



TOWN OF WARNER

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Select Board
Harry Seidel, Chair
Faith Minton
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Diane Ricciardelli,
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Selectboard Meeting DRAFT Minutes September 26, 2023

- I. 5:05 pm Meeting Opened by Selectboard Chair Harry Seidel.
Present: Chair Seidel, Selectperson Faith Minton, Selectperson Allan N. Brown
- A. 5:06 pm Motion by Allan Brown to go into Non-Public Session: RSA 91-A:3 II(a)** - dismissal, promotion, compensation, disciplining or investigation of charges; if the public employee has a right to a meeting and requests it be public, request must be granted & **RSA 91-A:3 II(b)** - hiring a public employee
Second by Faith Minton. All in favor.
- B. 6:05 pm Motion by Faith Minton to come out of NP. Second by Allan Brown. All in favor.**
- C. Motion to seal minutes indefinitely by Faith Minton, Second by Allan Brown. All in favor.**
- D. Motion made and seconded to hire Butch Burbank as Warner's Interim Town Administrator, voice vote, all in Favor. Motion Passed.**
- II. **A. 6:06 pm Motion by Faith Minton to go into Non-Public Session: RSA 91-A:3 II(c)** - matters if discussed in public would likely affect adversely the reputation of any person; this extends to any application for assistance, tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.
Second by Allan Brown. All in favor.
- B. 6:30 pm Motion by Faith Minton to come out of NP. Second by Allan Brown. All in favor.**
- C. Motion by Faith Minton to seal the minutes for 4 years. Second by Allan Brown. All in favor.**
- III. **Open the Meeting & Roll Call**
At 6:36pm, Chair Seidel closed the non-public portion of the meeting and opened the public meeting of the Warner Select Board. Chair Seidel took roll. In attendance were himself, Faith Minton, and Allan Brown.
- IV. **Minutes from 8/29/23 and 9/5/23**
Chair Seidel said that the board hadn't had a chance to review the minutes yet so they will review and approve them at the next Selectmen's meeting. He noted that the unapproved minutes were on the Town's website.

It was moved by Faith Minton and seconded by Harry Seidel to review the minutes of 8/29/23 and 9/5/23 at the October 10th Board of Selectmen's meeting. The motion was approved unanimously.

V. Appointments

A. Mary Cogswell – Town Report Items for 250th Anniversary Coloring Book

Mary passed around potential illustrations (old buildings, covered bridges, and town seals). She said she volunteers at the Historical Society; the intention of the book is to generate interest from the younger generation in the history of Warner; The Historical Society supports the project. Mary asked to use copies of past Town Reports covers, illustrations in past Reports, if permissions were needed and if the Town or the artist owned the copyright for the mural in town.

Chair Seidel thought that the mural artist would have copyright but not sure about the Town Report artwork; if they were given to the Town for the report it should be fine to use for the coloring book. Faith thought the coloring book of images was great. Diane said some Report images are copyrighted by Pellettieri Designs and would need permission.

It was moved by Harry Seidel and seconded by Faith Minton to approve the use of the artwork from past Warner Town Reports, and that those images owned by Pellettieri would have permissions obtained by the Town Administrator. The motion was approved unanimously.

VI. Administrative

Interim Town Administrator

Chair Seidel welcomed Butch Burbank, from MRI, saying he has experience in Town government (Lincoln and Waterville, NH); he will help in the transition while the Town is looking for a new Town Administrator

Class VI Road Maintenance

Tim Allan Director of Public Works (DPW) and Peter Bates, Warner Trail Snails (WTS) were there to discuss Class VI road maintenance. Peter said: he is president of the KTS; they have forms that they fill out with the Town that gives annual permission to use some of the Class VI roads in Warner for snowmobile trails; trail system is about 70 miles, the majority is in Warner with some on Class VI roads; the rainy summer caused damage to the class VI roads landowners from Warner live on/near; the KTS crew checks and repairs things to make sure the trails will be OK. He asked for permission from the Town to repair some of these roads, if needed. He had talked to Tim, as he does with other towns' road agents and said there is a culvert on Brown Road that has made the road impassable.

Chair Seidel asked Peter to clarify the request. Peter said it is trail maintenance by the KTS not the Town.

Selectperson Brown said he trusts Director Allen's opinion on whether or not the roads can be fixed by the club. Director Allen said this would be a way to repair the roads without using tax money. Chair Seidel said Ed Mical Director of Emergency Management may also likely be in favor of this to help roads remain passable.

Peter gave the Selectmen the permission form for the club to use the trails throughout the Town. The Selectmen would sign the form and give it back to Peter at a later time.

It was moved by Faith Minton and seconded by Allan Brown to approve the maintenance by the Kearsarge Trail Snails to Warner's Class VI roads. The motion was approved unanimously.

Emergency Management Committee – FEMA Grant

\$200,000, awarded to the Town for a five-year plan to include creating an Emergency Management Committee of townspeople; volunteer requests posted on the Town's website; meeting to be held the following evening at the Fire Department.

Ellie Brown and Brett Ingold of the Kawassicho Community Land Trust (KCLT)

Brett: the name of the Trust was the Abenaki name for Kearsarge; he wanted to begin a dialogue about the work they are doing in town; this is considered a community land trust which includes housing opportunities; their pilot project is Foster Farm, Loud Lane, abandoned for 12 years; they were able to bring the property back for housing inventory for the Town; the group hopes to continue working in Warner to create affordable housing in town. They don't have an ask but just wanted to start a dialogue.

Chair Seidel asked how the Trust worked. Brett: many different models; traditionally the group retains ownership of the land and sells the buildings on the land, allowing people who are unable to enter the housing market to have a buy-in to housing; a land lease often goes with the parcel; a resale formula is built in so when the buyer

decides to sell, they can only resell for a certain amount of their equity; this keeps the properties affordable forever.

Faith asked how the properties are taxed. Brett: some municipalities take the resale formula into consideration for the assessment; generally, the house is sold so the owner pays the house taxes, and the Trust pays the land tax.

Chair Seidel asked about a conservation aspect. Brett: in their mission, conservation is included but the Trust is more interested in the housing aspect, but they have considered space development zoning; this would include a percentage of the property being put into conservation (of larger properties).

Chair Seidel asked if an "in Town" building would be considered to create housing? Brett: absolutely; that was done in Burlington, VT; it is a common practice of Community Land Trusts; they are invested in the properties so sustainability is something they will take into consideration.

Nancy Martin, Warner Conservation Commission (WCC) chair, said she liked the concept; there are a lot of big, old houses young people are not interested in; they are big and expensive to maintain; KCLT can create 2 or 3 apartments and the buildings remain to preserve the history of the Town.

Martha Mical asked if it is true that the house is fixed up before it is sold? Brett said it would be.

Brett said anyone can send questions or donations to www.kclt.org.

Warner Connects

Chair Seidel said the Town prepared a lease agreement for Warner Connects (WC), which had been presented to them, for the space they currently occupy at the Town owned Warner Community Center building. He anticipated this would be signed by the representative for Warner Connects tonight.

April Blood, WC Vice Chair, said:

in August, 1435 meals were provided to 171 households (131 in Warner);
they average 1,000 – 1,400 meals a month;
she would have more information in a packet for the Selectboard in December;
their lease question is the wording on the fire code is missing;
the WC Board edited the contract to include the fire code wording;
the wording was in a previous version of the lease but was removed from the version they were asked to sign
everything else looked fine;
the Fire Marshall came in a week ago Friday;
if anything needs to change or be added, she said they can do changes in December;
she requested a copy of the Fire Marshall's report be shared with the WC board when it comes in.

Chair Seidel said:

the Board wanted it noted in the lease that hallways and under the stairways were not to be used for storage or displays:
the hallway is used for egress;
it must be kept clear of any flammable items;
the Town (represented by the Board) is responsible for that fire egress staying clear and safe;
to say that it must be made in accordance with the Fire Code is not necessary since they (Town/Board) are responsible for the fire egress maintained up to Fire Code;
the Selectboard would be at risk of negligence as the Fire Code (they are obligated to comply with) specifies that no combustibles are allowed in a fire egress;
he did not know why those at Warner Connects are pushing back on the safe exit.

April said:

it seems important that all town buildings adhere to fire code, this is for the safety of the Town.

Chair Seidel said: the Fire Code reference can be added back into the contract and then WC can sign it.

Selectperson Brown said it should clearly state in the Fire Marshall's report what can/cannot be stored in the hallways. April said that the Fire Marshall said a lot of factors go into the egress issue for each building; they can't use a blanket statement.

There was discussion about the contract, history of the drafts and delays in it being finalized and signed. Chair Seidel said the final contract would be signed at the next meeting. April said the fire code reference should be applied to all four leases for the building.

VII. New Business

Town-Acquired Building Discussion

Chair Seidel noted that Map 16 Lot 25, off of Route 103 heading towards Bradford, contains a house that has a caved-in roof, and is in failure; the Town has taken it for taxes; it has a 6' wide, open dug well hole in the back lined with stone; demo can vary in cost depending on what they find. Selectperson Brown said an asbestos abatement inspection should be conducted to find out what they are dealing with; if the asbestos was removed, the Fire Department could do a controlled burn.

Discussion followed: possibly selling the property with the house on it, new owners could remove the house and put a new one up, neighbors may want the property to add to their lot. Selectperson Brown estimated \$1,500 for asbestos mitigation; \$2,500 to haul away materials, \$16,000 to remove the house. Chair Seidel thought it better to sell the property as-is and not spend Town funds on it. Selectperson Minton agreed selling is the best idea. Chair Seidel said that if they clean it up, however, they'll know it was done right. There would be further discussion on the matter at the next meeting on October 10th.

Perambulation Request – Town of Henniker

Chair Seidel said that they should contact Gary Young to see if he would like to do this. He said he would be willing to walk the line with Gary.

Reeds North – Request for Additional Liquor Service for Fall Foliage Festival

Stephen Ready, Reeds North, said last year they had a 10x20 easy-up and a 10x10 open space in front of the restaurant, leaving the walk way clear; also a tent in the adjacent parking lot across the road with music; doing anything that involves liquor, requires the Selectboard's permission; this is the same request made last year; each year they need to ask for permission. Chair Seidel said he didn't have a problem with the request. Faith felt the same. Allen agreed.

It was moved by Faith Minton and seconded by Harry Seidel to approve the additional area for Reeds North as presented in the letter provided in anticipation of the Fall Foliage Festival. The motion was approved unanimously.

Mink Hills Recreation Committee – Report

The committee requested time at the Selectboard October 24th meeting to present their report. They would like the report posted on the website so people can review it prior to the meeting.

Harry Seidel Zoning Board Appointment (ZBA)

Chair Seidel said he, along with town council, Barb Marty, Chair ZBA and Janice Loz, Landuse Administrator, he is shifting his full membership on the ZBA to alternate. Janice Loz said one of the alternate members, Derek Narducci will shift to being a full member.

It was moved by Faith Minton and seconded by Allan Brown to move Derek Narducci from an alternate to a full voting member of the Zoning Board. The motion was approved unanimously.

Assessing – Elizabeth Labbe

Elizabeth attempted to show a video explaining how the maps will be adjusted for accuracy using Northup. The video would not work. Elizabeth said there is no cost to do this update at his time but if the maps ever go online at a future date, they will need to be adjusted using this program with a cost to the Town. She recommended doing this now instead of paying for it later.

It was moved by Faith Minton and seconded by Allan Brown to orient the maps to Northup. The motion was approved unanimously.

Tax Payment Agreement

Chair Seidel said a plan has been made for properties map & lots 42-2-10a and 0N-32-010a and 32-011 to bring the tax amount owed up to current.

It was moved by Faith Minton and seconded by Harry Seidel to approve the plan to charge \$300/month for four years to make the properties of 42-2-10a, 0N-32-010a and 32-011 current. The motion was approved unanimously.

Abatement of Timber Yield Tax Bill 22-42-463-11T

It was moved by Allan Brown and seconded by Faith Minton to approve the abatement for Timber Yield Tax on Bill 22-42-463-11T in the amount of \$587.04. The motion was approved unanimously.

Timber Tax Bond, Tax Yield Bills, Veteran’s Tax Credit

- a. Elizabeth said a **Timber Tax bond** now needs to be closed. The State showed the yield tax the owner is obligated to pay, which is less than the Timber bond amount. She asked the Selectboard to sign the Timber Tax yield bill and requested that the bond account be closed,
- b. Another **Timber Yield** needed to be processed and Elizabeth provided the form to the Selectmen.
- c. **Veteran’s Tax Credit** – Elizabeth shared the standard form to be signed by the Board for a veteran to get a tax credit on their property.
- d. **MS-1** – Elizabeth would upload the signed document that evening, although the un-signed copy had already been submitted.

VIII. Public Comment

- a. **Martha Mical** asked if everything was in the State for revenue to set the tax rate. Diane said that it was; there would be about \$70,000 moved from Sugar River from now until the end of the year; the report was in on Monday. Martha asked if they had a date to set the tax rate yet. Diane said she did not as that person was out and would be for another week.

- b. **Rhett Walton**: has an issue with his roof and wondered how long the building permit process would take. Diane said the building inspector reviews permits first and it would take a couple of days. Chair Seidel said the footprint of the building and the setbacks on an application for a project are very important as well as the height of the building (no higher than the limit of 35’). Rhett said it would not be exceeding 35’ and they were making the roof one single pitch. The Selectmen looked at the sketches Mr. Walton brought. Chair Seidel said that it usually takes less than two weeks. Diane said the Town would call him when the building permit was ready.

- c. (Name not stated) said she contacted 25 towns and 23 start the Selectboard meetings with the pledge of allegiance; Warner was one of them that does not; she thought that they should think about doing this since

the Board is new. She also noticed that the State flag in the room they were meeting is was higher than the American flag, which it should not be.

d. **John Leavitt:** asked when the Selectboard voted to hire the consultant Town Administrator.

Faith said there was a process for getting an interim and it didn't need to be voted on.

Chair Seidel said they contracted with MRI, who is facilitating the transition process. MRI assists municipalities with resources and are experts at providing temporary management for towns and guides towns in the process of recruiting Town Administrators and other personnel.

e. **John Leavitt:** asked when the Board voted to contract "these people".

Faith said that the Town Administrator worked to hire the contractor.

John said that he felt the process should have included a vote by the Selectboard.

Chair Seidel said the Town Administrator, acting on behalf of the Selectboard, acted to move the process along. The Selectboard said that in non-public session prior to the meeting they hired the interim Town Administrator.

Faith stated that Town Counsel said that they were acting properly in this process; it was in the best interest of the town; moves them forward towards finding their next Town Administrator.

John said that this decision does not show any transparency.

Chair Seidel stopped John and said they are not trying to do anything in secret; they are taking steps to be able to manage the Town. Selectperson Brown added that he was sorry Mr. Leavitt didn't agree with the way this was handled.

f. **John Leavitt:** had an issue with the Warner Connects contract. He said on January 10th there was a contract initiated with the assessor. The yearly assessment contract that he distributed. John though there was a problem with the signature sheet. John said the contract was signed by the Town Administrator. Allan said that the Selectmen authorized her to sign the contract. John noted that Sam (Bower) witnessed the signature but he was a Selectman at the time. He wondered why Sam didn't sign the contract and Diane act as witness. Faith said that John seemed to have some concerns about how this was done; she didn't have any concern with how it was handled. She thanked him for his concern and for looking into things. John asked the Selectmen to act in accordance with the processes in place.

Going back to the discussion about the interim Town Administrator, Selectperson Brown said that the Board knew the circumstances and they didn't feel the need to hold a meeting. Chair Seidel said that the Town Administrator doesn't do anything without consulting with the Selectboard first. The Board was confident in the process. He added that the Selectboard are given the authority to run the town. They can have their meetings when they need to. John disagreed. He thanked the Selectmen for hearing his piece.

IX. Other

Chair Seidel asked and was answered by Selectperson Brown: he met with property owner Mr. Schumsky and his contractor; the building was put in the wrong place; a cease and desist was issued. The owner wanted to move some stone; the building is in the Town right of way; ideas were discussed to resolve the issue but none were possible; the building has to go. The owner acknowledges the error. Chair Seidel said this is unfortunate and it is a pattern that is occurring more often in Town. Selectperson Brown suggested a review of the Building Inspector job description to help avoid this from reoccurring.

Chair Seidel said the Town has a building permit document which he has been revising to also cover the zoning compliance issues and will work to complete this with Landuse Administrator, Janice Loz. Selectperson Brown noted that the current Building Inspector needs to be paid for all the work. Chair Seidel said that the problem is they don't charge enough for building permits to cover Town costs.

Selectperson Minton thanked Town Administrator, Diane Ricciardelli, for her service to the Town. Chair Seidel said when he started, he needed a lot of help and Diane helped him tremendously. Diane said it has been an honor and pleasure to work with the Selectboard and she appreciated their support.

X. Consent Agenda

There was no consent agenda for that evening's meeting.

XI. Manifest

It was moved by Allan Brown and seconded by Harry Seidel for the Select Board to approve the following previously signed manifests:

Motion for the Select Board to approve the following previously signed manifests:

- Accounts Payable check numbers 7535 through 7536, dated 9/5/2023, in the amount of \$55,653.41 for the September 5th bi-weekly payroll and federal tax deposits.
- Accounts Payable check numbers 7537 through 7548, dated 9/7/2023, in the amount of \$824,532.39, which includes the August payment of \$800,000 to the Kearsarge Regional School District.
- Accounts Payable check numbers 7549 through 7575, dated 9/13/2023, in the amount of \$7,295.55.
- Accounts Payable check numbers 7576 through 7577, dated 9/18/2023, in the amount of \$54,302.82 for the September 21st bi-weekly payroll and federal tax deposits.
- Bi-weekly payroll checks numbers 3436 through 3442 and direct deposit check numbers E01103 through E01129 dated 9/21/2023 for a net payroll of \$41,564.34.
- Accounts Payable check numbers 7578 through 7619, dated 9/21/2023, in the amount of \$940,958.04, which includes the August payment of \$600,000 to the Kearsarge Regional School District.
- Accounts Payable check numbers 7620 through 7627, dated 9/23/2023, in the amount of \$11,174.65.

The motion was approved unanimously.

**XII. It was moved by Allan Brown and seconded by Faith Minton to adjourn the meeting.
The motion was approved unanimously.**

The meeting adjourned at 8:46pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of Warner
Edits, J. A. Newman-Rogers,
Selectboard Admin Asst.