



# TOWN OF WARNER

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Select Board: Harry Seidel, Chair  
Faith Minton  
Michael Smith  
Kathleen Frenette, Town Administrator

## Select Board Meeting DRAFT Minutes

October 1, 2024 4:00 PM

Lower Meeting Room Warner Town Hall 5 E Main St

### I. Open the Meeting and Roll Call

- Chair Seidel called the meeting to order at 4:01 PM
- Present: Harry Seidel (Chair), Faith Minton, Michael Smith
- Also Present: Kathy Frenette and Judith Newman-Rogers

### II. Select Board Meeting Minutes: September 17, 2024

Pg 1 Line 32 insert Emergency Access after Kearsarge Mountain Road

Pg 2 line 28 insert Asphalt after GMI

**Faith Minton made a motion seconded by Harry Seidel to approve the September 17, 2024 minutes as amended. Motion passed unanimously.**

#### Select Board Non-Public Meeting Minutes: September 17, 2024

**Faith Minton made a motion seconded by Harry Seidel to approve the 5:30 PM September 17, 2024 non-public minutes. Motion passed unanimously.**

#### Select Board Meeting Minutes: September 24, 2024

Pg 1 line strike C-1 to OC-1 insert OC-1 to C-1

**Faith Minton made a motion seconded by Mike Smith to approve the September 24, 2024 minutes as amended. Motion passed unanimously.**

### III. Select Board Business

#### a. Beautification Program and Funds

Mike Smith advised the Select Board that there is a checking account established for the Beautification Program, currently there are no funds in the account. Harry Seidel asked if it is an account in the Town's name. Mike Smith confirmed. Martha Mical explained that it is a Town fund that was funded by donations. Harry Seidel is relieved that it is not funded using tax dollars. Mike Smith will have more information to provide in the near future. He stated that the group recently met and planted mums around town. Kathy Carson spoke about future tasks the group will be undertaking; planting spring bulbs, clean up, Town Hall Christmas trees and next year plantings. She advised the Select Board that they would like to work on a Town wide clean-up day to coincide with Earth Day and placing tree plaques honoring the 250<sup>th</sup> anniversary. Faith Minton expressed her concern regarding the Festival of Trees event that is coming up soon. She stressed the need to find volunteers quickly. Harry Seidel spoke about the pine tree out front that Allan Brown and George Pellettieri feel it should be removed and replaced. The Select Board agreed. Harry Seidel spoke about the trees in town in need of care. Harry Seidel explained that a local tree company will look at the Main Street trees and provide an estimate.

1  
2 *Harry Seidel adjusted the order of business to hear from Mr. Goff.*

3 Mr. Goff of 140 Parade Ground Cemetery Road explained that he received a letter from the Select Board  
4 regarding the camper that is on his property for more than 90 days. Mr. Goff explained that it is a family  
5 member who comes to visit. He assured the Select Board that in the future it will not exceed 90 days. The  
6 Select Board thanked Mr. Goff for coming to the meeting and advising them of the situation.  
7

8 **b. Sale of Town Owned Properties**

9 Mike Smith presented Map 12 Lot 33, 46 acers lot off Howe Lane. He stated that he has not been contacted  
10 about this parcel. He explained the parcel abuts the Chandler Reservation. Harry Seidel noted that this parcel  
11 has road frontage. Martha Mical stated that in the past if a property abutted the reservation the land was offered  
12 to the Chandler Reservation. Harry Seidel explained that purpose of selling town owned property is to increase  
13 revenue and return the property to the tax rolls. Mike Smith asked if the Select Board wanted him to further  
14 investigate selling the parcel, talk to the Conservation Commission, Historical Society and the Planning Board.  
15 Martha Mical stated that the land as it is benefits the public. Faith Minton and Harry Seidel agreed to allow  
16 Mike Smith to further investigate and gather input.  
17

18 **Harry Seidel made a motion seconded by Mike Smith to allow Mike Smith to investigate Map 12 Lot 33**  
19 **and proceed accordingly. Motion passed unanimously.**  
20

21 Mike Smith spoke about Map 17 Lot 34 on Route 103 West, a .2 acre lot. He is not sure why the Town owns  
22 this parcel. Faith Minton is concerned about selling this parcel relative to river and possible flooding problems.  
23 The Select Board agreed to further investigate.  
24

25 **Harry Seidel made a motion seconded by Faith Minton to allow Mike Smith to investigate Map 17 Lot 34**  
26 **and proceed accordingly. Motion passed unanimously.**  
27

28 **c. Review Merrimack County Emergency Cold Shelter – Ed Mical of Emergency Management**

29 Ed Mical of Emergency Management explained that the county has sent out RFP's for nonprofits to have a cold  
30 weather shelter. He stated that he does not support the idea. Faith Minton agreed and stated that the Town in  
31 the past has made a warming shelter availability to residents of Warner. Mike Smith and Ed Mical spoke about  
32 the shelter would be open to the public not just Warner residents. The Select Board agreed to revisit and make a  
33 decision at the next meeting.  
34

35 **d. Perambulation with Henniker**

36 Mike Smith stated that he has not heard from Henniker regarding to the date of the event. He will advise the  
37 Select Board as soon as he hears from Henniker.  
38

39 **e. Avitar Assessor Recommendations, Payment In Lieu Of Property Taxes (PILOT)**

40 Harry Seidel explained that he spoke to Loren from Avitar who informed him that she is in discussion with the  
41 solar company who wants to establish a solar array in Warner. He was advised that if they decide to tax the  
42 project it is estimated to be \$112,000 but if it was based on yearly maintenance, insurance and operating

1 expenses it would be approximately \$130,000. He explained that the project is not going to be built until 2025  
2 so a decision does not need to be made immediately. Harry Seidel suggested the Select Board talk to Loren.  
3 She is unable to make a recommendation, this is a decision for the Town. Mike Smith stated that the solar  
4 company will be meeting with the Planning Board on October 7<sup>th</sup>.

#### 6 **IV. Town Administrator's Report**

- 7 • The public meeting needs to be publicized for the Flood Plain Public Information meeting on  
8 October 16, 2024 6:30-7:30 PM. She suggested posting: on the notice page of website, Town Hall,  
9 library, the Post Office, local paper, and Weaver Bros. light up sign. The Select Board agreed.
- 10 • October 17, 2024 Open Enrollment for Employee Benefits. Motion needed to close Town offices. Mike  
11 Smith asked if the transfer station employees would return to work for the evening hours (4:00-7:00PM).  
12 Harry Seidel and Mike Smith do not support opening the transfer station for three hours. Faith Minton  
13 would prefer the transfer station open from 4:00-7:00 PM. Kathy Frenette provided the schedule of  
14 speakers at the benefit fair. She explained that the employees will receive a significant amount of new  
15 information. Faith Minton appreciates the explanation and supports closing for the day.

16 **Faith Minton made a motion seconded by Mike Smith to approve closing all Town buildings including the**  
17 **Transfer Station at noon on Thursday Oct 17, 2024 for the Employee Benefits Fair and Open Enrollment**  
18 **for 2025. Motion passed unanimously.**

- 19 • Empower Retirement is a deferred compensation plan that allows employees to contribute to for their  
20 retirement as a payroll deduction. The only cost to the Town is the Finance Directors time for the initial  
21 set-up.

22 **Mike Smith made a motion seconded by Faith Minton to permit Empower Retirement as an additional**  
23 **benefit. Motion passed unanimously.**

- 24 • Colonial Life is a State of NH approved vendor to offer additional insurance benefits to employees at  
25 their cost through payroll deductions. Insurance offered; accident coverage, disability, cancer insurance,  
26 critical illness insurance and individual life insurance. The only cost to the Town is the Finance  
27 Directors time for the initial set up. Kathy explained that this is voluntary.

28 **Faith Minton made a motion seconded by Mike Smith to permit Colonial Life to offer additional**  
29 **insurance benefits to employees at their cost through a payroll deduction.**

- 30 • Service Credit Union offers Select Employer Group that will offer discounted loans, preferred interest  
31 rates, guaranteed account acceptance.

32 **Faith Minton made a motion seconded by Harry Seidel to approve Select Employer Group.**  
33 **Motion passed unanimously.**

- 34 • Primex Prime Program 2.5% discount on the Town's property, liability and workers compensation  
35 premiums. The only cost to the Town is the time of the Town Administrator to move forward.

36 **Faith Minton made a motion and seconded by Mike Smith to approve the Town Administrator to work**  
37 **with the Primex to allow the Town to become a member in Primex Prime Program. Motion passed**  
38 **unanimously**

- 39 • Registration is complete for upcoming NHMA Conference on October 30-31, 2024 in Manchester.
- 40 • Property Tax Exemption review update: David Carl would like to attend the October 8<sup>th</sup> Select Board  
41 meeting to present his finding relative to the elderly exemption. The Select Board agreed

- CIP: is due soon, the Select Board was asked if they have any other suggestions for CIP submissions; an energy fund, a Community Center/windows fund and a Town Hall maintenance fund were suggested.

#### V. Consent Agenda - October 1, 2024

**Harry Seidel made a motion seconded by Faith Minton to approve by the Warner Select Board: A request to the Trustees of the Trust Funds for \$650.00 from the Bridge Repair / Replace Capital Reserve Fund to pay invoices from Central NH Concrete. Motion passed unanimously.**

#### VI. Manifest Motion for October 1, 2024

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

- Accounts Payable check numbers 10648 through 10675 dated 9/25/2024, in the amount of \$22,431.26.

Motion to authorize the Select Board to approve and order the Treasurer to sign the following manifests:

- Accounts Payable check numbers 10676 through 10677 dated 10/1/2024, in the amount of \$54,736.10 for the Payroll and Federal Tax deposits for the October 3<sup>rd</sup> bi-weekly payroll.
- Bi-weekly payroll checks numbers 3791 through 3799, and direct deposit check numbers E01893 through E01923 dated 10/3/2024 for a net payroll of \$41,985.02.
- Accounts Payable check numbers 10678 through 10679 dated 10/1/2024, in the amount of \$28,720.23 for the Payroll and Federal Tax deposits for the October 7<sup>th</sup> quarterly payroll.
- Quarterly payroll checks numbers 3800 through 3823, and direct deposit check numbers E01924 through E01927 dated 10/7/2024 for a net payroll of \$22,696.60.
- Accounts Payable check numbers 10680 through 10712 dated 10/1/2024, in the amount of \$844,502.68, which includes a monthly payment to the Kearsarge Regional School District of \$780,000.

**Faith Minton made a motion seconded by Mike Smith to approve the manifests as read. Motion passed unanimously.**

#### VII. Public Comment

None

#### VIII. Select Board Unanticipated Business

- Mike Smith asked the Select Board to make a motion to approve three bank accounts for the credit card machines for the Transfer Station, Tax Collector and Town use.

**Harry Seidel made a motion seconded by Faith Minton to approve establishing 3 bank accounts for the credit card machines for the Transfer Station, Tax Collector and Town use. Motion passed unanimously.**

- Red Chimney Road culvert work is beginning, Tim Allen is looking for additional funding to take out 900 feet of roadway, repack and pave it. Judy Newman-Rogers stated that Tim spoke to her about a possible public hearing to use \$50,000 from the highway construction CRF. The Select Board agreed that it is cost effective to make the repairs while the culvert work is being done. The Select Board agreed to schedule the public hearing on October 15<sup>th</sup> at 6:00 PM.

**Mike Smith made a motion seconded by Faith Minton to schedule a public hearing to discuss the withdrawal of \$50,000 from the highway construction capital reserve fund for road repairs on Red Chimney Road. Motion passed unanimously.**

1  
2 - Mike Smith questioned why the Zenakis / Gibson issue is not on the agenda. Judy Newman-Rogers explained  
3 that the Town has not heard back from the attorney. She outlined the Planning Board condition on approval  
4 requires the Town and the Gibson's to come to an agreement about the road relating to the Town's right to  
5 access Dimond Lane over the Gibson property. The Select Board discussed providing written notice that the  
6 Town has documentation that the Town has and maintained the right of way for more than 30 years. The Select  
7 Board agreed to seek the advice from legal counsel.  
8

9 **Mike Smith made a motion seconded by Harry Seidel to provide all documentation to the Town's legal**  
10 **counsel to respond to Attorney Lick. Motion passed unanimously.**  
11

## 12 **IX. 6:00 PM Public Hearing**

### 13 **a. Open the Public Hearing**

14 Harry Seidel opened the public hearing at 6:00 PM.  
15

### 16 **b. Presentation – Change to Transfer Station Public Hours**

17 Mike Smith explained that he has been in discussions with staff since last April regarding the need for  
18 separation of employees with machinery and the visiting public for safety reasons. He stated that it was  
19 unanimously recommended to adjust the hours of operation slightly. He explained that this change will allow  
20 staff the time to safely process their work. He explained the proposed hours are 12:00 - 4:00 PM on Tuesday  
21 and Wednesday and unchanged are; Thursday 12:00 - 7:00 PM, Saturday and Sunday 8:00 AM - 4:00 PM.  
22

23 Harry Seidel spoke about a suggestion that was made to alternate the morning shift on either Tuesday or  
24 Wednesday. Mike Smith stated that this is a starting point and can be revisited if necessary.  
25

### 26 **c. Open Public Comment**

27 Christine Perkins spoke in favor of the proposed change for safety reasons for the public and the employees.  
28

29 John McGilvray of West Main Street asked if the Transfer Station study is available for his review. The Select  
30 Board confirmed the study is available. Harry recapped the study's scope of work and the findings of the study.  
31 The study was a comprehensive study that suggested a complete renovation for millions. He stated that since  
32 then the Budget Committee, Select Board and the Transfer Station staff have discussed improvements that can  
33 be done without spending significant money. John McGilvray would like more attention paid to the machinery  
34 and reconfiguration to improve the flow. He spoke about the need to make changes sooner rather than later.  
35

36 Christine Perkins spoke about her last visit that the dumpster was gone and nothing was in its place. Mike  
37 Smith agreed and reassured her that steps being taken to rectify that issue. He stressed that the proposed change  
38 will help to address this issue.  
39

40 Dawn Quirk by zoom, of Pumpkin Hill Road, informed the Select Board that she previously served as the City  
41 of Manchester's Environmental Program Manager; stated that you cannot control when a bin is filled up; even  
42 with restricted hours the bin may still fill up when the transfer station is open. Dawn Quirk asked what the  
43 average numbers of users are in the hours that are proposed to be closed. How might those users be redirected

1 to the open hours and how would that increase in traffic, usage and volume affect operations during the new  
2 hours. Mike Smith explained that the volume will not change. Dawn stated the overall volume will not change  
3 but the volume by hour will increase. She recommended a car count during the hours that are proposed to be  
4 cut and then project that on the other open hours. She cautioned that could cause back-ups. She also suggested  
5 a policy that states when a particular function is required the gates will be closed.  
6

7 Mike Smith stated that a car count was done. He reiterated that the goal is to allow staff to process materials  
8 when closed to the public and allow staff to assist resident when they are open to the public. Harry Seidel  
9 appreciated the comments and suggestions from Dawn Quirk.  
10

11 Judy Newman-Rogers advised the Select Board that there are several comments on the site that the IT  
12 department will post on the website. She stated that another comment is the need for signage at the recycling  
13 areas. Mike Smith stated that signage is in the works.  
14

15 Don Hall stated that the transfer station issues are the result of neglect. He suggested closing the gates and  
16 privatize the transfer station operations. He asserted that a lot has been covered up relating to costs, machine  
17 maintenance and the list goes on. He stated that he has never met the new person in charge, referring to Mike  
18 Smith. Kathy Frenette asked Mr. Hall to speak courteously. Mr. Hall stated he wanted to make it clear that  
19 after 16 years of no change nothing impresses him anymore. Kathy Frenette asked if he could offer any  
20 solutions or suggestions. Mr. Hall replied, NO.  
21

22 Mike Smith introduced himself to Mr. Hall. He stressed that he has been going to the facility every week since  
23 April in an attempt to find solutions to the problems. He stressed that he is not “in charge”, he is just one  
24 person working to make improvements by reporting back to the Select Board and making recommendations.  
25 Mike Smith stated that he appreciates Mr. Hall’s input and assured him that step by step things are moving in  
26 the right direction. He reiterated that the Select Board has to be mindful of all residents not just one individual.  
27 He explained that this board is paying attention. He cannot explain the intentions of previous boards. Faith  
28 Minton spoke about the changes that Warner has been through. She explained that the Select Board has to be  
29 cognizant of spending while meeting other town obligations.  
30

31 Harry Seidel spoke about the Select Board’s efforts to listen and respond to staff’s operational needs. He  
32 reiterated that the Select Board is working very hard to keep taxes level. He spoke about his frustration that this  
33 Select Board is being held at fault for previous board’s decisions. He reiterated that this change being  
34 considered is at the recommendation of the staff who work at the transfer station. Harry Seidel stated, this  
35 conversation need to stay focused on the proposed change of hours. Harry Seidel asked for Mr. Hall’s opinion  
36 on the proposed change to hours of public access. Mr. Hall stated that he agreed with the proposed changes.  
37 Wanda Anderson stated that with proper advertisement the proposed change of hours should not be a problem.  
38

#### 39 **d. Close Public Comment**

40 Harry Seidel closed the public comment.

#### 41 **e. Board Discussion / Action**

1 Mike Smith explained that the Public Works Director and the Transfer Station foreman would like to revisit the  
2 hours of operation again in 6 months.

3  
4 **Faith Minton made a motion seconded by Mike Smith to change the hours as proposed to Tuesday and**  
5 **Wednesday from noon to 4:00 PM and continue with Thursday noon to 7:00 PM and Saturday and**  
6 **Sunday 8:00 AM to 4:00 PM. Motion passed unanimously.**

7  
8 **f. Close Public Hearing**

9 Harry Seidel closed the public hearing.

10  
11 The Select Board continued with **Select Board Unanticipated Business**

12 - Harry Seidel spoke about the ability of various town boards to contact the Town's legal counsel. He suggested  
13 creating a policy that outlines the disclosure of communication and responses from the Town's legal counsel.  
14 Faith Minton agreed to create a protocol to for Town Board's to follow. Harry Seidel suggested the following  
15 language to provide clarity on the issue: "when questions are delivered to NHMA by a board chair or other  
16 members, the full text of the transmission should be available". Harry Seidel noted, with the loss of the land  
17 use administrator the zoning and planning board chairs are doing additional work which could require them to  
18 seek a legal opinion from NH Municipal Association (NHMA) or CRP. This protocol will provide transparency.  
19 Harry Seidel will work on a draft policy.

20  
21 - Building Permit draft review. Harry Seidel outlined the proposed fee changes. He explained that the  
22 concerning feedback he has received is that people will ignore the building permit process all together.  
23 Mike Smith explained the methodology that was used to come up with the new fee structure. He stated that  
24 they went step by step through the process analyzing how much time is spent. Mike Smith noted something  
25 missing from the draft is the space for mechanical / HVAC. He spoke about needing a written process to  
26 address those who do not pull a permit as required. He asked Elizabeth Labbe to draft a written process. Harry  
27 Seidel suggested looking at how other Town's handle that kind of situation.

28  
29 **X. Non-public Session (If needed, RSA 91-A:3 II (a,b,c,d,e,f,g,h,I,j,k,l) )**

30 None

31  
32 **XI. Adjournment**

33 The meeting adjourned at 7:16 PM.

34 Respectfully submitted by Tracy Doherty