



TOWN OF WARNER

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Selectboard,
Harry Seidel
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Selectboard Meeting DRAFT Minutes

Tuesday, July 18, 2023, 6:30 pm Lower Meeting Room, Warner Town Hall, 5 E Main St

*****Given the attention to this meeting,
I have included pre and post meeting
content as it appeared on the ZOOM
recording. - Judy***

Prior to the opening of the July 18, 2023:

Christine Frost and Jody Sloane stood to the side of the Selectboard meeting table. Christine read from a paper in her hands. She said was rescinding her resignation (of July 12, 2023) and sat down at the table to the right of Selectperson Harry Seidel. While moving toward a seat next to Christine, Jody said she too was rescinding her resignation (of July 12, 2023). (Both were elected Selectpersons on the Warner Selectboard.)

Selectperson Seidel: You can't sit here.

Christine: I just did.

Selectboard Administrative Assistant, Judy Newman-Rogers: do you want to wait until we get started?

Selectperson Seidel: Should I start the meeting?

Christine: Read them again?

Judy: Read them into the record?

Christine: Yep. We'll read them into the record.

Selectperson Seidel: Yeah.

Christine: We'll just give it a minute.

Short silence.

Christine: Are we all set, Judy?

Short silence.

Christine: (Looking at her watch) So it's 6:30. I will officially call the Warner Selectboard Meeting to order. Someone in the audience said they had a question.

Christine: uh, we're going to start the meeting.

Selectperson Seidel: I'm going to start the meeting.

Christine: Go ahead. We'll wait.

I. 6:30 pm Open Meeting

Selectperson Seidel: It's 6:30 and I'd like to call to order the meeting of the Selectboard on July 18th. I want to open the meeting first of all thanking Christine Frost and Jody Sloane for their service to Warner and I want you all to know this is going to be a very short scripted meeting. I know you have questions and I'd like to answer them but this is not a process I chose. This is a legal process now. And I have to follow the advice of Town Counsel. So the court, I have petitioned.....

Christine: I believe the position of our resignations has caused that to be mute.

Selectperson Seidel: (turning toward Christine) do you want to go ahead and read that?

Christine: So again, for the record, on the advisement of Michael Courtney the Town Attorney and upon request of Harry Seidel and the Town Attorney, I officially rescind my resignation. This will save the Town from going to Superior Court and get us back on track to serving the community. I am truly sorry for my resignation and what it has caused in the domino effects and disruption of the Town.

Jody: and I, Jody Sloane, very effectively – effective immediately am rescinding my resignation from the Warner Board of Selectmen.

Selectperson Seidel: Thank you very much. So...

Christine: So this is no longer necessary.

Selectperson Seidel: So I have found myself in the position of – (Looking at Selectboard Administrative Assistant, Judy Newman-Rogers) is this the correct document I am suppose to read? Petition for the Court?

Selectboard Admin. Asst. looked at the documents with Selectperson Seidel. She proceeded to get him another copy of the document. Selectperson Seidel used his laptop to also access the document.

Christine: So Harry, we know now that the Superior Court is now mute so we can just move to other business.

Selectperson Seidel: I disagree with the assertion that Superior Court – that the petition is mute. I am proceeding with reading the petition.

Christine: So we're going to move on Harry.

Selectperson Seidel: I am going to read the petition to the court.

Christine: We have a full Board here.

Selectperson Seidel: No, we do not have a full Board.

Christine: We do.

Selectperson Seidel: There was an opportunity –

Christine: So we have rescinded our resignations. We now have a full Board and can do business...

Debra(?) (member of the audience): So wait a minute, you can resign and then join back in again?

Christine: The Town Attorney asked us to do that – yes – in order to save the Town from going to court

Selectperson Seidel: No, no, this is not true and...do you have the petition? (to the Selectboard Admin Asst)

Christine: We are going to move on Harry. (Turning to Jody) Go ahead.

Jody: I would like to make a motion –

Christine: We are entertaining a motion Harry.

Jody: I would like to make the motion –

Selectperson Seidel: Hold on, if you would just permit me to, I am acting as Selectboard member because the two of you resigned.

Christine: We're here.

Jody: We're back.

Selectperson Seidel: ..if you just let me finish, ok. You resigned last Wednesday and at the time I called you both ...

Christine: Yes.

Selectperson Seidel:and you answered me....

Christine: Yup and we're here.

Selectperson Seidel:that you would not come....

Christine (laughing): That is not true.

Jody: That is not true. (shaking head) not true.

Selectperson Seidel: Hold it – when I asked you to come to Town, you said you would not leave your store (Looking at Christine).

Christine: (Looking shocked toward the audience)

Selectperson Seidel: And when I called you back a second time you said you needed 2 or 3 days and you would maybe see me Monday. (July 17). Jody, I've called you 2 or 3 times and texted you to utter silence. So in that situation, I was faced with no choice. We needed to make a decision. We needed to have a Selectboard.

Christine: No one is disagreeing with that. Harry, people need to know....

Selectperson Seidel: So hold on –

Christine:there was a meeting scheduled for Friday morning (July 14) at 10:30.

Selectperson Seidel turned toward his laptop.

Christine: At which time we were all agreed that we were going to come down and appoint people and you canceled the meeting at 9:00. I have the text and it is what it is. We need to move on. I read that you were actually interested in that the Town could recover and move on so let's do that. So, (Turning toward Jody)

Jody: I am making a motion-

Christine: OK.

Selectperson Seidel: No -

Jody: I move to have Diane Ricciardelli removed as Administrative Assistant to the Town.

Christine: I second that. There is a motion on the floor.

Christine (responding to an audience member who had her hand up to ask a question): This was not for public discussion. This is among the Selectboard. We can have a public session later.

Selectperson Seidel: This is... hold on....this is ..

Judy: May I say something about procedure?

Christine: Nope!

Judy: Harry, may I say something about procedure?

Selectperson Seidel: You may speak, Judy.

Judy: Usually what has happened when someone submits a resignation, it comes to the Board for acceptance –

Christine: Yep.

Judy: - and the Board will say, “Oh, I’m sorry to see you go....

Christine: Yep.

Judy: - and thank you for your service”.

Christine: Yep. There is no resignation so we don’t have that option.

Judy: Rescinding, I’d think, would work the same way....

Christine: Nope. It does not. Ah, so Harry....

Selectperson Seidel: Now listen....

Christine: is there any discussion about the motion that is on the table?

Jody: And I misspoke when I said, “Administrative Assistant”; it’s “Town Administrator”.

Selectperson Seidel: The motion on the table is incorrect

Christine: (could not hear what she said)

Selectperson Seidel: and the Town of Warner, under duress, needed to take action and we filed with the Superior Court lawfully, to petition a replacement for Selectboard because the two Selectboard members had resigned ...

Christine: Yes.

Selectperson Seidel: ...and they had not indicated that they would come back...

Jody: That’s not true.

Selectperson Seidel: Hold on - on Thursday and Friday....

Christine: I need to make sure that people appreciate that it is for the good of the Town that we come back. So that is the fact –

Selectperson Seidel: No

Christine: There is an email

Jody. There is an email.

Christine: The attorney did ask us to come back: We are here. We are trying to make sure we can move forward in a, um, a productive way for this community. There is a motion on the table. (Toward Selectperson Seidel) Would you like to discuss the motion?

Selectperson Seidel: The motion on the table is improper because you have no authority to make the motion....

Christine: We do have authority.

Selectperson Seidel: You do not have the authority to make that motion.

Christine: We do.

Selectperson Seidel: You do not. You resigned as Selectboard members in the Town...

Christine: and the attorney asked us to come back as you did as well (gesturing with both hands at Selectperson Seidel)

Selectperson Seidel: We did but before

Christine: No, you asked me to close my business. I'm not going to close my business to come to a meeting. That's ridiculous. And we had a scheduled meeting...

Selectperson Seidel: Christine.....

Christine: You called me and we had a scheduled meeting. We had a scheduled meeting at 10:30 on Friday morning. 9:00 o'clock that morning you called to cancel the meeting and chose to go to Superior Court instead of having that meeting. That was your choice and we have now since rescinded out resignation. We are here. It is what it is. We have perfectly legal reasons to be here and there is a motion on the table. Would you like to discuss the motion or not?

Selectperson Seidel: The motion is improper, let me explain...

Christine: No you don't need to explain.

Selectperson Seidel: I do, I will ...

Christine: There is a motion on the table – we can discuss the motion.

Selectperson Seidel: I will explain. When you both did not communicate.....

Christine: You say the same thing over and over!

Selectperson Seidel: Will you please stop interrupting.

Christine: Go for it.

Selectperson Seidel: Ok. I approached you Wednesday morning (July 12, 2023) twice (speaking to Christine). And I approached you (Jody) 3 or 4 times on the phone and emails. When you didn't respond – you did respond (Looking at Christine) to say ...

Christine: I did .

Selectperson Seidel: Monday is what you said

Christine:because we had to figure out what to do...

Selectperson Seidel: May I finish?

Christine: Mmhmm (Head nodding up and down)

Selectperson Seidel: At that point I needed to go to the next step and I checked with Town counsel and the only other step that was available was for me to petition the Superior Court...

Jody: You no longer need that step.

Selectperson Seidel: ...no, we.... but I took that step.

Jody: And you no longer need that step. That step is not needed.

Selectperson Seidel: We do. No, that step has already been taken.

(Jody & Christine talking at once; could not clearly hear what they were saying)

Selectperson Seidel: It has. It's been noticed and it's been taken.

Jody: No one else has been sworn in.

Christine: No one's been sworn in. We are here and we are here where we are. There's a motion on the table Harry.

Jody: And I would like to say I spoke (?) to Diane in regards to rescind my resignation. I told her I would do that.

Christine: Yup. We were very co-operative. We were trying to find somebody who could be a replacement. There was a meeting set for 9:30 -sorry 10:30 -on Friday morning. You ca- you send me a text the meeting was canceled. You're no longer needed. And you chose to go to Superior Court. And so for me, I say, don't want the Town to do that. Let's figure out how to make this work.

Jody: We are here. We owe it to the Town to get back to business. That's where I stand with that.

Selectperson Seidel: The reason that I called you and told you or messaged you the meeting- we're not having the meeting because we were getting ready to file. We had already taken the decision to Superior Court.

Christine: Why would you have a meeting?

Jody: Then why would you even ask for a meeting?

Selectperson Seidel: I asked for the meeting before that and when you did not respond, I then filed in Superior Court.

Christine: Harry! You have to stop! Please stop! At 8:30 Thursday night you called me. (pounding her fingers on the table) and you said, 'I am putting forward Faith Minton and can we talk about it at - I will see you at the meeting at 10:30 tomorrow morning'. I said, 'OK, I will see you there.' And you sent me a text at 9:00 saying, 'You're no longer needed'. So this is a done deal. There is a motion on the table. Would you like to discuss the motion or should we have a vote? (Pounding the sides of her hands on the table).

Selectperson Seidel: The motion is improper...the motion is improper....

Christine: Ok. Then let's have a vote.

Selectperson Seidel:and I am not considering the motion.

Christine: Ok. Then we're going to have a vote. All those in favor of the motion....

Selectperson Seidel: No. We're not having a vote on the motion.

Christine: We are. We are.

Selectperson Seidel: It's improper.

Christine: There is a motion on the table....

Jody: What RSA or authority right now are you telling us that we cannot have a motion?

Selectperson Seidel: Because you resigned.

Jody: And we have rescinded our resignations as we were asked by the lawyer and Diane and yourself.

Selectperson Seidel: Jody, you both resigned. And you were asked and you did not respond.

Jody: I did respond.

Selectperson Seidel: No. The Town... I then ...had to ... made a decision to replace – to find a Selectboard member and I petitioned the Superior Court. That's what happened. You can't come back later and say, (leaning back in his chair) "No no no. I didn't really resign. Now I want to come back."

Jody and Christine talking at once; not clear what was said except: Told by the Town attorney.

Selectperson Seidel: You were not told that by the Town attorney.

Christine: Yes we were.

Jody: Yes we were absolutely asked to come back by the Town Attorney.

Christine: We are not having public conversations.

Jody: Our resignations are not – I don't believe they've been filed any where.

Selectperson Seidel: They have been filed. They have been filed.

Christine: There is a motion on the table. I'm going to call for a vote. Jody, how do you vote?

Selectperson Seidel: Listen, the motion is improper and it will not be entertained.

Christine: It's not improper.

Selectperson Seidel: It is improper. You had no authority to make that motion. You both resigned.

Jody: The motion is to have Diane Ricciardelli removed as Town Administrator immediately!

Christine: (Looking at Jody) And how do you vote?

Jody: In Favor of it.

Christine: And how do you vote Harry?

Selectperson Seidel: I am not voting.

Christine: And I am voting Yes so the motion moves. It is now 6:43.

Jody: Harry, do you want to read that (Pointing to a document in front of Selectperson Seidel) into the record and close the meeting?

Selectperson Seidel: I want to do that...

Christine: The meeting is closed at 6:43: I'd say this meeting is closed.

Selectperson Seidel: The meeting is not closed.

Christine: Yeah it is. If you want to read that, it's fine.

Selectperson Seidel: I want to read the Petition to....

Christine: (Giving a gesture of "thumbs up") Go for it.

Selectperson Seidel:

JUDICIAL BRANCH MERRIMACK COUNTY SUPERIOR COURT
NO. 217-2023-CV-370 IN RE: TOWN OF WARNER
ORDER

Harry Seidel, a resident, voter, and Selectman of the Town of Warner petitions the court to appoint a selectman to the Warner Board of Selectmen pursuant to RSA 669:63.

The court will schedule a hearing on the petition for July 20, 2023, or as soon thereafter as the court calendar allows. On receiving the hearing date Mr. Seidel shall provide public notice of the hearing by posting notice at two conspicuous locations in the Town and on the front page of the Town website.

SO ORDERED. DATE: JULY 17, 2023 BRIAN T. TUCKER SUPERIOR COURT JUDGE

Christine: Thank you.

Selectperson Seidel: Having read that into the record, I would just like to say something. This is going to be a very short and scripted meeting. I know a lot of you here may have questions and I'd like to answer them but this is not a process I chose. This is a legal process and I have to follow the advice of Town Counsel which is: not to discuss the matter. So I just want to reiterate that the court date is July 20th at 2 pm and I want to thank all of you for coming down and taking an interest in supporting your Town and with that, I am closing the meeting.

Adjourn 6:49 pm

After the July 18, 2023 meeting closed:

***Christine spoke after the meeting was closed. She said she would like to publicly say thank you to Diane and at the next meeting she will make sure they talk about severance.

Respectfully submitted,

Judith A. Newman-Rogers
Selectboard Administrative Assistant