



TOWN OF WARNER

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Selectboard Meeting Minutes

Tuesday March 7, 2023 6:30 pm
Lower Meeting Room Warner Town Hall 5 E Main St

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

At 6:34 p.m., Chair Sam Bower opened the meeting, and recognized the presence of fellow Board members Christine Frost and Lois Shea.

Also present: Tim Blagden, Chair of the Board of Trustees of the Concord-Lake Sunapee Rail Trail (and other members of that Board, including Darryl Parker and attorney Derek D. Lick); Jonathan Lord, John Puc; Andy Bodnarik; Martha Bodnarik; Ken Cogswell; Steve Bridgewater; Dawn Quick; Nick Brown; Kelly Henley; John Whalen; Jim Brown; Michelle Courser; David Grey; David Carroll; Jere Henley; Nancy Martin; Martha Mical; Neil Nevins; Pat Goneau; Karen Coyne; John Leavitt; George Pellettieri; Linda Dymont, Town Administrator Diane Ricciardelli; and Recording Secretary Ray Carbone.

II. Public Hearing - For the purpose of hearing public comments regarding: The Town accepting and expending \$1,203,000 in unanticipated funds from NH Department of Transportation (DOT) and \$300,000 in unanticipated funds from Friends of the Concord-Lake Sunapee Rail Trail as funding for a reimbursement grant to build a section of the rail trail near the I-89 exit 9 interchange.

a. Open the Public Hearing

Chair Bower opened at the hearing at 6:35 p.m. and introduced Tim Blagden, Chair of the Board of Trustees of the Concord-Lake Sunapee Rail Trail.

b. Presentation

Blagden discussed a prospective project that his organization would build in Warner as part of its larger regional rail trail. This local multiuse portion would include two wooden covered bridges (over Warner River and Stevens Brook) and connect several points in the area by Interstate 89's exit 9: the end of Waterloo Street, the south bank of the Warner River, and the Barbara Annis Roundabout (i.e., the Interval commercial zone where Market Basket is located). The project would enhance commercial development in Warner and promote alternative transportation (biking and walking) while resolving safety problems for those choosing those modes. Blagden said the Rail Trail Board only learned about the possibility of obtaining this grant in late December and, since that time, it had raised the \$300,000 that could be used for the matching portion of the \$1.5 million grant. However, the way New Hampshire law is written, the grant must be proposed and accepted by the municipality (Town) and not the Rail Trail group. This means the Town must apply for and manage the grant funds as well as the multiuse trail. The Rail Trail Board is willing to sign an agreement with the Town pledging that it will accept the responsibility of maintaining the trail. The Rail Trail Board's hope is that both the Town and the DOT will sign an agreement that will allow the \$1.5 million project to move forward. (No actual work on the trail will likely happen until 2024.)

Chair Bower said that if this grant application were to be approved, the Town would only be committed to the initial “engineering/study” phase of the project.

c. Open Public Comment

Martha Bodnarik suggested that if it’s too late for this project to be added on the upcoming annual Town Meeting, the Select Board could bring it up for discussion under the “Other Business” item at the end of the meeting; others at the meeting advised against taking that kind of action for an item that has a significant cost.

Bodnarik then said that even if the project doesn’t cost the Town money, managing the grant and the three-way contract would impact employee hours, thus having a financial impact on the Town.

David Carroll said that, while this project appears to be beneficial to the community, it might cause serious damage to the portions of the environment that are “vital to migratory birds,” which he called a “rarified habitat.” Chair Bower suggested that the Rail Trail Board work with the Conservation Commission and the Warner River Local Advisory Committee to address any possible environmental problems. Blagden agreed that his Board would do that.

One resident said that while the project appears to be a good one, it’s not the time for the Town to be tackling this kind of involved project. Residents Jim Brown and David Grey were also concerned about the impact on Town resources. Other residents questioned moving ahead with the project before any contract is written and approved by Town Counsel. Andy Bodnarik expressed concerns about groundwater issues in the area.

Harry Seidel said the Selectboard is only presenting information at this meeting and his opinion is that it would be wise for the Town to take advantage of this unusual opportunity.

Martha Bodnarik claimed that the Board learned about this project some time ago and charged that the members are “trying to bypass the Town” once again by not addressing it at the Town Meeting. “I’m quite offended and disgusted with the people who know the process,” she said.

Another resident said Bodnarik’s remarks left her feeling “highly insulted,” and that she resented them.

Chair Bower thanked the attendees for sharing their thoughts and closed the Public Comment portion of the hearing at 8:41 p.m.

d. Board Discussion/Action

Shea asked if there is a deadline for the Town to accept the funds. She also said that she supported the comments made earlier that it was inappropriate to bring up the project under the “Other Business” section of the upcoming Town Meeting. But Shea said she liked the idea that Nancy Martin expressed earlier that the Board could accept the funds but

rule that no funds above the \$300,000 donated by the Friends of the Rail Trail group would be spent unless approved at a subsequent Town Meeting.

Blagden said the Rail Trail group would support that idea. That way, the preliminary permitting and environmental work could proceed without the Town exposing itself to any financial risk.

Neither Blagden nor Town Administrator Ricciardelli said that they had a deadline date for the application available at this meeting.

Frost said she believed that most Town residents would support this project but that most of the people who attended tonight's hearing were opposed to it. "The people who show up run things," she observed.

After some discussion, **the Board resolved to accept the funds as requested, but added some provisions to the request:**

First:

Add a proviso that only the \$300,000 contributed by the Rail Trail organization would be used on the initial planning/ engineering phases; and, if the Town eventually decides against moving forward with the project, any funds that remain would be returned to the Rail Trail group;

Second:

The construction portion of the project would only move forward upon the completion of successful negotiations on a contract with the NH DOT and the Rail Trail organization, and subsequent approval at an upcoming Town Meeting.

Chair Bower made the motion; Frost seconded. In a voice vote, the Board unanimously approved the motion.

In a separate motion, Chair Bower made a motion that if Town Meeting voters do not eventually approve the project, any remaining funds from the Rail Trail group's donation will be returned to that group; Shea seconded. In a voice vote, the Board unanimously approved the motion.

e. Close Public Hearing

Chair Bower closed the Public Hearing at 9:33 p.m.

III. For the purpose of hearing public comments regarding: The Town accepting and expending \$11,450 from InvestNH Housing Opportunity Planning (HOP) Grant to pursue HOP Phase 1: Needs Analysis and Planning.

a. Open the Public Hearing

Chair Bower opened the Public Hearing at 9:35 p.m. He said that this grant would help the Planning Board with updating the Housing Chapter of the Master Plan.

b. Presentation

Planning Board member Andy Bodnarik explained that these funds would pay for some expertise from the Central New Hampshire Regional Planning Commission (CNHRPC), as it gathers data to support the Planning Board's work on the Master Plan's Housing Chapter, specifically a Needs Assessment regarding housing. This will only be the first step in the

process, but Bodnarik said that other communities who have worked this process through to its conclusion have found it very helpful.

c. Open Public Comment

Harry Seidel said that this is important work, and he supports the grant. He noted that there is a need for “middle” income housing, both in Warner and around New Hampshire.

Bodnarik said the Planning Board is aware of these concerns and has already begun work in this area by doing research and speaking to some builders. “This is for multi-unit middle housing,” he noted. “It’s not for single family housing”.

d. Close Public Comment

Chair Bower closed the Public Comment portion of the hearing and moved onto the Select Board’s discussion.

e. Board Discussion/Action

Frost said the Master Plan is overdue for its update and the opportunity to get expert help at no cost is a “no-brainer.”

Chair Bower made a motion to accept the funds; Frost seconded. In a voice vote, the Board unanimously approved the motion.

f. Close Public Hearing

Chair Bower made a motion to close the Public Hearing at 9:48 p.m.; Frost seconded. In a voice vote, the Board unanimously approved the motion.

IV. Appointments

a. Volunteers for Planning Board Alternate positions:

Chairman Bower asked if all three of these volunteers wanted to serve as Alternate members of the Planning Board.

1. Pat Goneau

Goneau said she’s lived in Town for 10 years; has an interest, particularly in the housing issues that the Planning Board is currently working on; had a professional career in finance for more than 40 years; has been known for coming up with creative solutions to problems and would like to serve as a fulltime, voting member of the Planning Board.

Shea said she had done some research and found that Goneau had made a comment at a Planning Board meeting regarding Chairman Ben Frost. Frost’s job is serving as the Deputy Executive Director and Chief Legal Officer for New Hampshire Housing.

Goneau explained that her remarks were centered on concerns that there were times that she questioned whether Ben Frost might have a conflict of interest regarding his job and his position on the Planning Board. She said that she thought

there were “grey areas” regarding his role, and that there was a “core group” on the Planning Board that sometimes was “putting the Town in a direction that might not be suitable for everybody.”

Shea asked Goneau if she thought she would be able to work with the other members of the Planning Board. Goneau said she’s served on many boards in her careers with members who disagreed on issues and she would always act professionally.

Chair Bower made a motion to appoint Goneau to a full-time voting two-year seat on the Planning Board; Frost seconded. In a voice vote, the Board unanimously approved the motion.

2. Neil Nevins

Nevins is part owner of the MainStreet BookEnds bookstore and has served the Town in various roles for nearly 40 years. He currently serves on several Town Boards and is a member of the Board of Directors of MainStreet Warner, a nonprofit organization.

Chair Bower made a motion to appoint Nevins as an alternate to the Planning Board for a one-year term; Frost seconded. In a voice vote, the Board unanimously approved the motion.

3. George Pellettieri

Chair Bower noted that Pellettieri was in attendance earlier but had left the meeting.

Chair Bower noted Pellettieri’s ongoing contributions to the Town in various roles, then made a motion to appoint Pellettieri as an alternate to the Planning Board for a two-year term; Frost seconded. In a voice vote, the Board unanimously approved the motion.

V. Old Business

a. Holly Riley, RSA 79-E, Community Revitalization Tax Incentive

Frost said that she’s done some research and found that the Town had created a Community Revitalization area in 2008. Resident Holly Riley had asked recently if her property might be in the area and, therefore, eligible for the Incentive program. Frost said Riley’s property was not in the delineated area and said asked Town Hall staff to notify her.

Frost also asked Town Hall staff to make a map of the area and a formal application for the Incentive program available on the Town’s website.

b. Zoning Non-Compliance, Couchtown Rd Status

Linda Dymont brought photographs to the Board of the adjacent property, which she is saying is apparently 2.5-feet into the Town’s required setback. Town Administrator Ricciardelli said she’s not yet received a written report from Building Inspector Tom Baye about the apparent problem.

Linda noted it’s been two months since she brought this issue to the Selectboard.

Chair Bower thanked her and said a precise measurement of the problem area should be taken now that a new survey has been completed. Ricciardelli said Baye has spoken with the other property owner and a simple solution may yet resolve this issue.

b. Resilient Buildings Group Level II Energy Audit for Warner Community Center

A future meeting will be scheduled with Resilient Buildings Group and Anthony Mento to present audit findings.

VI. Administrator's Report

- four Town employees are planning to take the April Local Public Agent (LPA) course.
- reached an agreement with Central NH Regional Planning Commission (CNHRPC) regarding the grant approved earlier in the meeting that will allow the Town to assess a 10% fee to the contract to cover Town related administrative costs.
- looking at signing a similar agreement with Progressive Insurance, the insurer of the driver whose vehicle damaged the Barbara Annis Roundabout several months ago, regarding repair work that will be done this spring.

V. Public Comment

Chair Bower noted that the Board has received several letters of concern from residents recently about a prospective building project on Tax Map 13, Lot 19-1.

Karen Coyne said that there are plans to build a home on what she called a "sliver of a lot" (approximately 2 acres) between Willaby Colby Lane and the Warner River, which is across from her home. She said she's concerned about the lot's proximity to both the River and a stream that feeds into the River, and plans for a leech field, a septic system, etc. "We don't believe there is enough of a setback from the Warner River," she said of the tentative septic plan.

Administrator Ricciardelli said that the Town has recently received notice that the property owner has submitted a Shoreline Impact Application with the NH Department of Environmental Services (NH DES).

Coyne said that she's contacted Ken Milender, chairman of the Warner River Local Advisory Committee (WRLAC) about her concerns who said the property owner has just applied to the DES for a septic system approval.

Chair Bower said that the Town has not received any building permit application and noted that the DES approves septic systems and then notifies the Town of that action.

Coyne said that if there are appropriate setbacks and all other concerns are addressed, she has no problem with the building project. Chair Bower thanked Coyne for her concern and asked her to keep the Select Board aware of any relevant issues.

VI. Select Board Other Business

None.

VII. Manifest

Chair Bower made a Motion to authorize the Select Board to approve manifests and order the Treasurer to sign:

- Accounts Payable check numbers 6941 through 6974, dated 3/1/2023, in the amount of \$74,765.48.
- Accounts Payable check numbers 6975 through 6978 dated 3/7/2023, in the amount of \$95,397.92, which the payroll deposits and federal tax deposits for the 3/7/2023 quarterly payroll and the 3/9/2023 bi-weekly payroll
- Quarterly payroll paper check numbers 3232 through 3257, direct deposit check numbers E00707 through E00708, dated 3/7/2023, and manual check number 3173 with a net check and direct deposits totaling \$20,141.88.
- Bi-weekly payroll paper check numbers 3258 through 3266 and direct deposit check numbers E00709 through E00732, dated 3/9/2023, with a net check and direct deposits totaling \$52,843.88.

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

VIII. Consent Agenda

The Board asked for clarification before approving this Consent Agenda. It should be brought forward at the Board's next meeting.

IX. Adjourn

Without objection, Chair Bower adjourned the meeting at 10:47 p.m.