



TOWN OF WARNER

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Select Board Chair Sam Bower
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Select Board Meeting DRAFT Minutes

Tuesday, 6:30 pm, September 27, 2022 Main Hall, Warner Town Hall, 5 E Main St

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

6:33 pm - Chair Sam Bower opened the meeting.

Present: - Chair Sam Bower, Select Members Christine Frost and Lois Shea.

Also Present: Department of Public Works (DPW) Director Tim Allen Finance Director Clyde Carson
Ed Mical of the Warner Firefighters Association Town Clerk Michele Courser
Tim Blagden of the Concord-Lake Sunapee Rail Trail Board of Directors Town Administrator Diane Ricciardelli
Select Board Administrative Assistant Judith Newman-Rogers Martha Mical, resident
Ken Cogswell, resident Recording Secretary Ray Carbone.

II. Appointments

a. Department of Public Works (DPW), Director Tim Allen – Road Committee Recommendation

DPW Director Tim Allen was asked to update the Board about the work of the Road Committee. Allen said the group has met several times to discuss and evaluate bids on the various roadwork projects approved at the Town Meeting in March. Allen said he reached out to three companies regarding the two most urgent projects, i.e., Poverty Plains Road and Schoodac Road. The companies are:

- GMI of Belmont
- R&D Paving of Franklin
- Weaver Bros. of Bow

After evaluating the bids, the Road Committee recommends the Town go with the GMI bid. The company has satisfactorily completed two smaller projects in Town, and other communities in the region have reported similar positive results.

Chair Bower asked why a bid was sought on these two projects rather than an all-inclusive bid proposal for all six road projects. Allen said it would be beneficial to complete these two projects before winter and because they could be started in the next few weeks. Plus, additional design work is needed for some of the other four projects.

Chair Bower also asked about working with Weaver Brothers, noting that the owners live in Warner and the company has done satisfactory work with the Town previously. Allen said the GMI bid was considerably less, and he did not believe going with a different firm this time disqualifies the Town from working with Weaver Brothers in the future.

Select Person Frost said she thought it was important to begin work on these road projects soon, partly to support the Road Committee's recommendations and because discussion at Town Meeting clearly indicated that the Board should give serious consideration to the Committee's work.

Frost made a motion to approve the bid of \$563,120 for road construction projects on Poverty Plains and Schoodac roads to GMI of Belmont; Shea seconded. In a voice vote, the motion was approved unanimously.

Frost thanked Allen and the Road Committee for their work. She also asked if Allen could come back soon to discuss the unanticipated Block Grant Funds and he said that he would.

Chair Bower asked Allen to look into the request to have an appraisal completed on a small piece of Town-owner property that was discussed previously; Allen said he would.

b. Clyde Carson, Community Power Committee

Clyde Carson, on the Board of Directors for The Community Power Coalition of New Hampshire (CPCNH), explained the group met recently and decided to seek an amendment to its original Joint Powers Agreement (JPA), which involves all the municipalities in the Coalition.

The JPA currently limits the number of times annually the Directors can amend the agreement, but the group now believes that is not practical. "We'd like to be able to make amendments during the course of the year," he explained. To make that change, the proposal needs to be approved by a majority of the Board Members as well as all the Select Boards (or other governing body) of all the municipalities in the Coalition.

Frost made a motion to approve the proposal to allow the Board of Directors of the Community Power Coalition of NH to amend its Joint Powers Agreement throughout the year; Shea seconded. In a voice vote, the Board unanimously approved the motion.

c. Warner Firefighters Association President Ed Mical Raffle Permit Request

Ed Mical said the Association used to hold an annual Turkey Raffle, but the event was cancelled the last two years due to the Covid-19 emergency. He asked the Select Board for permission to revive the event, which will take place beginning October 4 and ending in a drawing at the Warner Fire and Rescue Station, W Main St, on November 19. There will be the turkey raffle as well as a drawing for two \$500 prizes.

Shea made a motion to approve the request (as explained by Ed Mical, President, Warner Firefighters Association); Bower seconded. In a voice vote, the Board unanimously approved the motion. (Turkey raffle which will take place beginning October 4 and ending in a drawing at the Warner Fire and Rescue Station on November 19. There will be the turkey raffle as well as a drawing for two \$500 prizes.)

III. Old Business.

Chair Bower said the Town received a letter from resident Martha Mical saying she will no longer be taking care of the flowers around the Town's veterans' monument at the corner of Church Street and the bottom of Kearsarge Mountain Road. Mical has been volunteering for about 20 years. The Board and others at the meeting thanked Mical for her dedicated service. Anyone interested in taking on the project, contact Town Hall, Mical said she'd be available to help.

a. Site Visit, Saturday, September 24, 2022, Potential Rail Trail Expansion Update

Chair Bower explained Select Person Frost attended the site walk with resident Tim Blagden of the Concord-Lake Sunapee Rail Trail. He pointed out two small parcels the nonprofit organization is seeking access easements over that would allow its ongoing efforts to connect Concord and the Lake Sunapee region via a Rail Trail, to continue.

Blagden said one lot is "beyond the end of Willy Lane" and the group already has an easement from the Warner Village Water District for this land. He added that this additional easement request is for a short section of a former railroad grade, (Map 14, Lot 3). The section of land abuts federal highway property, Blagden said. The Rail Trail group has a request in for federal funds (through U.S. Rep. Annie Custer's office) to pay for a project by Interstate 93's exit 10. This easement will likely strengthen the group's request to the NH Department of Transportation to allow the Rail Trail to utilize the federal highway land.

The second lot is a parcel by the railroad grade behind the newest section of the Waterloo Cemetery (Map 17, Lot 9). Blagden reminded the Board this lot was discussed at its Aug. 30 meeting, and at the time, members indicated they were inclined to issue the easement, although no approval was given at that time.

Frost said she thought it would be appropriate to have a public hearing. She added that she thought the easements would add to “what’s become an “amazing” benefit for the Town”, i.e., the Rail Trail. Chair Bower asked that the Public Hearing be scheduled for the next Board meeting.

IV. Meeting Minutes: June 25; July 5; July 19; and August 2, 2022

At this point, Select Person Shea asked to consider agenda item Approval of Meeting Minutes. Chair Bower agreed. After a brief review and minor changes, Select Person Shea made a motion to approve the minutes as amended; Select Person Frost seconded. In a voice vote, the Board unanimously approved the motion.

III. Old Business (Cont.)

a. Warner Community Center (WCC) Update

Chair Bower said he joined the group doing an energy audit on the Warner Community Center building last week. There was apparently an energy audit done around 2010. He asked if the report could be made available to the group. A copy would be located and sent to Neil Nevins, who is heading the WCC energy group.

Chair Bower said he is looking forward to the group’s results. He asked the group to come up with short, medium, and long-term objectives for energy efficiency. He expects some simple items would be light fixtures, etc., that could be resolved in the next five-10 years. The longer-term suggestions would likely include the envelope of the building.

IV. Meeting Minutes (cont.)

Frost noted that, in the Aug. 2 minutes approved earlier, there was no mention of the warrant of unlicensed dogs they signed. Town Clerk Courser said she had presented a list of unlicensed dogs which Board members signed that allows her to send Civil Forfeiture Notices to the owners. Frost said that action should be in the minutes.

Chair Bower made a motion to amend the Aug. 2 minutes to include that action. Frost seconded. In a voice vote, the Board unanimously approved the motion.

III. Old Business (Cont.)

b. Transfer Station Engineering Report

Select Person Frost reminded the Board it recently received notice the engineering study of the Transfer Station is complete and said that a public hearing should be scheduled.

Town Administrator Ricciardelli said the engineering company should be invited, but the company would likely charge the Town for its time. Frost reminded the group she had specifically asked that any public hearings be included in the contract costs. “This was a huge issue at Town Meeting,” she said. Ricciardelli suggested inviting the company to the October 25 meeting. The members agreed.

c. Housing Committee

Frost said the Board should address the formation of a Housing Committee. She recalled the Board had what she called an “odd” meeting with some members of the Planning Board. She is unsure where the project currently stands.

Chair Bower said the Select Board has the option of forming a Housing Committee. He had hoped that, while discussing the idea with the Planning Board, that body would agree to help form and direct the Committee. The Select Board would then establish specific issues or goals for the Committee. However, he is not aware of any action indicating that the Planning Board wants to form a consensus with the Select Board for appointing or directing a Housing Committee.

Select Person Shea said she was not at the initial meeting that Frost and Bower mentioned but at last night’s Planning Board meeting, members discussed the idea of rewriting portions of the Housing Section of the Town’s Master Plan. She

noted that members of the Central New Hampshire Regional Planning Commission (CNHRPC) will be invited to a meeting of the Planning Board soon to address updating the Master Plan; the CNHRPC helped craft the Town's last Master Plan. Shea said, within the context of updating the Master Plan, there are "pieces of work a Town Housing Committee could grab onto and achieve," such as a community survey (which was part of the last Master Plan update) and/or an inventory of land/housing.

Chair Bower said it was commendable that the Planning Board suggested spending time every other meeting focusing on Housing. But he said that Board is a busy group, and it may not be possible to achieve that goal. Bower also noted CNHRPC may have different ideas about local Housing than Town residents, so the Select Board needs to stay aware.

Chair Bower asked Shea, as the Select Board Representative on the Planning Board, to try to gently remind that Board to again consider the idea of a Housing Committee at its next meeting. At the same time, he said, this Board needs to think about how it would form and commission a Housing Committee, if the Planning Board decides not to initiate or participate.

Shea said the Housing Committee idea was discussed at the annual Town Meeting and residents are expecting one to be formed. Frost agreed the issue should be brought up to the Planning Board again and it needs to be kept prominent.

d. Staff Evaluations Feedback

Frost noted that at a previous meeting, Chair Bower suggested meeting with Staff to get feedback on the new evaluation process that was utilized this year. After some discussion, Frost suggested it might be easier to gather feedback by an anonymous survey of Town employees. Town Administrator Ricciardelli said she would work with Shea on a first draft of a survey that could be on the Town's website.

e. American Rescue Plan Act (ARPA)

Frost said the Board should review the uses and remaining money from the APRA. The Board agreed to put the issue on its next meeting agenda.

f. Unanticipated Funds

Frost said she is unsure if the Board has done all that is required regarding the Unanticipated Funds for road and bridge repairs. Administrator Ricciardelli said she was working with DPW Director Allen and Finance Director Carson as the funds are from the NH Dept of Revenue Administration. She would provide more information when it is confirmed.

V. New Business

- a. Trustee of Trust Fund Resignation – Accept/Deny**
- b. Trustee of Trust Fund Appointment– Accept/Deny**

Town Administrator Ricciardelli said Julia Bodnarik had resigned as a Trustee of the Trust Funds. The group asked Dan Watts to step in until the March 2023 election. Watts has agreed.

Chair Bower made a motion to accept Bodnarik's resignation and approve the appointment of Watts. Select Person Shea seconded, amending the motion to include the Board's thanks to both people for their service to the Town. In a voice vote, the Board unanimously approved the motion.

c. Health Officer RSA 128

Town Administrator Ricciardelli said Peter Wyman, who is no longer the Health Officer, has been assisting the Town regarding issues normally assigned to a Health Officer, and the Town needs to appoint someone new to the position.

After a brief discussion, the Board agreed to post the position/job and extended its thanks to Wyman for his help.

VI. Town Administrator's Report

a. Elderly Housing Exemption

Administrator Ricciardelli said paperwork is in place for the Board to approve an Elderly Housing Exemption. Frost made the motion to approve; Shea seconded. In a voice vote, the Board unanimously approved the motion.

b. New Phone System

Administrator Ricciardelli reported that, after a significant amount of time and research, the Town's new phone system has been chosen and should be installed soon. The cost of the new "Crescendo" system will be a savings for the Town. In addition, the system may be able to replace the Zoom meeting system the Town currently uses which would result in an additional savings of hundreds of dollars per month.

All new equipment is provided to replace the old phones, she added and the system will integrate all the Town's department, with the exception of the Library, who had chosen not to be included. The company is providing two months of free service.

c. Energy Audit at WCC

Adding to the earlier discussion, Ricciardelli said the Town applied for a \$3,000 grant to help pay for the energy work at the WCC; the Town will contribute \$1,000 towards the work, to be done by Resilient Buildings Group of Concord.

d. Boys & Girls Club of Central New Hampshire

The Concord-based organization is moving forward with its plans to operate a daycare center in the WCC. The required Fire and Health Department inspections are completed. Administrator Ricciardelli said a zoning piece will be done soon.

e. Department Budget Reviews

The Board needs to review the following Town department 2023 proposed budgets: Elections, Finance, Town Clerk, Tax Collector, Land Use, and Parks & Recreation. When Ricciardelli gets department figures, she will enter them into the system, the Board will review the budgets with department heads at a meeting and agreed budget information will be passed onto the Budget Committee.

The Budget Committee scheduled their review of the above budgets for Oct. 20. To allow one week pre-review for Budget Committee members, Administrator Ricciardelli said the Select Board could review department budgets at their Oct. 11 meeting, but that agenda is already busy. The Board could also hold separate meetings to review budgets.

Frost said the next group of department budgets to be reviewed by the Budget Committee (Police Department, Fire Department, Library and Emergency Management) is scheduled to take place shortly after the first group, so it may be helpful for the Select Board to review them all at one meeting.

Shea suggested the Oct. 11 Select Board meeting begin at 6 p.m., instead of 6:30 p.m. It was agreed if the Board gets the first group reviewed at the Oct. 11, with a 6pm start, they could cover the second group on Monday, Oct. 17 at 5 p.m.

f. Active Shooter Training

The Warner Police Department will be leading an Active Shooter Training for all staff Oct. 18 and 21. Department staff may schedule for either date.

g. Fuel Costs

Administrator Ricciardelli said the Town has reached agreement with Irving Oil to purchase oil for 2023 at \$3.51 per gallon; an increase of 53% over this year. Propane costs will be \$1.67 per gallon, one-half cent lower than last year and also with Irving Oil. Irving employees who looked over the Town's facilities said the boiler rooms were relatively "immaculate" and the installation work was "excellent." Ricciardelli noted the new fuel price means the Board will need to revisit the WCC budget, which was previously approved.

h. Capital Improvement Program Criteria

Shea asked Administrator Ricciardelli if she could provide an update on the letter from the Planning Board regarding the Town's CIP criteria. The Administrator said DPW Director Allen is preparing the Town Hall roof project for the CIP and figures should be available tomorrow; either approximately \$30,000 for a repair job or \$400,000 for a replacement; if it is the latter, Allen will present some ideas on how the Town could start putting aside money annually to pay for the project.

Frost noted that the Select Board has not discussed whether there are projects it would like to see added to the CIP. Chair Bower said the Sidewalk project was discussed, which would link the village to the commercial area by Interstate 89's exit 9. He said he is willing to do some door-to-door work with homeowners on the impacted area of W Main St, but wanted to wait until Shea was part of the Board for all to discuss. The Town still has access to the Transportation Alternative Program (TAP) grant that would help fund the project, he noted.

Later in the meeting, Chair Bower explained the Town has already set aside \$20,000, i.e., \$10,000 in two past Town Meetings. The next step would be an expenditure of \$95,000, which would fund the first part of the total engineering work. So, the Town would need to fund approximately \$95,000 at next year's Town Meeting, \$95,000 at the following year's Town Meeting, for the project to proceed. The Town's has a total expenditure for the matching grant program of \$200,000; the grant would provide approximately \$800,000 to fully fund all related work.

The sidewalk idea came up at a recent meeting of the Economic Development Advisory Committee (EDAC), and Chair Bower said that, if both Frost and Shea agree that the Select Board should work to move the project forward, he would be willing to start the door-to-door work.

Shea said she is also interested to hear from other Warner residents, who don't live on the impacted corridor, and how they feel about the sidewalk project. She suggested putting the issue on the agenda for an upcoming meeting with the hope of drawing input from more residents.

Frost said she also wanted to hear from more residents before deciding on moving forward. Shea agreed, adding it is wise to keep a discussion about the project going.

Tim Blagden told the Board he hoped the members would keep the issue under consideration. Administrator Ricciardelli said that after the project was set aside (i.e., the Warrant Article was substantially reduced) at Town Meeting, she received numerous calls from residents who supported the idea and were surprised that it fell short. Unfortunately, many of them were not at Town Meeting, she added.

Frost agreed it would be a good idea to put the sidewalk issue on a future meeting agenda. Shea suggested asking Nancy Ladd to notice the meeting in the Town Library Newsletter. Martha Mical said a good way to notify many residents about a planned discussion is to use the outdoor electric sign.

Chair Bower said one idea he has considered in recent years, is to find a way to connect the parking area behind the Town Hall with Main Street, especially since local businesses regularly express concern about the lack of parking on Main Street. Maybe it would be possible to design a link between the parking area and the Town Hall grounds, e.g., an attractive stairway that empties onto the area, which could be turned into a central meeting spot for the downtown (with benches, landscaping, hardscape, etc.). The area is already being used by the Warner Fall Foliage Festival (WFFF) as well as the weekly Farmers Market. Martha Mical noted that most of the side lawn is not owned by the Town. Chair Bower said perhaps the Town could buy it. Frost said she liked the idea and thought it was worth pursuing. Administrator Ricciardelli said she would be willing to work with Bower on the idea.

VII. Select Board Other Business

Shea reported on the Planning Board meeting she attended last night. During the Planning Board's CIP review, Librarian Nancy Ladd presented information about the building's ongoing HVAC work saying the latest bid is less than what Town

Meeting voters approved in March for the Library's Capital Reserve Fund. Ladd needs to meet with the Select Board to get permission to move funds for payment. Library Trustees have also received new bids for the carpeting project and there may be enough in the Capital Reserve Fund to cover that cost, Ladd added.

The Planning Board was able to complete its review of the CIP request from most Town departments. The group still must review CIP requests from the Fire Department and the DPW/Transfer Station.

Shea also reported that an applicant, Comet, LLC, has filed an appeal with the NH State Housing Appeal Board regarding the Town's zoning ordinance that requires 100% Workforce Housing in the Interval (district) where the company wants to build. The project's hearing before the Board has been continued to next week. The Planning Board is also seeking input from the Kearsarge Regional School District and other Town boards and departments about any concerns they may have.

Shea noted the Planning Board again raised the concern about a planned coordinated meeting with itself, Zoning Board of Adjustment (ZBA), and Board of Selectmen to discuss issues related to short-term rentals.

Administrator Ricciardelli said a web presentation on short-term rentals will be available this Thursday. She will try to get a copy of the presentation for any interested members of the three Boards to review.

Frost said she is interested in obtaining a copy of a four-hour Right-To-Know Law program the NH Municipal Association is presenting Oct. 13. She asked the Staff to send out information about this meeting to the all the Town Boards.

Frost reported on the Sept. 8 Mink Hills Recreation Study Committee meeting at least 60 people attended, which the CNHRPC helped facilitate. The discussion focused on potential activities in the Mink Hills, and she expects recommendations will be a result of the discussions.

Frost said the Parks & Recreation Committee wants to develop a fund that would allow it to collect funds and expend them. Select Board Administrator Newman-Rogers said the group is a "Commission" that currently has that in place. Frost said she would get clarification about what they are seeking.

VIII. Public Comment

None.

1. Frost noted that the Board needs to act on a formal request from Reeds North tavern/restaurant for permission to serve alcohol outside during the WFFF. Chair Bower said he understands WFFF President Ray Martin has been working with the business so that a beer tent may be located adjacent to its location, on Kearsarge Road Ext. In addition, there will be several tables set up inside a roped-off area in front of the building where alcohol can be served as has been done in previous years. The Board agreed to respond to the request that a letter be sent to the NH Liquor Commission indicating the Board's support.

Frost made a motion to send the requested letter to the NH Liquor Commission. Shea said she would like the motion to be more specific about exactly what areas were being described, and the exact hours of operation. Chair Bower added language to the motion to clarify the details.

Shea seconded the amended motion. In a voice vote, the board unanimously approved the motion.

2. Chair Bower noted a Cease and Desist Notice the Board should consider. Newman-Rogers said the Building Inspector asked for the action. The property owner has been contacted several times, directly and via email, replies he will apply for a valid building permit, but has not yet done so. This Cease and Desist Notice can be hand-delivered by a Police Officer or via certified mail, return-receipt.

Chair Bower noted the property owner needs to fill out an application. Newman-Rogers noted the Board has the authority to fine or issue penalties if a property owner doesn't come into compliance. Administrator Ricciardelli recommends a Police Officer be sent to hand-deliver this Notice. The Board agreed with that approach.

Administrator Ricciardelli said the Warner Police Department recommended Halloween hours take place on Monday, Oct. 31, 5-8 p.m. Shea made a motion to abide by that recommendation; Chairman Bower seconded. In a voice vote, the Board unanimously approved the motion.

IX. Consent Agenda

Chair Bower made a motion for the Board to approve, as previously, signed by the Warner Select Board:

1. Building Permits: Map 27 Lot 010
Map ON-03-024-11PLE Map 10 Lot 078 Map 31 Lot 063-1
Map 10 Lot 094-1 Map 08 Lot 011 Map 32 Lot 034
2. Notice of Intent to Cut Wood or Timber: Map 32 Lot 009
3. Application for Veteran Property Tax Credit: Map 31 Lot 035
4. Application for Elderly Exemption: Map 12 Lot 017-2-3
5. Request to the Trustees of Trust Funds for:
 - a. \$1,312.67 from the Transfer Station Facility Capital Reserve Fund for CMA Engineers, Inc. (Withdrawn from the 8/30/22 Consent Agenda)
 - b. \$7,930.54 from the Transfer Station Facility Capital Reserve Fund for CMA Engineers.
 - c. \$16,724.00 from the Fire Fighters Equipment Capital Reserve Fund for Motorola Solutions, Inc.

Frost seconded. In a voice vote, the Board unanimously passed the motion.

X. Manifest

Chairman Bower made a motion to authorize the Select Board to approve manifests and order the Treasurer to sign:

- Accounts Payable check numbers 6285 through 6337, dated 8/30//2022, in the amount of \$112,709.20.
- Accounts Payable check numbers 6338 through 6342, dated 9/6/2022, in the amount of \$41,440.38.
- Payroll paper checks numbers 3027 through 3041 and direct deposit check numbers E00348 through E00369, dated 9/8/2022, with a net check and direct deposits totaling \$40,758.43.
- Accounts Payable check numbers 6343 through 6373, dated 9/13/2022, in the amount of \$40,085.76
- Accounts Payable check numbers 6374 through 6384, dated 9/20/2022, in the amount of \$61,989.41.
- Payroll paper checks numbers 3042 through 3055 and direct deposit check numbers E00370 through E00397, dated 9/22/2022, with a net check and direct deposits totaling \$40,437.14.
- Accounts Payable check number 6261, dated 8/18/2022, in the amount of \$1,312.67 to CMA Engineers. *
- Accounts Payable check numbers 6280 through 6284, dated 8/23/2022, in the (corrected) amount of \$725,572.34, which includes the monthly payment to the KRSD of \$650,000. *

**Withdrawn from the Manifest for August 30, 2022*

Frost said that, based on conversation earlier in the meeting, she wanted to be sure that this action does not oblige the Town to pay CMA Engineers for all the company's work on the Transfer Station until after it has appeared at a Public Hearing and responded to questions and concerns. Administrator Ricciardelli said she believes that the language does not require an immediate payment to CMA Engineers.

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

XI. Non-Public Session - Under RSA 91-A:3 II.c Personal (If needed)

At 9:32 p.m.

Motion to go into Non-public Session by: Shea - **RSA 91-A:3 II(c)** - matters if discussed in public would likely affect adversely the reputation of any person;

1. Second: Frost
2. Vote by roll call: Bower- Yes Frost- Yes Shea- Yes
3. Motion: Passed
4. Enter Non-public session at: Time - At 9:32 p.m.

Motion to Return to Public Session by:

1. Second: Bower
2. Vote by roll call: Bower- Yes Frost- Yes Shea- Yes
3. Motion: Passed
4. Return to Public session at: Time - 9:55 pm

Motion on minutes by: Bower

Seal for: **Permanant**

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

XII. Adjourn 9:59 pm

Following the Non-Public session, the Board unanimously agreed to adjourn the meeting. No further business was conducted