



TOWN OF WARNER

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Selectboard
Sam Bower, Chair
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Town Administrator
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Selectboard Meeting DRAFT Minutes January 31, 2023

Tuesday, 6:30 pm Lower Meeting Room Warner Town Hall 5 E Main St

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

Chair Sam Bower opened the meeting at 6:32 p.m. and recognized the presence of Board members Christine Frost (in the meeting room) and Lois Shea (remote).

Also present: Members of the Corridor Committee: Darren Blood, Sam and Casey Milender; Faith Minton; Tim Blagden; Michael Brown; Rhonda Rood; and Arlon Chaffee (alternate); Planning Board Chair Ben Frost; Natalie Wells, Ken Cogswell; Jonathan Lord; Nancy Martin; John Puc; John Leavitt; Finance Director Clyde Carson; Town Clerk Michele Courser; Tax Collector Marianne Howlett; Emergency Management Director Ed Mical; Town Administrator Diane Ricciardelli; Selectboard Admin Assistant Judith Newman-Rogers; and Recording Secretary Ray Carbone.

II. Appointments a. Corridor Committee

Chair Bower welcomed Corridor Committee members.

i. Presentation of Research Results

Members Darren Blood and Arlon Chaffee presented: The group has been meeting at least once weekly since it was established late last year; meetings were held in public and minutes are available on the Town website.

The group reviewed previous Town Meeting warrant articles related to the proposed project, as well as other related funding proposals. (The initial action was taken several years ago when the Town applied for a federal Transportation Alternative Program (TAP) grant, administered by the NH Department of Transportation (NH DOT).)

Committee members met with representatives of the Central New Hampshire Regional Planning Commission (CNHRPC) and Warner's Department of Public Works (DPW) Director Tim Allen who provided a sidewalk inventory of the Town, including maintenance schedule, estimated costs related to construction and maintenance, and funding information.

The Committee conducted a community survey via the Town website, which generated a response with over 500 respondents that produced some "rich data". The Committee hopes to meet with the Selectboard soon to review its findings.

ii. Recommendation

The Committee made three recommendations:

1. There are several Capital Reserve Funds and some private donations that could be involved in the project. The Committee does not recommend making any changes regarding these at this time. (The funding mechanism is important as it relates to the TAP grant application; if the Town were to eventually move forward with the project, the TAP grant would pay 80% of its costs.)

2. The Committee wants to clarify certain definitions to ensure all citizens understand exactly what aspects of the proposal are being addressed. Questions about “sidewalks” and “road shoulders” came up in the survey, as well as issues related to the “overlay district” (i.e., in the Interval), as well as questions about exactly how the TAP grant would work.

3. Based on its research, discussions with DPW Director Allen, the online survey, and other materials the Committee has accumulated, the group is recommending that no Warrant Article related to this proposed project be presented at the upcoming Town Meeting. The members suggest further research is needed and any proposal be delayed for one year; in the interim, the Committee could continue investigating all aspects of the proposal, especially as related to its funding.

Chair Bower asked if there was any reason to believe the TAP funds would not be available if the project is put off for another year. They answered that, based on their research, they didn’t believe that would be the case.

Selectperson Frost, Selectboard representative and Corridor Committee chair, said this presentation is abbreviated, but the Committee wanted to be sure the Selectboard had information that might be related to any prospective Warrant Article regarding this project prior to the deadline to submit articles.

Selectperson Shea asked if the Committee had had any input from the NH DOT about how it might respond to the project being moved back one year. Committee member Blagden (who regularly communicates with the DOT because of his ongoing work with the Concord-Lake Sunapee Rail Trail), said he has spoken with Bill Watson, who works in Project Development with the NH DOT, and was told by Watson that he didn’t see any reason for his department to remove the project from its list of tentative TAP grant recipients.

The Selectboard thanked the Corridor Committee members for their work, and Chair Bower asked that a meeting be set up sometime in the near future.

b. Planning Board Volunteers and Recommended Board Position

i. David Bates, Full Member, Term Expiration 2025

ii. Derek Narducci, Alternate Member, Term Expiration 2026

After a brief discussion,

Chair Bower made a motion: to appoint David Bates as a member of the Planning Board. Selectperson Frost seconded. In a voice vote, the Board unanimously approved the motion.

Chair Bower made a motion: to appoint Derek Narducci to a one-year term as member of the Zoning Board of Adjustment (ZBA). Selectperson Frost seconded. In a voice vote, the Board unanimously approved the motion.

II. Meeting Minutes

Selectperson Frost reminded the Board of its obligation to consider its meeting minutes, adding that some minutes have been neglected. After some additional discussion,

Selectperson Frost made a motion to approve the following meeting minutes, as amended: Nov. 9, 14, 21 and 29, 2022; Dec. 6 and 20, 2022; and Jan. 3 and 17, 2023. Bower seconded. In a voice vote, the Board unanimously approved the motion.

Board Administrative Assistant Judy Newman-Rogers suggested the Selectboard consider moving the review of minutes to earlier on the agenda. After a brief discussion, Chair Bower asked that minutes be reviewed immediately after Roll Call.

III. Old Business

a. Zoning Non-Compliance, Couchtown Rd.

Board Administrative Assistant Newman-Rogers reported she has discussed this issue with the property owner in non-compliance; he acknowledged his structure is within the 40-foot setback of the abutting property. He is planning to address the problem by seeking a variance, Newman-Rogers said. Selectperson Frost referred to the building permit documents, noting the permit was approved this past October. Chair Bower also pointed out that the illustration included with the original application, indicating the locations of the properties, is very “fuzzy.”

b. Discretionary Preservation Easements –Status

The Board discussed the two properties that have applied for property tax easements under the Discretionary Preservation Easements Program. The Board reported their scores on the program’s rating sheets:

1. Main Street: Frost, 47; Bower, 61; Shea, 49. Average: 53.
2. Schoodac Road: Frost, 38; Bower, 58; Shea, 37. Average: 44

Chair Bower suggested they have the required public hearing for these proposals at its Feb. 14 meeting.

c. Resilient Buildings Group Level II Energy Audit for Warner Community Center (WCC)

Chair Bower recommended a representative of this company be invited to attend a meeting to discuss its findings. Selectperson Frost suggested including resident Anthony Mentos, project manager with SMP Architecture, Inc., of Bow who has been helping the Town with evaluating the WCC’s status and possible best uses. Bower agreed and said he would reach out to Mentos.

IV. New Business

a. Proposed 2023 Warrant Articles

When Selectperson Frost pointed out the Community Power article was missing, Town Administrator Ricciardelli apologized for the omission and would include it in an updated printout. Selectperson Frost also said she would like to include an article to dissolve the Capital Reserve Fund that was created for the maintenance of the Town’s old fire station, which was sold in 2022.

b. Friends of the Concord-Lake Sunapee Rail Trail member, Tim Blagden, Requested Time to Speak to the Board

Tim Blagden, who serves on the Friends of the Concord-Lake Sunapee Rail Trail (CLSRT) Board of Directors, asked to speak to the Selectboard about a federal \$1.2-million earmark grant that has been set aside for a trail project. He noted that, for the money to be utilized, the Town must enter into an agreement regarding the management of the grant: the three-way pact would include the Town, the CLSRT (which would add approximately \$300,000 to the project), and the NH DOT. Blagden asked the Board what the best way would be to formalize the agreement, i.e., at a public hearing in March or by vote of a Warrant Article at the Town Meeting.

Finance Director Clyde Carson said he had spoken with an NH Municipal Association attorney about this and was told that since the federal money is a grant, it is within the Selectboard’s legal purview to accept. Carson said he pointed out that the project would entail the Town writing checks before the grant money was received and the attorney said that should not present a legal problem.

Carson said he also spoke with the Town’s attorney who agreed with that opinion, although he said that since the project would require a “pay-as-you-go” system, if the Board wanted to take a conservative approach, it could present a Warrant Article asking for the voters’ approval.

Selectperson Frost asked whether the Town could accept the grant as “Unanticipated Funds”, even if the money has not come in. Carson said both attorneys suggested the Town gather more details about the grant contract; he agreed that a legal review would be prudent.

Blagden said a standard two-party grant agreement was sent to Town Administrator Ricciardelli and himself during the last 24 hours. Chair Bower noted that a three-way agreement would obligate the CLSRT to raise its funds (\$300,000) and maintain the trails.

Selectperson Frost noted there could be a time when invoices exceed the \$300,000 contribution. “How do we pay those invoices and get reimbursed,” she asked.

Carson said contractors could be told their payments would be when the grant is awarded. But, if that’s a problem, the Selectboard can legally get a short-term loan, based on the NH DOT’s promise to make payments from the grant within two weeks.

John Leavitt said that if the Selectboard spends any money, the action must be approved by Town Meeting voters. Chair Bower said it appears the safest approach is having voters consider a Warrant Article.

Selectperson Frost said the Town could act as a Fiscal Agent but she’s unclear about what level of fiscal responsibility the Town would be assuming but that may be determined by how contractual agreements are written. Blagden suggested that the Friends of the Rail Trail would have to agree to any expenditures related to the project, although the Town would hold the actual funds.

Selectperson Frost said she’s concerned about the cash-flow issues, as well as the timing of this grant proposal, coming almost the eve of annual Town Meeting but she noted the proposal represents an opportunity to get an “enormous benefit” that will not cost the Town anything.

Blagden said he understands Frost’s concern, since his Board only found out recently about the grant and its obligation to include the Town in the funding agreement. “I have six days to get a Warrant Article written and educate the Town on how this is going to work,” he said. “I’m willing to do that,” he said. “It would be tragic to lose this earmark,” he said, adding that this opportunity is unlikely to ever come up again.

Blagden said the Selectboard could hold a public hearing in March to accept the grant funds as “unanticipated funds,” because the expenditures during the first year will be relatively modest; those costs would involve a study, which would then indicate if the project is feasible under the grant guidelines, total costs, etc. A Warrant Article could then be presented to Town Meeting voters in 2024, when the long-range costs would be known and a completed agreement between the Friends, the Town and the DOT could be finalized. (If the project can move forward, construction would likely start in 2026.)

Selectperson Frost asked Blagden if he thought the Friends of the Rail Trail would have the \$300,000 donation in hand if the Board decides to move forward with a public hearing on March 7. Blagden said yes.

Chair Bower said there are still questions regarding the three-part agreement, about a short-term loan, and how the grant funds would be managed. Blagden said he favored having the Town accept the grant as “unanticipated funds” at a public hearing in March; that would allow time to prepare and clarify all issues related to the grant for Town Meeting 2024.

Selectperson Shea said she doesn’t have a clear understanding about how the grant can be received as “unanticipated funds,” but she’s willing to abstain from voting on this rather than holding up the potential project. Selectperson Frost said she would like to have a written statement from Town Counsel confirming the legality of the “unanticipated funds” action, as well as statements confirming that the Town is acting as Fiscal Agent for the project without facing any financial liability before she’s willing to approve the action.

Blagden said he would begin promoting the March 7 Public Hearing to his constituents tonight. At the conclusion of that hearing, the Selectboard will vote on the grant proposal.

The Board turned its attention back to the Proposed Warrant Articles for the 2023 annual Town Meeting. Chair Bower began reading the articles in the order presented to the Selectboard by Town Administrator Ricciardelli. (The order can be changed prior to the meeting.)

Chair Bower made a motion on each of the following and to bring forward to Town Meeting a warrant article regarding:

The Town Operating Budget: Shall the Town vote to raise and appropriate the sum of \$4,369,741 (Four million, three hundred sixty-nine thousand, seven hundred forty-one dollars) for the Town Operating Budget? Frost seconded. In a voice vote, the motion passed unanimously.

The Property Revaluation Capital Reserve Fund: Shall the Town vote to raise and appropriate \$32,287 (Thirty-two Thousand, two hundred eighty-seven dollars) to be added to the previously established Property Revaluation Capital Reserve Fund? Frost seconded. In a voice vote, the motion passed unanimously.

Town Records: Shall the Town vote to raise and appropriate \$20,000 (Twenty thousand dollars) to be placed in the previously established Capital Reserve Fund for the Preservation of Town Records? Frost seconded. In a voice vote, the motion passed unanimously.

The Police Department Capital Reserve Fund: Shall the Town vote to raise and appropriate \$15,000 (Fifteen Thousand Dollars) to be placed in the previously established Police Department Vehicle Capital Reserve Fund? Frost seconded. In a voice vote, the motion passed unanimously.

Bridge Repair/Replacement: Shall the Town vote to raise and appropriate the sum of \$125,000 (One Hundred Twenty-Five Thousand Dollars) to be added to the previously established Bridge Repair/Replacement Capital Reserve Fund? Frost seconded. In a voice vote, the motion passed unanimously.

Highway Equipment: Shall the Town vote to raise and appropriate the sum of \$50,000 (Fifty Thousand Dollars) to be added to the previously established Highway Equipment Capital Reserve Fund? Frost seconded. In a voice vote, the motion passed unanimously.

The Transfer Station Facility: Shall the Town vote to raise and appropriate \$50,000 (Fifty Thousand Dollars) to be placed in the previously established Transfer Station Facility Project Capital Reserve Fund? Frost seconded. In a voice vote, the motion passed unanimously.

Transfer Station Equipment: Shall the Town vote to raise and appropriate \$25,000 (Twenty-five Thousand Dollars) to be placed in the previously established Transfer Station Equipment Capital Reserve Fund? Frost seconded. In a voice vote, the motion passed unanimously.

The Fire and Rescue Vehicle: Shall the Town vote to raise and appropriate the sum of \$130,000 (One Hundred Thirty Thousand dollars) to be added to the previously established Fire and Rescue Vehicle Capital Reserve Fund? Frost seconded. In a voice vote, the motion passed unanimously.

The Employees Expendable Trust Fund: Shall the Town vote to raise and appropriate the sum of \$23,000 (Twenty-Three Thousand Dollars) to be placed in the previously established Employees Expendable Health Trust Fund? This fund is used to partially reimburse participating town employees for deductible health expenses. Frost seconded.

Selectperson Shea pointed out a minor inconsistency in the language. Ricciardelli said she would look into the issue. **Bower amended his motion to indicate it may have minor alterations based on counsel of the NH Department of Revenue Administration (DRA).** Frost seconded. In a voice vote, the motion passed unanimously.

The Contingency Fund: Shall the Town vote to establish a Contingency Fund for the current year for unanticipated expenses that may arise and further to raise and appropriate the amount of \$10,000 (Ten Thousand Dollars) to be placed into the fund? This sum is to come from unassigned fund balance. Any appropriation left in the fund at the end of the year will lapse to the General Fund. Frost seconded. In a voice vote, the motion passed unanimously.

Firefighters Equipment: Shall the Town vote to raise and appropriate the sum of \$36,800 (Thirty-six Thousand Eight Hundred Dollars) to be added to the previously established Fire Fighter Equipment Capital Reserve Fund? Frost seconded.

Shea pointed out a minor inconsistency with the language. Town Administrator Ricciardelli said she would check into the language. **Bower amended his motion to indicate it may have minor alterations based on counsel of the DRA.** Frost seconded. In a voice vote, the motion passed unanimously.

Town Hall Improvement: Shall the town vote to raise and appropriate \$30,000 (Thirty Thousand Dollars) to be placed in the previously established Town Hall Improvements Capital Reserve Fund? Frost seconded. In a voice vote, the motion passed unanimously.

The re-adoption of all Veteran Tax Credits: Shall the Town of Warner vote to readopt the provisions of RSA 72:28-b, in accordance with RSA 72:27-a, previously adopted for an All Veterans' Tax Credit, [*2017 Adopted RSA 72:28-b All Veteran's Tax Credit \$500 (Article 23)*], at \$500.00 per year. If readopted and approved, this article shall take effect for the 2023 property tax year. Frost seconded. In a voice vote, the motion passed unanimously.

The re-adoption of Optional Veteran Tax Credits: Shall the Town of Warner vote to readopt the provisions of RSA 72:28, II, in accordance with RSA 72:27-a, previously adopted [*2006 Adopted RSA 72:28,II Optional Veteran Credit \$500 (Article 18)*], for an Optional Veterans' Tax Credit at \$500.00 per year. If readopted and approved, this article shall take effect for the 2023 property tax year. Frost seconded. In a voice vote, the motion passed unanimously.

Warner Community Power: To see if the Town will vote to adopt the Warner Community Power plan, to authorize the Selectboard to implement the plan, and to take all action in furtherance thereof, pursuant to RSA 53-E. The Warner Community Power plan is an opt-out program that offers more flexible electricity procurement to its members. The plan will be funded 100% through electric bills. No tax dollars will be used. At the time of launch, the plan will provide lower electricity rates than those of Eversource for residents, or it will not go forward. Individuals may leave the plan at any time before or after launch, after which re-enrollment becomes voluntary. Tax Impact: None.

After some discussion, the Board decided to make a small adjustment by reworking one sentence to read:

“At the time of launch, the plan will initially provide lower electricity rates than those of Eversource for residents, or it will not go forward,”

to the form above. (The concern was that it seemed to indicate the cost would go up; Carson, chair of the Energy Committee, explained the cost would rise and fall, based on usual factors in the energy marketplace.) Frost seconded. In a voice vote, the motion passed unanimously.

Chair Bower next read **the Petition Warrant Article:**
Cease Investment in Sidewalk/Multi-Use Path: Shall the Town vote to cease pursuit of development of sidewalk/multi-use path on route 103 and to reject funding pursuant to previously submitted grant application which requires matching taxpayer funding. Submitted by petition.

Bower said this action would terminate the Board's work with its Corridor Committee. He made a motion to not recommend this article. Selectperson Shea seconded. In a voice vote, the Board unanimously voted to not recommend the article.

Selectperson Frost requested a new article be added:

To dissolve the Capital Reserve Fund for the old fire Station and return the \$7,173.99 to the general fund. Town Administrator Ricciardelli said she would reach out to DRA to make sure the specific wording for the article is correct. Chair Bower seconded Frost's motion, contingent on DRA's approval of its wording. In a voice vote, the Board unanimously approved the motion.

Selectperson Shea suggested that, since the Selectboard decides the order of the articles, the Community Power article be moved to near the top of the agenda. Selectperson Frost agreed, suggesting it come after the Operating Budget.

Selectperson Frost suggested following it with the Petition Warrant Article but the Board decided to leave it at the end; it could still be moved up at the meeting by a motion from the floor.

The Board noted higher cost articles are usually discussed earlier in the meeting. Selectperson Frost agreed, but suggested once one article is considered, all other articles related to that department – i.e., Fire, DPW, etc. – be addressed immediately afterwards. This will make it easier for department heads as they offer explanations.

The Veteran tax credits will be left for the end of the meeting.

c. Proposed 2023 Operating Budget and Revenue Review

This was completed by the Board. Town Administrator Ricciardelli said the item is here to simply indicate last minute adjustments she's making to the line items based on revenue, invoices, etc.

d. Raffle Permit Request

- a. 250th Town Anniversary Committee
- b. Mount Kearsarge Indian Museum

After some discussion, Chair Bower made a motion to approve the raffle permits for the 250th Town Anniversary Committee and the Mount Kearsarge Indian Museum. Selectperson Frost seconded. In a voice vote, the Board unanimously approved the motion.

VI. Administrator's Report - Diane Ricciardelli

- a. There was a recent accident at the Barbara Annis Roundabout and Progressive Insurance Co. will cover the cost of the repair; Ricciardelli is working directly with the driver's insurance company to avoid a Primex deductible. There is a need for photos, but since it snowed, it may be a few weeks before the wall that was hit is visible.
- b. The application is completed for State grant with Mike Tardiff of CNHRPC for Master Plan.
- c. The Rosa Valpey fund will be closed after \$3477.21 is used to purchase bikes from S&W sports in Concord for Simonds Elementary School.
- d. The Transfer of N Village Rd land to the Conservation Commission is being worked on with attorney; title research discovered Tenants in Common that needs to be resolved with a quitclaim, and Ricciardelli wants to be sure that the paperwork is registered with the Registry of Deeds. Attorney is working on it.
- e. The 1099s and W2s have been completed and delivered.
- f. Town Report missing one department/committee report.

- g. The Town has received unanticipated funds of \$14,300 and will schedule a public hearing to accept payment from State to pay for Ground Water Committee for CNHRPC.
- h. Ricciardelli has also completed the InvestNH grant application for CNHRPC, to work with the Planning Board and Land Use Office on the Master Plan.
- i. Webinars- Community Development Finance Authority re: resources and funding on Jan 31, 2022 10 a.m.; the Town will receive documentation afterwards, including information about grants that may be available for work at both the WCC and the Town Hall.
- j. New Hampshire's U.S. Representatives Annie Kuster and Chris Papaps will hold a joint seminar on Feb. 2.

VII. Public Comment

Emergency Management Director Ed Mical asked Selectperson Frost about another Capital Reserve Fund that has not been touched for more than ten years related to the Waterloo Cemetery. Frost said she's not been able to verify the purpose of the fund when it was set up.

VIII. Select Board Other Business

Selectperson Shea said the Selectboard's report for the Town Report is nearly completed; she asked Chair Bower to review the copy she's sent him. She asked Ricciardelli for her help "filling in some blanks" regarding road projects for the Department of Public Works (DPW) portion of the Town Report and the report's Dedication is nearly done.

Ricciardelli said there are a few more items needed for the report. The completed Town Report is scheduled to go to the printer by approximately Feb. 17.

Selectperson Shea said that she's been working with administrators at Simonds School and some student service organizations to provide childcare service (from 5:30-8:30 p.m.) for youngsters whose parents/caregivers want to attend Town Meeting. She will write a notice about the program for the Town website and the Library's newsletter.

Selectperson Shea asked about the employee review process survey that was sent to employees last week. It was reported they've not received any responses. Selectperson Shea said the survey may have included a deadline of Jan. 20. Ricciardelli said no deadline was included. Chair Bower suggested waiting at least one month for replies.

VIII. Consent Agenda

Chair Bower made a motion to authorize the Selectboard to approve manifests and order the Treasurer to sign:

- Accounts Payable check numbers 6802 through 6837, dated 1/19/2023, in the amount of \$260,111.96, which includes the first payment on the Highway Construction loan of \$155,327.38.
- Accounts Payable check numbers 6838 through 6840, dated 1/25/2023, in the amount of \$64,147.62, which includes the January 26th payroll deposit of \$49,311.56.
- Payroll paper check numbers 3208 through 3215 and direct deposit check numbers E00620 through E00648, dated 1/26/2023, with a net check and direct deposits totaling \$49,311.56.
- Accounts Payable check numbers 6841 through 6870 dated 1/27/2023, in the amount of \$134,022.01, which includes a Fire Station loan payment of \$84,697.60.

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

IX. Manifest

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

- 1. Request to the Trustees of Trust Funds for:
 - a. \$475.78 from the Transfer Station Facility Capital Reserve Fund for invoice payment to CMA Engineers.
- 2. Notice of Intent to Cut

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| Map 19 Lot 008 | Old Pumpkin Hill Road | 50 of 103 acres |
| Map 19 Lot 008-1 | Old Pumpkin Hill Road | 5.02 of 5.02 acres |
| Map 19 Lot 007 | Old Pumpkin Hill Road | 1 of 1 acres |
| Map 37 Lot P/O 037-6 | Waterloo Street | 5.5 of 9 acres |

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

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

At 9:34 p.m. Chair Bower made a motion to go into Non-Public under the above RSA.

ROLL CALL: Bower, yes; Frost, yes; Shea, yes.

Motion passed unanimously. The Board entered non-public session at 9:35 pm.

Board ended the non-public session, returned to public session and adjourned public session at 9:40 p.m.

**Adjourn
9:40 pm**