer is not going to have a choice of a vendor of electricity, they will have a choice of packages. Or, they can remain with Eversource. Anyone can opt out at any time.

Clyde: We have an opportunity to join the coalition. Warner's Community Power Committee would have resources to put together a much better proposal. We would have our legal people review it. I would like to ask the board to approve the coalition, subject to the legal people reviewing.

Christine: What is the time-line? What is happening with other municipalities?

Clyde: There are seven communities. There is no cost to the community and you can pull out at any time. Lebanon and Hanover have completed plans and approved. Exeter and Dover and Rye have agreed to join, they are at the very beginning, at the same place as Warner.

Judy Newman-Rogers asked when you can withdraw at any time, is it without penalty?

Henry responded that as a Town if it is after we sign up, we have to honor that. Residents have no exit fees or penalties. Only the town would have fees if they ended early.

Sam: We need to have a representative, from the Community Power Committee or from the Select Board.

MOTION: Clyde Carson made a motion to approve joining the Community Power Coalition of NH subject to legal review of the contract.

Christine: Second

Voice Vote: Clyde: YES Sam: YES Christine: YES

MOTION APPROVED.

B. Dan Watts, Hybrid Meetings

Town Administrator, Diane Ricciardelli, presented three options at the previous meeting.

Option 1.

OWL Solution

⌚ \$1,000 OWL labs

⌚ \$300 100" diagonal portable screen

⌚ \$1,400 short throw projector such as the LG Minibeam Ultra Short Throw Projector

<https://www.pcmag.com/reviews/lg-minibeam-ultra-short-throw-projector-with-smart-tv-pf1000u>

Projector is placed about 12" in front of the screen

\$2700 one time cost

Option 2.

Rental from Zoom

\$179 per month for a similar solution as option #1. Agreement is month-to-month, can cancel at any time.

\$2160 per year

Option 3

\$250 per month for Townstream.com. Local company. Sets up and takes down, and includes live stream. Agreement month-to-month, can cancel at any time.

\$3000 per year

Christine: Option 1 and 2. What would be the maintenance cost if something breaks?

Diane: Includes replacements.

Dan: Have not looked at OWL.

An audience member volunteered that audio in a big room, where she works, is picked up by a "puck".

Dan: The OWL would be on a tripod.

Dan feels the OWL and one time cost is the better solution.

Clyde: One thing we learned (by using ZOOM) is that we get more participation. Along with that we get the ability to have an appointment remotely. We could have more people involved. RSA allows that one selectmen can participate remotely. Allows full participation of committee members.

Question: do we need a dedicated PC?

If we have a nice monitor in town, can we move it out of the area?

Clyde: likes to keep it simple. People know how ZOOM works. Diane commented that learning zoom had a steep learning curve.

Dan will check if the camera can be mounted upside down (like from the ceiling)

Martha Mical – Could you mount the OWL permanently? Could you also have a portable one upstairs?

Dan responded that we could have more than one. We could have more than one monitor, and more than one camera.

All board members are in favor of having a solution, and buying our own equipment is the preferred choice.

Projector that is movable is preferred.

Diane will get feedback from Town Administrators using OWL.

III. **Old Business**

A. Abatement Requests:

Clyde Motions as presented, Christine, Seconds on each, Voice Vote by Board follows.

1. Map 35 Lot 003 APPROVE Request. Yes, Yes. Yes.
2. Map 11 Lot 060 DENY Request. Yes, Yes. Yes.
3. Map 32 Lot 038 APPROVE Request. Yes, Yes. Yes.
4. Map 20 Lot 006-5 APPROVE Request. Yes. Yes. Yes.
5. Map 31 Lot 045 DENY Request. Yes. Yes. Yes.
6. Map 33 Lot 007 DENY Request. Yes. Yes. Yes.
7. Map 37 Lot 005 DENY Request. Yes. Yes. Yes.

8. PSNH:

Map 014 Lot 009 Sub 000	Map 016 Lot 058 Sub 000
Map 000 Lot 301 Sub 000	Map 000 Lot 300 Sub 000
Map 000 Lot 301 Sub 000	Map 000 Lot 300 Sub 000

Recommendation is to deny abatement request.

Motion by Clyde to Deny for all PSNH above. Christine second.

Voice Vote: Clyde: Yes. Christine: Yes. Sam: Yes.

9. Map 32 Lot 032

Motion to Deny. Second. Voice Vote: Clyde: Yes. Christine: Yes. Sam: Yes.

B. Firefighters Association Request for Museum on Town Property, W Main St. Fire Station

The Fire museum has to move from the Telephone museum basement. The telephone museum has allowed them to use the space. The telephone museum is expanding and there is no longer room. They asked if the Selectboard would approve this new location. (On the property of the Fire Station on West Main St.)

The Assosiation will still need to go to the planning board.

Sam and Clyde would like to visit the site with Fire Chief Jon France. Early evening or during the day. 7pm on Tuesday, July 27, 2021 at the Site of the West Main St. New Fire Station was agreed to.

Christine: what is the advantage to the town to have a non-profit on Town owned property.

Sam: Cultural value? Educational value?

Judy: At a previous meeting, Steve Hall said they paid rent at the Telephone Museum.

Sam: We still own the *old old* fire house (Kearsarge Mountain Road), correct?

Judy: The Warner Fall Foliage Festival is using it. We have other pieces of land that the Town owns.

Clyde: it would be good to meet with them at the Fire Station.

C. Planning Board Review (7/12/21) of Town Owned Properties for Potential Auction, Update

Sam: The Planning Board did discuss the properties and will put together a sheet for discussion. They did not give a recommendation. They did not have a rubric or criteria, but should have left the meeting with a list of criteria. Perhaps we could ask them to have something for the next meeting.

Clyde: We could ask them to do it by their next meeting, and there will possibly be another property to look at. Should we amend our policy that if we don't hear back within 45 days, then the review process is considered complete.

Sam: We came up with a procedure for selling properties with a process for Conservation Commission and Planning Board to provide feedback.

D. Zoning Board of Adjustment Alternates – Update

Sam: Harry Seidel on the ZBA reached out to people he knows but none were available. The option is still open for other people to apply. The ZBA is currently not hearing any cases.

Clyde: We were looking for people from different parts of Town. We should put out the call for the need for more people.

Sam: We do have some applications. The Board received a resident letter of concern that if three neighbors live next to each other from one area of Town then 3 people would need to recuse themselves if a case was before them from their neighborhood.

In an effort to avoid this, we hope to hear from more people.

Specifically put it in the newsletter that we are looking for people.

Sam finds that the best way to do this is to ask friends/neighbors if they are interested.

Sam recommends that we wait one more cycle. The board agrees.

E. Agricultural Commission Membership – Update

Sam Bower: I don't know if we want to make a motion now to seat 3 members. Sam will send applicant information to the Board tomorrow. There are enough people to fill all voting positions, and all the alternate positions with maybe one alternate open.

Clyde: I think we would like them to make some recommendation with regard to Zoning changes under Site Plan for agriculture and farming in Town.

Sam will get together with Ben Frost to develop what they want the Agriculture Commission to do. There are 13 active commissions in the state.

IV. New Business

A. Department of Revenue request for response to Use / Not Use annual "Taxpayer Inventory Blank" for 2022 (RSA 74:4)

Clyde: It used to be when you came to Town Meeting, you received an inventory form "this is my house and I have or have not made changes." Somewhere along the line, towns had the option to use the form. We do need to say each year if we will or will not use the form.

**Clyde Motions to NOT USE Annual "Taxpayer Inventory Blank" (RSA 74:4) for the year 2022.
Second. Voice Vote: Sam- Yes. Christine – Yes. Clyde – Yes.**

Action: Not Use

B. Tax Collector Request To Refund Duplicate Tax Payment, Map 15 Lot 031-1, \$1,448.80

Clyde Motions to Approve Refund Request by the Tax Collector for the duplicate tax payment for Map 15, Lot 031-1, in the amount of \$1,448.80.

Second. Voice Vote: Sam- Yes. Christine – Yes. Clyde – Yes.

Action: Motion PASSED

C. Route 103 East bridge over I-89

DOT would like to meet with the Selectboard to discuss the bridge on 103 that crosses over I-89. Clyde asks if they can meet at other times, preferably in the evening, because DOT has a conflict with meeting at the Boards Tuesday night schedule. The subject might have public interest.

Perhaps DOT could suggest an alternate day of the week. Judy will contact Rob Landry for options.

V. **Town Administrator Report**

- Check should be here for 152k for ARP funds this week.
- There will be a training on ZOOM, July 26, 2021 for how to spend funds
- The bookkeeper and the treasurer are setting up a separate bank account for ARP funds.

VI. **Other Selectmen Business**

- Sam spoke with Varick about a swap shop setup. Sam is working on a group of volunteers who will build a swap shop.
- Christine Frost will be the Select Board representative to the Budget Committee.

VII. **Public Comments**

Martha Mical – request that the Selectman’s office put out to the public, that people put away the tables and chairs when you are done using a room at Town Hall. “We used to ask them to clean the floors. It was part of the request form.” Diane will email the committee chairs.

Lucinda McQueen: Question about the tractor. Has that been purchased?

Clyde: Tim found a less expensive tractor, that was 10 years newer and 4k less, in better condition. Owned by a municipal user and in good shape.

Lucinda requests that the Select Board consider damage as well as clean-up to mowed locations.

Clyde: So your concern is how we use it, but not the tool itself - we would not be renting but buying and owning the equipment. That is a good point.

Sam: We could bring that to Tim’s attention, if there are areas we do not want cut. If we are renting, there is less room for communication. You do get better if you use things multiple times. Room for improvement.

Lucinda: I had a query about if any select people were in attendance at the fund raiser July 1 on Pumpkin Hill.

Clyde responded that it was a private event.

Lucinda voiced concerns about 393 Pumpkin Hill road and what they are doing does not have to do with farming, and that it creates traffic issues.

Clyde: we have been in discussion with this with legal counsel and are going by their advice. The laws have changed, and those laws take precedence. That is why we need to look at our zoning to address 2019 state statutes. There are many changes that allow farms to have ancillary activities on their property. Again, we have discussed this with our lawyer. Any person can have a private event on their property, a farm or a house. The July 1 event had nothing to do with the farm.

Kerry Hansen felt that the establishment is “blurring the lines.”

Clyde responded that the people in the room raising these issues have hired an attorney, and the Town has an attorney; we follow the advice of our attorney.

Martha Mical responded that she travels up and down Pumpkin Hill Road 6 times a day. There has never been a traffic jam at that property and they do not back up onto the road.

Clyde: Our lawyer has suggested that we develop an Agriculture Commission. We do not have zoning that addresses issues that are in the statute.

Susan Roth spoke that she has run into traffic on Pumpkin Hill and The Pumpkin Hill Farm. There are easily 30 or 40 cars, and spillover on the road. She does not feel it is agriculturally based if you have teenagers directing traffic. If it is “agritourism” that is going on there, you are in and out in five minutes. The establishment advertises picnics and photo ops, it is now an event. I don’t think a farm stand is a barn the size of their barn. Agritourism is supposed to be bought on site, or butchered on site.

Clyde: Thank you for your comments; these are things that the Agriculture Commission will discuss and determine. The state statute says that the state statute holds. Whatever we do, we have to apply equitably to all farms.

Susan Roth also filed a police report last year of someone who was “casing the place”, of a neighbor and she said this was a side effect of many visitors to the Pumpkin Hill Farm.

Kerry Hanson asked if there are other farms in towns having this issue

Sam responded that there are other farms in Town that participate in agritourism to help their farm. “I don’t know if there are other farms under scrutiny for agritourism”. Because farms are so diverse, and no farms are created equal, it is hard for a Select Board to dive into the detail of where agriculture and tourism start and stop. The marketing part has to be part subordinate to the agriculture part. We have taken some steps and established the Agriculture Commission. We are moving forward, and as Clyde has said, we do have legal representation, and we have been speaking to the Town lawyer about this, and we are taking action while taking their advice.

Carol Zablocki inquired about a Site Plan Review with the Planning Board.

Clyde: We thought that would be a good way to do it, but the review discussion resulted in the development of the Agricultural Commission.

Susan Roth expressed that she felt her peace and tranquility does not matter and would like her tax dollars to represent “my right to peace and tranquility.”

Mr. Biogiotti offered to provide any additional information to the Select Board.

Lucinda McQueen: I have a question, and no disrespect, Christine. Is there a conflict with you as Selectman and Ben Frost heading the Planning Board?

Clyde: We asked for a legal opinion and the legal answer was that there is none.

Lucinda: Is that only in NH?

Lucinda was referring to a conflict in other states, not in NH. There are no such conflicts in NH as was determined by research done by Clyde and the Town Administrator.

Kerry has a concern about the transfer station equipment, and, specifically: Varick does not have the equipment he needs and the trash stacks up. We have a lot of people moving into Town, and those people come from areas where they don’t have to think about how to use a Transfer Station. They are thinking about putting everything into a trash bag, and not separating their recycle. I would request that the Select Board talk to Varick in order to keep our Transfer Station working well. Also it sounds as if we are paying for a full truckload when only a half a truck load is going out.

Clyde responded that the Select Board has had many discussions with Varick, and the Board recently learned that we need a second compactor.

Sam responded that the Select Board met at the Transfer Station just last week and are awaiting Varick’s specification on which trash compactor he needs.

Christine added that it is important to thank everyone for coming. “I used to lead a Regional Planning Commission, and there were never people in the audience. The fact that you are all here is helpful. If there is a way that we can show how things are followed up on, we would like to know. We appreciate your feedback and involvement.”

VIII. Consent Agenda

Motion to Approve the following, signed by the Warner Board of Selectmen at the July 20, 2021 Selectmen Meeting:

1. "Permit to Place or Use Blinds/Stands" on Town owned property per RSA 207:36-a, statute relative to the regulation of tree stands, observation blinds and pit blinds.
2. Request from the Tax Collector to refund a duplicate and/or incorrect payment paid on behalf of the assessed owners of:
Map 10 Lot 077 in the amount of \$3,116.33
3. Abatement request from the Assessing Clerk for an error in billing on:
Map 06 Lot 002-1 in the amount of \$807.85
4. Warrant to the Tax Collector to collect Yield Tax Levy on Timber Cut for Intents and the Certification of Yield Taxes Assessed, Filed During Tax Year April 1, 2020 to March 31, 2021:
Map 18 Lot 037 in the amount of \$1,301.36
Map 14 Lot 005-1-1 in the amount of \$308.79
5. Building Permits For:
Map 10 Lot 023
Map 31 Lot 005-2
Map 37 Lot 004
Map 13 Lot 026
Map 09 Lot 010
Map 35 Lot 004-2
6. Notice of Intent to Cut Wood:
Map 10 Lot 054
Map 15 Lot 042
Map 15 Lot 042-1
7. Request for Reimbursement to the Tax Collector for:
Postage Paid for overweight mail: \$5.40
Post Office Box fee (not previously charged to the Town): \$64.00
8. Request for funds in the amount of:
\$2,351.28 from the Fire Equipment Capital Reserve Fund for payment to Bergeron Protective Clothing
\$536.34 from the Davis Award Fund for payment to MainStreet Bookends of Warner.
\$25,053.00 from the Police Vehicle Capital Reserve Fund for payment to Bonneville & Sons for the purchase of a new cruiser.
\$8,000.00 from the Highway Road Construction Capital Reserve Fund for payment to Moser Engineering
\$1,214.6 from the Record Preservation Capital Reserve Fund for payment to Donnegan Systems
9. New Waterloo Cemetery, Lot G-26, Cemetery Deed

IX. Manifest Motion

Motion to authorize the Selectmen to sign manifests and order the Treasurer to sign:

- Payroll check numbers 6798-6823 in the amount of \$70,934.56 (This includes 41 direct deposits and covers 2 payroll periods).
- Accounts Payable check numbers 58853-58920 in the amount of \$970,733.71.
Automatic withdrawal in the amount of \$19,874.95 for payroll taxes.

X. Any Other Business

Hearing none,

Adjournment