



TOWN OF WARNER

PO Box 265
Warner, New Hampshire 03278-0265
Telephone: (603) 456-2298 Fax: (603) 456-2297
Warnernh.gov

Selectboard, Harry Seidel, Chair
Faith Minton
Michael Smith
selectboard@warnernh.gov
Kathy Frenette, Town Administrator
administrator@warnernh.gov

Select Board Meeting Minutes- March 19, 2024

Open the Meeting and Roll Call

- Chair Seidel opened the meeting at 5:01 PM.
 - *Present:* Harry Seidel (chair), Faith Minton
 - *Also Present:* Kathy Frenette, Judy Newman-Rogers, Georgia Flanders

Election of the Chair

- Faith Minton nominated Harry Seidel for chair of the Select Board. The motion passed unanimously.

Minutes

- 1/30/24
 - Page 2: 13,291.5 meals may need clarification from the food pantry
 - Faith Minton made the motion to approve the minutes. Chair Seidel seconded the motion. The minutes were approved unanimously.
- 2/13/24
 - Page 2: “22 panels” → “22 maps”
 - Page 3: YouTube/Google clarification
 - Town continues to use Outlook, but a Google account will be needed for a YouTube account
 - Chair Seidel made the motion to approve the minutes. Faith Minton seconded the motion. The minutes were approved unanimously.
- 2/20/24
 - Page 4: Clarification on permissive ordinances- uses not specified are not permitted.
 - Page 4: Remove “or not”
 - Faith Minton made the motion to approve the minutes. Chair Seidel seconded the motion. The minutes were approved unanimously.
- 3/5/24
 - Page 2: change “heater” to “dryer”
 - Faith Minton made the motion to approve the minutes. Chair Seidel seconded the motion. The minutes were approved unanimously.

Continued Business

Citizen Complaints

- Zoning Violation
 - The property owner in question will be going before the Planning Board at their next meeting for a conceptual consultation
- Short-Term Rentals (STRs)
 - Town attorneys have been consulted regarding case precedent related to STRs
 - Two relevant cases, one in North Conway and the other in Portsmouth
 - North Conway’s zoning ordinance is very similar to Warner’s
 - Portsmouth’s zoning ordinance has provisions regarding duration of occupancy
 - In the North Conway case, the ruling was in favor of STRs
 - North Conway’s ordinance did not establish length of occupancy required to be considered a resident
 - Additionally, STRs can be grandfathered into permissive ordinances and are not necessarily barred from operating in towns with permissive ordinances
 - The concern for Warner is that sending a cease and desist to AirBnBs operating in town would lead to a potential court case

- Based on case precedent, the ruling would likely be in favor of STRs
- The best recourse for residents concerned about disruptive conduct from STRs would be to call the police with complaints about noise, etc.
- Additionally, a bill has recently passed in the state legislature to prohibit municipalities from creating obstacles in their ordinances that make establishing an STR difficult
- Concerns around the individual Warner STR that sparked this discussion include high rates of occupancy- at least 15 people at a time
 - The owners of this particular STR have refused to go before the planning board
- The Planning Board intends to continue investigating the issue and having conversations about STRs
- Town counsel has further guidance regarding grandfathered status of STRs
 - In summary, STRs may not necessarily be grandfathered in
- There is history between the town and the particular STR in question that suggest it may be an illegal use of the property
 - The property is being advertised on a bed and breakfast site, yet does not follow the regulations for bed and breakfasts according to Town zoning ordinances
 - However, the property doesn't necessarily meet the criteria of a bed and breakfast
 - No host lives on the property
 - No food is provided
- Other cases will need to be investigated, including Hanover
 - Differences between Warner and the towns in these cases will also need to be highlighted
 - Often, cases come down to the definition of "dwelling unit", "permanent resident", etc.
- Work session on the subject pending

Warner Community Center- Repairs and Maintenance

- \$15,000 in budget
- Front doors
 - Currently in need of replacement
 - Doors cannot be repurposed or reused
- Address handicapped ramp
 - Rail must be improved
- If funds are left, address window issues

Draft Flood Plain Maps

- The state has physical copies of the preliminary maps
 - These can be compared to the current maps
 - The maps are not overlays
 - Current and preliminary maps will need to be examined side by side
 - Date for town personnel to go and examine these maps pending
- 90-day appeal process has not begun yet, but will begin soon
- Printing our own copies of the maps would be expensive

IT- Website, Training

- Content upload training
 - Scheduled for tomorrow evening at 5:30 PM
 - Judy Newman-Rogers, Georgia Flanders, and Kathy Frenette attending training
- Schedule website informational session for public input
 - 3 meetings, all open to the public
 - Designed to offer feedback to Town IT, Dan Watts, regarding usability of website
 - Ideally, this would happen annually to keep the website up to date
- Transition to YouTube
 - Storing meeting recordings in Zoom is costly
 - Creation of a YouTube account is free
 - No password would be required to access footage
 - All recorded meetings could be uploaded to the same channel

Town Hall Roof

- Contract has been re-negotiated
 - Initially, the contractor wanted most of the money up front
 - Now, a smaller sum will be paid out before work will begin
- This work is covered by a Moose Grant
- A formal bidding process with multiple companies occurred at the beginning of the process

Town Hall Credit Card Application

- The town is researching the possibility of a town credit card
- Information from five banks has been given to the Select Board for their perusal
- The biggest concern for a potential card is a good cash back policy
- The goal is to eliminate personal reimbursements
- Usage by departments
 - Cards will need to be signed out and all expenditures will need to be approved by either Town Administrator Kathy Frenette or Finance Director Clyde Carson
 - Credit card policies will need to be signed off on before the card can be used
 - Select Board reviews all transactions and signs off on the manifest accordingly
- **Faith Minton made a motion to obtain town credit cards through Capital One. Chair Seidel seconded the motion, and the motion passed unanimously.**

New Offices at Town Hall

- Plans for new offices will need to be altered, as the initial dimensions for the offices were deemed too small by staff feedback
- Difficulties with space constraints in basement
 - Location of support poles
 - Door to stairwell cannot be blocked
- Potential reorientation of offices onto a different wall
- Line of sight from tax office to door to lower meeting room is a concern
 - Security issue concern due to handling money
- More staff involvement needed in process of designing these offices
- The lower meeting room is regularly used for town functions, and creating office space may inhibit those functions
- The main issue that the construction of new offices hopes to address is separating Land Use, Assessing, and Welfare from sharing the same office

Draft Building Permit Application

- Draft permit applications have been distributed for feedback to different residents and town personnel
- Responses have been received, but have not yet been implemented
- No further work has been completed since the initial draft was given out

Mink Hills Stewardship Committee

- Still in the works, information will be sent out to different groups in order to find representatives

New Business

RSA 35: Town Clerk Letter, Transfer Surplus to Capital Reserves Per Annual Meeting Vote

- An item that happens annually after town meeting
- Funds for approved Warrant Articles that will come from surplus must be transferred within 10 business days after town meeting into Capital Reserve Funds
- **Faith Minton made a motion to transfer \$208,729 from the town's surplus in accordance with RSA 35 into Capital Reserve Funds per vote of Town Meeting. (Bridge Repair/Replacement \$47,070; Highway Equipment \$36,659; Property Revaluation \$115,000; Contingency Fund \$10,000) Chair Seidel seconded the motion, and the motion passed unanimously.**

RSA 35:12: Town Clerk Letter, Transfer Appropriations By 12/15 Per Annual Meeting Vote

- Annual item, see above
- Funds for approved Warrant Articles that will be raised through taxation must be transferred by 12/15.
- **Faith Minton made the motion to transfer \$357,000 raised through taxation on or before December 15 of 2024 in accordance with RSA 35:12 into Capital Reserve Funds per vote of Town Meeting. (Preservation of Town Records \$20,000; Police Department Vehicle \$25,000; Highway Equipment \$100,000; Transfer Station Facility Project \$50,000; Fire Fighter Equipment \$37,000; Fire & Rescue Vehicle \$125,000) Chair Seidel seconded the motion, and the motion passed unanimously.**

Request For Raffle Permit

- Warner Historical Society
 - Two raffles in 2024
 - **Faith Minton made a motion to approve the permit for both raffles. Chair Seidel seconded the motion, and the motion passed unanimously.**
- Mt. Kearsarge Indian Museum (MKIM)
 - Three raffles in 2024
 - **Faith Minton made a motion to approve the permit for all three raffles. Chair Seidel seconded the motion, and the motion passed unanimously.**

Volunteer Interest Forms Received

- 4 forms received
- Three Planning Board members are up for reappointment, and four people want to join the Planning Board
- Applicants: Danielle Young, James Zablocki, James Sherman, and Pierre D'Aprile
 - James Sherman, present, spoke briefly, a previous budget committee member, has a financial background, and previous experience working with planning boards
 - James Zablocki, present, spoke briefly, has volunteer experience, and elected to wait to explain his qualifications until the full board was present
- There are currently three openings for alternates on the Planning Board
- Decisions will be made once the newly elected Select Board members returns from a family emergency
 - This will likely be the April 16th meeting

Resignations

- Charlie Albano, Economic Development Advisory Committee (EDAC)
 - Chair of EDAC for 7 years
 - EDAC is currently in a period of transition
 - The resignation was acknowledged by the board
- Glenn Kerkian, Library Trustee
 - The resignation was acknowledged by the board
- Janice Cutting, Deputy Tax Collector
 - The resignation was acknowledged by the board

Appointments

- Arlon Chaffee, Library Trustee
 - Faith Minton made the motion to appoint Arlon Chaffee to the position of Library Trustee for a term of one year. Chair Seidel seconded the motion. The motion passed unanimously.
- Janice Cutting, Deputy Treasurer
 - Faith Minton made the motion to appoint Janice Cutting to the position of Deputy Treasurer until April 1, 2027. Chair Seidel seconded the motion. The motion passed unanimously.
- Darcie Buskey, Deputy Town Clerk
 - Faith Minton made the motion to appoint Darcie Buskey to the position of Deputy Town Clerk until April 1, 2027. Chair Seidel seconded the motion. The motion passed unanimously.
- Marianne Howlett, Deputy Tax Collector
 - Marianne will be helping to train the new tax collector on a short term, temporary basis

- She will resign when the work is finished
- After this point, someone else will be appointed to the position
- Faith Minton made the motion to appoint Marianne Howlett to the position of Deputy Tax Collector until April 1, 2027. The motion passed unanimously.

Purchasing Through State Contracts

- Because Warner is a municipality, it can purchase certain equipment through state contracts at a discount
- Some departments are not aware of this
- This will be discussed at the next department head meeting

Delegation of Deposit Function Authority

- Signed by the board to allow the new tax collector to deposit funds

Attorney Letter: PSNH and Mediation Meeting

- PSNH has been contesting poll assessment rates in a number of towns, including Warner
- Upton and Hatfield is representing all the towns involved
- Annual cost of \$10,000 as the legal challenge is ongoing
- Mediation will be occurring between the towns involved and PSNH from May 20-22
- Representation for the town will need to appear at the mediation
- The town will be notified as to what day their representation will need to appear
- Decision on representation pending

Town of Warner, NH Hazard Mitigation Plan Update 2024

- The plan is still a live document and changes are ongoing
- The Board agreed to continue cross-town initiatives with regard to Hazard Mitigation

Letter of Action on Potential Account Hack

- The town's Sugar River Bank account was hacked, and funds were removed
 - The funds have been returned, and the issue was immediately addressed
- The town's zero-balance account was closed as a security measure, and a new account was created
 - Other towns have been similarly hacked

Select Board Meeting Start Time

- The Board has been meeting at 5:00 PM, and will be meeting biweekly
- This is a difficult start time for many members of the public due to working hours
- A potential compromise would be to shift the schedule around and begin with the manifest motion/consent agenda
- Listing start times for public hearings would also be helpful for advance planning

Public Comment

- Concerns regarding audit procedure
 - Audits have not been received and reviewed in a timely manner in the past
 - 2022's audit was dated February 20, 2024
 - A draft was previously received
 - Involvement of the Finance Director in the auditing process said to "constitutes a conflict of interest"
 - No audit makes it difficult for the Budget Committee to complete their work
 - Contract with auditors should include a time by which the audit must be received
 - The board will need to meet with the current auditors
 - The auditors report to the board, not to the Finance Director
 - The auditors expressed willingness to come to a public Select Board meeting and give a presentation
 - The auditors have not been present in Warner since last May
 - This could potentially constitute a breach of contract
 - The same auditing firm should not be used year after year

- The current firm has been used for multiple consecutive years (~5)

Administrator's Report

- Emails are being set up for Primex trainings
- Cybersecurity report pending in 2-3 weeks
- A new firewall will be needed before October
 - Our current firewall, Sonic Wall, will be expiring in October
 - A good firewall can cost as much as \$20,000
- Potential for greater involvement between Town Administrator and auditing process

Select Board Other Business

- No other business at this time.

Consent Agenda

Chair Seidel read the Consent Agenda and Motioned to Approve as signed by the Warner Selectboard:

1. Building Permits:
 - a. Map 19 Lot 024 Pumpkin Hill Rd
 - b. Map 15Lot 056-03 Couchtown Rd
 - c. Map 11 Lot 060-02 Pleasant Lane
 - d. Map 15Lot 056-03 Couchtown Rd
 - e. Map 36Lot 001-02 Waterloo St
 - f. Map 03Lot 095-02 Poverty Plains Rd

Faith Minton seconded the motion, and the motion passed.

Adjourn

At this time, Faith Minton made a motion to adjourn the meeting. Chair Seidel seconded the motion, and the motion passed. The meeting was adjourned at 7:34 PM.

Respectfully Submitted,

Georgia Flanders
Minute Taker