



# TOWN OF WARNER

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Selectboard, Harry Seidel, Chair  
Faith Minton  
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## Selectboard Meeting

August 20, 2024, Tuesday, 4:00 pm

### Open Meeting & Roll Call

Harry Seidel opened the meeting at 4:07 PM

**Present:** Harry Seidel (chair), Faith Minton, Michael J. Smith

**Also Present:** Judy Newman-Rogers, Selectboard Administrative Assistant, Housing Advisory Committee (HAC) Co-facilitators Ian Rogers and Bill Hanson, Members of HAC: Barak Greene, Bob Holmes; Karen Coyne Planning Board (PB) Chair, David Bates Vice Chair PB on zoom, John Leavitt PB Member Alternate, Ed Mical Emergency Management Director (EMD), Allan N Brown prior Selectperson and Director of Public Works (DPW), Mark and Susan Xenakis, Natalies Wells, Peter Anderson, Sue Randlett

#### I. Minutes –7/24/24 Site Walk, 7/30/24, 8/6/24

7/24/24 Select Board Site Walk Minutes

- Insert adjournment time.

**Harry Seidel made a motion seconded by Faith Minton to approve the minutes from the July 24, 2024, Select Board meeting as amended. Motion passed unanimously.**

7/30/24 Select Board Meeting Minutes

**Faith Minton made a motion seconded by Mike Smith to approve the minutes from the July 30, 2024, Select Board meeting. Motion passed unanimously.**

8/6/24 Select Board Meeting Minutes

**Mike Smith made a motion seconded by Faith Minton to approve the minutes from August 6, 2024, Select Board meeting. Motion passed unanimously.**

#### II. Selectboard Business

##### 1. Planning Board/Housing Advisory Committee (PB/HAC) – Informational on New Grant Funds Available from the Housing Opportunity Program (HOP)

Bill Hanson, Co-facilitator of the HAC stated the active HAC will end when the mission is finished by submitting a draft to rewrite the housing chapter. He suggested the future new HAC would function better if it was not under the PB; at times it was cumbersome and too demanding to operate under the PB. Harry asked if the task before the committee was relatively easy or difficult to come up with options for the Town to address the housing problem. Bill Hanson explained the mission was specific because it was spelled out in the HOP grant. He believes members would be effective at coming up with ideas to recommend to the Town. Harry Seidel stated one constraint is the existing zoning ordinance that was written a long time ago; it may need to be examined to achieve the objectives the HAC is putting forward. He spoke about the benefit of having PB members working with the Central Regional Planning team to address housing issues in the Town of Warner.

Ian Rogers, co-facilitator of the HAC, agreed with the recommendation made by Bill Hanson regarding the structure of the committee. He stated the first HOP grant was to update the housing chapter of the Town's

1 master plan. He explained that the committee is operating efficiently. Faith Minton asked who and when the  
2 first HOP grant was written. Ian Rogers explained the previous Town Administrator signed the grant, but he  
3 was not sure who wrote the grant. He stated the next grant is more extensive than the first grant. Harry Seidel  
4 asked about the difficulties the HAC had related to quorums for meetings. Ian Rogers advised the Select Board  
5 that the way in which the charter for HAC was structured, the HAC was required to have a quorum of at least  
6 three members of the PB and at least one of the co-facilitators of the HAC. He stated that at times that was a  
7 challenge.

8  
9 Karen Coyne PB Chair explained that the Select Board had asked the PB to create a sub-committee under the  
10 PB. She stated that originally the PB unanimously voted against the request but later agreed; a charter was  
11 created and because it was a sub-committee of the PB, a quorum was required. She stated rather than a  
12 commission having a set number of members the sub-committee was open to all. Judy Newman-Rogers  
13 explained there is a difference between a “committee” and a “commission”; a “commission” is governed by the  
14 RSA’s. She stated that having a “charter” rather than a “mission statement” for a sub-committee is unique and a  
15 first for the Town.

16  
17 Barak Greene of the HAC and PB stated that he supports the recommendation; looking down the road past the  
18 HOP grant there is the new Housing Champion Program (HCP) to be rolled out this fall; towns who meet the  
19 criteria for a HCP designation will have access to additional funds to help pay for infrastructure or housing units  
20 they create; he reviewed the criteria that applications will be evaluated by; he views the program as continued  
21 forward progress; it could help with the improvements needed at the transfer station and believes having a HAC  
22 involved will benefit the town. Bill Hanson clarified his position being that the current active HAC has  
23 completed their mission and should not continue on. He said the second HOP grant is a separate issue. Karen  
24 Coyne stated she is leery of grants in general because often times there is a catch or added cost to the town. She  
25 believes the first HOP grant was very successful and the HAC did a good job; in the past, zoning changes have  
26 been brought forward but were voted down; she worries a lot of time and effort would be lost; she explained  
27 that the PB originally voted against creating the HAC sub-committee because it wanted to take on the project  
28 and manage. Harry Seidel stated he has a difference of opinion on the Select Board’s request to the PB. He  
29 explained that recently the PB voted unanimously to recommend the next HOP grant and is confused as to why  
30 the PB Chair is concerned about the next HOP grant. Karen Coyne stated that she just wants “eyes wide open”  
31 as it relates to any costs to the town.

32  
33 Faith Minton expressed support for the formation of a new group to move forward with the next HOP grant.  
34 She also expressed her interest in who will write the grant.

35  
36 David Bates, a member of the HAC attending by zoom, stated that he acknowledged the volunteers who want to  
37 be involved; he appreciated the open membership versus appointments; would like the next phase to be open  
38 participation; other communities have a “master plan implementation committee” which would work across  
39 different issue areas to implement the master plan. He believes a master plan implementation committee would  
40 be beneficial going forward.

41  
42 Bob Holmes, a member of the HAC, spoke in support of the HOP grant. He appreciated the community input  
43 that the survey provided and agreed that the quorum was a problem issue at times.

44  
45 John Leavitt, PB Alternate, asserted every grant has strings attached to ensure the grant requirements are  
46 followed; he cautioned the strings need to be closely evaluated and if reasonable then the grant should be  
47 pursued.

48 Harry Seidel thanked everyone for their input; acknowledged that the PB is interested and committed; it is  
49 important that the next group be structured in a way that allows for open participation along with the PB.

1 **Mike Smith made a motion and seconded by Harry Seidel to move forward with writing the Housing**  
2 **Opportunity Planning Grant. Motion passed unanimously.**  
3

## 4 **2. Dimond Lane – Easement Review**

5 The Select Board reviewed the Dimond Lane easement. Harry Seidel spoke about a recent application before  
6 the PB to create a hammerhead at the end of Dimond Lane. He stated that a determination needs to be made on  
7 whether or not the town has a legitimate right of way (ROW) established for Dimond Lane. Allen Brown, the  
8 previous Road Agent gave the Select Board his recollection of how the ROW was created 20+ years ago. Allen  
9 Brown explained that Dimond Lane was a private road and after a significant snowstorm, the Select Board at  
10 that time decided to assist the property owners get out. Allen Brown stated that for the Town to plow the road  
11 easements were needed. He stated that easements were secured and the road was paved in 1994.  
12

13 Allen Brown and the Select Board reviewed a map of the area that depXenakis andthe easements were located;  
14 one missing easement was for the Dan Hart property, now owned by the Gibson family; it is Allen’s opinion that  
15 in 1994 a ROW was established for the duration of the road; since then the Town has been maintaining the road;  
16 he recently spoke to Mr. Xenakis and Tim Allen, current road agent and visited the area with Tim. Allen Brown  
17 advised the Select Board the area is difficult for the large town trucks to turn around. He explained that Mr.  
18 Xenakis would like to dedicate the area to the Town to own by way of a deed.  
19

20 Mike Smith stated that he found the original easements from 1931, 1966 and the ROW from 1998 that extends  
21 all the way down to the Sullivan and Gibson properties. He explained that the public ROW continues to be in  
22 use; suggested asking Mr. Xenakis to map out and design the hammerhead with Tim Allen and submit the  
23 design to the Town. Allen Brown informed the Select Board that the Town master plan includes specifications  
24 for a hammerhead and the Town has historically chosen the 100 foot radius design but in this particular situation  
25 the traditional hammerhead design would be the best design not the circular design.  
26

27 Mark Xenakis, 93 Dimond Lane, stated he received approval in January 2024 from the Select Board, then he  
28 hired a surveyor, and is questioning how he is to mark out the hammerhead and is his survey sufficient to  
29 submit. The Select Board confirmed that the survey is sufficient.  
30

31 John Leavitt stated the PB approved the plan with the stipulation that the easement legality be resolved. He  
32 explained that the only issue before the Select Board is the easement issue. Mike Smith clarified that the Select  
33 Board does need the map, the boundaries and lot size of the land to be given to the town for the hammerhead.  
34 John Leavitt stated that Janice Loz, Land Use Administrative Assistant has that information.  
35

36 **Mike Smith made a motion seconded by Faith Minton that Mr. Xenakis move forward with the project**  
37 **with the stipulation that the Town receive a map that depicts the size of the property to be donated to the**  
38 **Town for the hammerhead and to work with Tim Allen to design the hammerhead to the specifications**  
39 **previously determined. Motion passed unanimously.**  
40

## 41 **3. Sale of Town Owned Properties**

42 Mike Smith explained the Town of Warner has approximately 50 properties that could be sold and returned to  
43 the tax rolls; many were taken for unpaid taxes and are sellable; stated that concerned residents near two Town  
44 owned properties expressed interest in purchasing the lots due to their concern about the tree cutting in the area.  
45 Mike Smith explained the Town has a policy for selling properties; he has gone before the Conservation  
46 Commission and the PB to discuss the sale of town owned properties. He recommends selling the two lots:  
47 Map 28 Lot 002 and Map 28 Lot 004; advised the Select Board of the two ways to sell properties; sealed bid or  
48 by auction saying he does not believe it is worth going to auction.  
49

1 Mike Smith advised the Select Board that since the parcels were taken for taxes the Town has lost revenue of  
2 \$19,652 in taxes and restated the Town has 50 properties like this. Faith Minton pointed out it is a gamble for  
3 the interested abutters; someone could come in with a higher bid. Mike Smith explained that the Town can only  
4 recoup the amount of lost taxes and related costs and recommends the Select Board do a site walk of each lot  
5 they consider selling. He asked if the Select Board would like him to move forward with the sale of the two  
6 properties and begin the process for the next few. Faith Minton stated she would like to move forward with the  
7 sale. Harry Seidel supports the sale of the two parcels. He mentioned an issue that was raised at the PB  
8 meeting regarding selling properties that have not been surveyed. Mike Smith does not support spending tax  
9 dollars on surveying land that was previously taken for unpaid taxes. Harry Seidel suggested that at the time of  
10 the sale, negotiations could include that the land be surveyed. Mike Smith will proceed.

11  
12 **Harry Seidel made a motion and seconded by Faith Minton to allow Mike Smith to continue the process**  
13 **of identifying properties that might be sold and returned to the tax rolls. Motion passed unanimously.**  
14

15 Discussion on the motion: Susan Randlett abuts the town owned property being discussed and asked if the  
16 parcels would be sold together or separately. Mike Smith stated they would be sold separately. She asked if the  
17 Select Board would consider offering the land to the abutters. Mike Smith explained that the Select Board is  
18 not legally able to do that however, abutters are notified prior to the sale by certified return receipt mail. The  
19 Town can sell Town property by auction or sealed bid and suggest the Select Board sell these properties by  
20 sealed bid. He assured abutters would be notified in advance and stressed that selling property owned by the  
21 Town is not a quick process.

#### 22 23 **4. Logging Town Owned Properties**

24 Mike Smith informed the Select Board that he and Tim Allen, DPW are interested in removing trees on the top  
25 side of the transfer station lot (from the wood cutting lot to the Town Shed at the top north side). He explained  
26 this will give greater access to the property; estimated the project would be 5 acres; if Tim Allen wants to do a  
27 selective cut then the job would go out to bid. Mike suggested the Town owned parcels that could be potentially  
28 sold should also be reviewed for forest management; if it is determined the lots should be logged for forest  
29 management then he would recommend doing so to provide additional source of revenue for the Town.

30  
31 **Faith Minton made a motion seconded by Harry Seidel to allow Mike Smith to investigate and report**  
32 **back to the Select Board regarding other parcels that should be reviewed for forestry management.**  
33 **Motion passed unanimously.**  
34

35 Discussion on the motion: the Select Board discussed their preference of selective cutting over clear cutting the  
36 Town owned parcels.

37  
38 Mike Smith spoke about a large 65 acre town owned parcel on Map 17 Lot 037. He would like the Town's  
39 forester to review the property; determine the best forestry management plan; asked for the blessing of the  
40 Select Board to request input from the town's forester regarding select cutting on this parcel to generate revenue  
41 for the Town.

42  
43 **Harry Seidel made a motion seconded by Faith Minton to direct Mike Smith to contact the town forester**  
44 **for an evaluation of Map 17 Lot 037 regarding forestry management (select cutting). Motion passed**  
45 **unanimously.**  
46

#### 47 **5. Warner Community Center (WCC) Sign**

48 The Select Board reviewed the sign layout; Harry Seidel informed the Select Board that the price is \$600; Faith  
49 Minton suggested showing the draft to the WCC tenants; a few corrections and adjustments are needed; Peter

1 Anderson suggested better directional signage for tenants' location in the building; a discussion about visibility  
2 for the sign followed; Ed Mical said there is a conduit that runs from the building to the sign and cautioned  
3 about moving the sign.  
4

5 **Faith Minton made a motion seconded by Mike Smith to move forward with the Warner Community**  
6 **Center Sign. Motion passed unanimously.**  
7

#### 8 **6. Planting Trees – Monday, August 26, Meeting to Gauge Interest**

9 Faith Minton stated there is an informational meeting on Monday August 26<sup>th</sup> at 7:00 PM. Harry Seidel  
10 explained that the UNH Extension service will come to Town to meet with him on August 26<sup>th</sup> at 10:30 am. He  
11 will bring the information to the meeting that evening.  
12  
13

#### 14 **VII. Public Comment**

15 John Leavitt reminded the Select Board that the Hazardous Mitigation Informational Meeting is Wednesday  
16 August 28, 2024, at 7:00 PM.  
17  
18

#### 19 **VIII. Town Administrator's Report**

- 20 • Scheduling a meeting next week with the tenants of the Warner Community Center.  
21 Meeting with CAP tomorrow at 10:30 AM. Mike Smith would like to discuss with CAP about using office  
22 dividers to set up office space at the CAP location.
- 23 • United Church of Warner has 80 metal chairs that Pastor Amy would like to donate. Mike Smith will  
24 talk to Tim tomorrow about picking up the chairs. He will contact the lodge and community center to see if  
25 they could use them.  
26

#### 27 **IX. Consent Agenda**

28 No Consent Agenda  
29

#### 30 **X. Manifest**

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

- 32 • Accounts Payable check numbers 10482 through 10484 dated 8/7/2024, in the amount of \$903,770.93,  
33 which includes the July allocation to the Kearsarge Regional School District.  
34 Accounts Payable check numbers 10485 through 10522 dated 8/13/2024, in the amount of \$71,684.91.  
35 Accounts Payable check numbers 10523 through 10524 dated 8/19/2024, in the amount of \$51,504.63  
36 for the Payroll and Federal Tax deposits for the August 22<sup>nd</sup> bi-weekly payroll.
- 37 • Bi-weekly payroll checks numbers 3768 through 3774, and direct deposit check numbers E01806 through  
38 E01832 dated 8/22/2024 for a net payroll of \$39,125.33.
- 39 • Accounts Payable check numbers 10525 through 10556 dated 8/20/2024, in the amount of \$35,726.24.  
40

41 **Faith Minton made a motion seconded by Mike Smith to accept the Manifest as read. Motion passed**  
42 **unanimously.**  
43  
44

#### 45 **XI. Selectboard Unanticipated Business**

- 46 • Employee Appreciation Luncheon: Faith Minton: she received a \$50 donation from Market Basket for  
47 the luncheon. Harry Seidel: Reeds North will donate 50 hamburgers, 50 hot dogs, iced tea and

1 lemonade; just the ice and cups are needed; Café One East will donate something as well. Faith Minton  
2 will post on Facebook for volunteers to help set up and take down tables and chairs.

- 3 • Tour Bus: Mike Smith: a charter bus came to town with tourists from Maryland; travelers visited local  
4 businesses while in Warner; he would like to send the charter company a thank you note. The Select  
5 Board discussed future visits of tour buses and ways to welcome the visitors.
- 6 • Cell Tower: Harry Seidel spoke about the wireless communication ordinance; the Town signed a  
7 contract with American Tower that includes an exclusive easement; the contract gives the grantee  
8 exclusive rights to the easement area; he read portions of the Town's ordinance that the communications  
9 company must follow; The Select Board reviewed the proposed plan submitted by the communications  
10 company; there is no increase in tower height than what exist currently; the proposed plan is for 3 new  
11 and 6 replacement antennas that do not exceed the current width of what exists currently. There was a  
12 discussion about fees, the current Building Application being revised which includes a revision of  
13 building permit fee structure. The Select Board agreed to ask legal counsel to provide guidance on fees  
14 in question.

15  
16 **Harry Seidel made a motion seconded by Mike Smith to accept the final draft of the Warner Building**  
17 **permit application as presented and accepted by the Select Board on August 20, 2024, further public**  
18 **meetings will be scheduled. Motion passed unanimously.**

19  
20 **Mike Smith made a motion seconded by Harry Seidel to forward the revised permit fee schedule to**  
21 **American Tower after legal counsel confirms that can be done. Motion passed unanimously.**

- 22  
23 • Mike Smith spoke about a \$900 invoice the Town received from Aries Engineering, the 3<sup>rd</sup> party  
24 reviewing the Boyer subdivision plan for a subdivision on Kearsarge Mountain Road. He asked the  
25 Select Board if they wanted to send Mr. Boyer a letter advising him that he needs to pay or does the  
26 Town want to absorb the cost. For background, Judy Newman-Rogers explained that Mr. Boyer paid  
27 \$2,500 into an escrow account to pay Town expenses deemed necessary in review of his sub-division  
28 proposal; the Land Use application does advise applicants that they are responsible for fees if a 3<sup>rd</sup> party  
29 is required; Aries Engineering changes were given to Mr. Boyer's engineer to make and the engineer  
30 made additional changes that needed to go to Aries to review; the plan was changed and required  
31 another review. Harry Seidel believes Mr. Boyer is responsible, however he does understand Mr.  
32 Boyer's frustration with the process. Faith Minton agreed; she asked if the Town made mistakes that  
33 caused this. Mike Smith did not believe the Town did. Judy Newman-Rogers suggested contacting  
34 Aries Engineering to possibly renegotiate the invoice. Harry Seidel feels the applicant is responsible for  
35 the invoice. Mike Smith asked for the Select Board direction on the invoice; does the town pay the  
36 invoice given the applicants reaction when told he would need to pay additional fees for the review or is  
37 the applicant responsible for the invoice. Harry Seidel acknowledged the applicant's reaction was  
38 visible - the Town did not cause the reaction - it was in response to a comment made; the 3<sup>rd</sup> party  
39 review was needed to protect the residents of Warner and that is the job of the Select Board.

40  
41 **Mike Smith made a motion seconded by Faith Minton to pay the Aries Engineering invoice for \$998.75**  
42 **and send Mr. Boyer a bill for the same amount. Motion passed unanimously.**

43  
44 Discussion on the motion: Harry Seidel: does the Select Board want to reduce the bill to Mr. Boyer by a few  
45 hundred dollars. The Select Board agreed: they should not set precedence; agreed to send a letter to Mr. Boyer  
46 acknowledging the challenges in the process and advising Mr. Boyer that the 3<sup>rd</sup> party review is in place to  
47 protect the Town. The Select Board agreed to extend their appreciation for his development in Warner. Harry  
48 Seidel would like to include in the letter an offer to assist and cooperate with him with the services of the road  
49 agent.

- Collins property gift/deed: The Select Board discussed the necessary forms and signatures required to finalize the Collins property gift/quitclaim deed.
- Kathy Frenette informed the Select Board that they need to decide who will be attending the legislative policy conference on September 27<sup>th</sup>. Faith Minton will attend the conference.
- The Select Board agreed to change their meeting from September 3<sup>rd</sup> to September 5<sup>th</sup> at 4pm to accommodate members who will be away. Post the following notice: EDAC meeting on September 12<sup>th</sup> at 6:30 PM the Select Board will be in attendance.

**XII. Non-Public Session**

Non-Public session pursuant to RSA 91-A:3 II (a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. And furthermore, pursuant to RSA 91-A:3 II(b) the hiring of any person as a public employee.

Motion to go into Non-public Session by: Seidel   X   Minton        Smith       

- a. Seconded by Faith Minton
- b. Roll call vote: Seidel – Yes                      Minton – Yes                      Smith – Yes
- c. Motion Passed
- d. Enter non-public session: 8:29 pm
- e. Motion to return to public session made by Faith Minton
- f. Seconded by Harry Seidel
- g. Roll call vote: Seidel – Yes                      Minton – Yes                      Smith – Yes
- h. Motion Passed
- i. Return to public session: 10:16 pm
- j. Motion to seal the minutes for 5 years made by Faith Minton
- k. Seconded by Harry Seidel
- l. Roll call vote: Seidel – Yes                      Minton – Yes                      Smith – Yes
- m. Motion Passed

**XIII. Adjournment**

The meeting adjourned at 10:17 PM

Respectfully submitted by Tracy Doherty  
Edits, Judy Newman-Rogers, SB Administrative Assistant