



TOWN OF WARNER

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

Select Board
Harry Seidel, Chair
Faith Minton
Allan N Brown
selectboard@warnernh.gov
Butch Burbank,
Interim Town Administrator
administrator@warnernh.gov

Select Board Meeting Minutes

Monday January 22, 2024, 5:00 pm
Lower Meeting Room Warner Town Hall 5 E Main St

I. Open the Meeting/Roll Call

Chairman Harry Seidel called the meeting to order at 5:08 PM.

Present: Harry Seidel, Faith Minton, Allan Brown, Butch Burbank and Judy Newman-Rogers.

II. Meeting Minutes: None

III. Flood Plain Ordinance Update

Butch Burbank informed the Select Board that he has been unable to find anyone to update the Flood Plain Ordinance. He stated that it has been his experience that the Planning Board would be tasked with updating the Flood Plain ordinance. He explained that Ed Mical has expressed interest. Harry Seidel appreciates Ed Mical's willingness and efforts.

Mr. Ed Mical provided the Select Board with his related correspondence regarding the need to update the Flood Plain Ordinance. He provided a copy of the proposed changes to the Flood Plain Development ordinance. Butch Burbank spoke of his concerns regarding the flood plain insurance map. Ed Mical advised the Select Board that RSA 674:57 allows the Select Board through a public meeting to adopt the map revisions into the Flood Plain ordinance without going through Town meeting. He explained that the Select Board needs to determine who will be responsible for updating the Flood Plain Development ordinance. Ed Mical explained that his research shows that the Planning Board last updated the Flood Plain ordinance in 2009. Butch Burbank cautioned the Select Board that the Flood Plain ordinance is a land use ordinance and has far reaching implications, if it is adopted by a board rather than a land use board. He suggested one of the land use boards be tasked with updating the Flood Plain Development ordinance. Allan Brown pointed out that the town needs to appoint someone to update the Flood Plain Development ordinance by May 1, 2024. Ed Mical explained that the State has made their recommendations for changes that need to be incorporated into the current ordinance and the establishment of the revised flood plain map. Harry Seidel explained that the third component is to update current flood plain building regulations. Butch Burbank stressed that Select Board should appoint someone who is in the know regarding land use and the flood plain. There was a discussion on who should be tasked with the update. Ed Mical stated that he would be willing to assist with the update. Harry Seidel stated that he is willing to help him. Ed Mical stated that the draft maps will be ready for review in the near future (spring), after which there is a 90 day public comment period after which the maps will be finalized. The Select Board thanked Ed Mical and Butch Burbank.

IV. Continued Business

A. Town Clerk/Tax Collector Position Discussion for Potential Warrant Article

Faith Minton inquired about the possibility of holding an informational session to review how other communities have the position structured. Butch Burbank advised the Select Board that there is a tight time crunch with town meeting fast approaching. He stressed that the Select Board needs to decide if they want to combine the position. He informed the Select Board that the Town Clerk would ask that the Select Board would put forward a three year term. Faith Minton feels that it is important to hold an informational session to allow

45 the public to offer their comments and questions answered before voting on the issue. She is interested in
46 finding out how the position would be structured. Allan Brown would like to know how much if any money
47 would be saved. Butch Burbank reiterated that time window is closing. He encouraged the Select Board to
48 move towards presenting the tax collector position as a one year term and a warrant article to combine the
49 position for a three year term. Judy Newman-Rogers outlined the deadlines. She stated that next week (January
50 30th) the informational session could be held. Allan Brown stated that he would like an idea of how much
51 savings the Town will realize by combining the position. He stated that he does not want to create chaos if it
52 does not bring savings to the Town. Butch Burbank is not comfortable putting forward a dollar amount without
53 more consideration. He spoke about information that he provided about other communities and what they are
54 paying and the streamlining with the use of software. He suggested the Select Board ask the Town's legal
55 counsel and the assessing company to attend the informational session.

56
57 **Faith Minton made a motion seconded by Allan Brown to combine the offices of Town Clerk and Tax**
58 **Collector to one position with a term of 3 years if approved an article shall be placed on the ballot at the**
59 **next annual meeting to chose a Town Clerk Tax Collector for a majority ballot vote. Motion passed**
60 **unanimously.**

61
62 The Select Board agreed to hold an informational meeting on January 30th. Police Chief Bill Chandler stated
63 that the savings will be annual, not just one time savings. Allan Brown asked if benefits are currently paid, Judy
64 Newman-Rogers stated that employees who work over 35 hours qualifies for benefits.

65
66 B. Electing Land Use Board members Discussion for Potential Warrant Article

67 Harry Seidel stated that the Select Board needs to decide if they would like to put forward a warrant article.
68 stated that the chairs of the Planning Board and Zoning Board provided their input in writing. Allan Brown
69 stressed that the decision before the Select Board is to determine if they want to put this forward to the ballot.
70 Faith Minton appreciates the input from the chairs, she supports putting it forward to voters. Allan Brown and
71 Harry Seidel supports putting it to the voters. Karen Coyne spoke about the challenges the town would face if
72 the Planning Board had less than a quorum, they would need to go to the NH Supreme Court to fill a vacant
73 position. She spoke about the high costs to do that at a time when the Town is struggling to find volunteers.

74
75 Butch Burbank read the proposed ballot article: Are you in favor of electing the Warner Planning Board
76 consisting of seven members and one ex-officio member selected by the Select Board and the remaining
77 Planning Board positions filled with two members to be elected for a one year term, two members for a two
78 year term and two members for a three year term thereafter the term of Planning Board members shall be three
79 years until the next regular Town election pursuant to the provisions of RSA 673:2 II b(2). Butch Burbank
80 stated there would be two separate ballot articles for the Zoning Board and Planning Board, the previously read
81 ballot article would be used for the zoning board as well.

82
83 Ian Rogers asked if one Planning Board member left who would appoint the next member. Allan Brown
84 clarified that the Planning Board would appoint the members if they had a quorum, if not it would go to the
85 court. An audience member questioned the staggering of elected terms. Butch Burbank explained that by
86 putting the membership to the voters it gives the public the opportunity to decide who sits on their respective
87 boards. Derek Narducci stated that ZBA is a quasi-judicial role. He strongly supported the current ZBA chair
88 Barb Marty and does not want someone with sour grapes to negatively impact those who serve the Town.

89 **Faith Minton made a motion seconded by Allan Brown are you in favor of electing the Warner Planning**
90 **Board / ZBA consisting of seven members and one ex-officio member selected by the Select Board and the**
91 **remaining Planning Board / ZBA positions filled with two members to be elected for a one year term, two**
92 **members for a two year term and two members for a three year term thereafter the term of Planning**
93 **Board/ZBA members shall be three years until the next regular Town election pursuant to the provisions**
94 **of RSA 673:2 II b(2). Motion passed unanimously.**

95
96 Ed Mical asked for further clarification on the first elections after this change, causing everyone on that board to
97 rerun and thereafter it would be a staggering of three year terms. Online Chris B. explained that based on the
98 state statute those who are currently serving an appointed term would finish out their appointed term. The Select
99 Board agreed, and acknowledged the language previously read does not allow members to finish out their
100 appointed terms. Harry Seidel and Allan Brown both stated their preference was for members to finish their
101 appointed terms and then the voters would elect who would fill the vacancy. Butch Burbank explained that he
102 understood that the Select Board wanted the other option.
103

104 **Faith Minton made a motion seconded by Harry Seidel to rescind the motion on the floor. Motion passed**
105 **unanimously.**
106

107 Faith Minton clarified by reading a motion as provided to the Select Board by the Town's legal counsel
108 pertaining to the Planning Board.
109

110 **Faith Minton made a motion seconded by Allan Brown are you in favor of electing the Warner Planning**
111 **Board consisting of seven members and one ex-officio member selected by the Select Board and the**
112 **remaining planning Board positions shall be filled on a staggered basis at the subsequent regular town**
113 **elections pursuant to RSA 669:17 as the term of an appointed member expires until each member of the**
114 **board is an elected member. Motion passed unanimously.**
115

116 Faith Minton clarified by reading a motion as provided to the Select Board by the Town's legal counsel
117 pertaining to the Zoning Board.
118

119 **Faith Minton made a motion seconded by Allan Brown are you in favor of electing the Warner Zoning**
120 **Board consisting of five members and the remaining Zoning Board positions shall be filled on a staggered**
121 **basis at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed**
122 **member expires until each member of the board is an elected member. Motion passed unanimously.**
123

124 C. Solar Warrant Article

125 Harry Seidel explained that the exemption is defined by the Select Board and reviewed every five years. He
126 stated the amount is based on an amount equal to 100% of the assessed value. Harry Seidel explained that the
127 Assessor is following the state statute RSA 72:61. David Carle explained that the town's current exemption
128 does not follow RSA 72:61. Butch Burbank encouraged the Select Board to wait to hear from the new Assessor.
129 David Carle presented his findings from the Department of Revenue (DRA). He asked the Select Board to allow
130 the voters to determine the amount of the solar exemption. He asked the Select Board to hold an informational
131 meeting to determine the value of the solar system. Faith Minton believes that the new assessor should be
132 included in the determination of the value. Butch Burbank cautioned that the Town of Warner will undergo
133 significant changes relating to the assessing of properties as the new assessor works to correct long standing
134 issues. He is hesitant to make many changes at this time. David Carle advised the Select Board that the current
135 solar exemption does not meet the standards of the RSA.
136

137 Faith Minton read the sample ballot question provided by the new Assessor: "100% of any increase in the
138 assessed value of the applicant's residential real estate resulting from the solar energy system". She stated that
139 she is more comfortable with leaving this to the Assessor. David Carle feels the public should have input. Faith
140 Minton appreciates the work and effort that David has put into this topic but she feels that it is most appropriate
141 to rely on the expert in the industry. Harry Seidel read a response from the new assessor regarding the
142 information that David Carle has put together. The assessor explained that it is the assessor who determines the
143 added value of the solar energy, and the exemption amount should be equal to that amount. Butch Burbank

144 reiterated that the Assessor will be attending the informational meeting on February 7th. David Carle stressed
145 that the public input is important.

146
147 The Select Board agreed that while David Carle is here, they would act on his abatement that is before them.
148 Elizabeth Labbe from the Assessing Department explained that the error in the assessing records relating to his
149 solar array system. David Carle disputes the calculations. Butch Burbank stressed to the Select Board that Mr.
150 Carle should meet with the Assessor to discuss his concerns and give the Assessor an accurate account of the
151 situation. The Select Board agreed, they tabled the abatement decision.

152 *The Select Board took a 5 minute recess*

153 Elizabeth Labbe from the Assessing Department presented the following;

- 154 • Veteran Tax credit for approval

155 **Faith Minton made a motion seconded by Allan Brown to grant the Veterans Tax Credit for map 14 lot**
156 **18. Motion passed unanimously.**

- 157 • Intent to cut on Map 6 Lot 32

158 Elizabeth Labbe explained that the supporting documents include a power of attorney for a trust. The power of
159 attorney maybe in question because the trust owner has passed away. The State has stopped their logging
160 operations. She warned that the Select Board may receive calls from upset people. The Select Board instructed
161 Elizabeth to obtain the executive orders in the trust. Butch Burbank explained that this is a significant issue that
162 the State of New Hampshire has intervened and issued a cease and desist order against the logger.

163
164 Butch Burbank reminded the Select Board that there is a need to go into non-public session. Harry Seidel spoke
165 about a situation that has been brought to light about a meeting that might have been held improperly. Harry
166 Seidel stated that the meeting did not occur as had been suggested. Butch Burbank explained that two people
167 came to his office today claiming that the meeting occurred. Harry Seidel asked Ian Rogers if the meeting
168 occurred, he stated that there was discussion at the last housing advisory committee meeting about having the
169 meeting. Two members of the Planning Board were going to be there (David and Ian). Later two other
170 members decided they wanted to attend the meeting creating a quorum. He stated the meeting was to take place
171 tomorrow at the Local but as of now the meeting has not occurred. Butch Burbank apologized for the
172 misunderstanding. He cautioned that if a working group of three turns into four that is a quorum and constitutes
173 a meeting. The meeting must be noticed and there must be minutes. Ian Rogers asked for clarification on how
174 to conduct a work session. Butch Burbank explained that if a work session becomes a quorum is met the
175 meeting has not been properly noticed the meeting must be stopped.

176
177 D. Town Report

178 Faith Minton stated that she is working on the town report. Judy Newman-Rogers has been receiving the
179 department reports. Butch Burbank feels they are in good shape to meet the deadline date. Harry Seidel will
180 work on the Select Board report.

181 IV. Public Comment

182 Ed Mical asked if the solar exemption will be addressed to correct the issue for this year. The Select Board will
183 move to correct the issue.

184 V. Administrator's Report

185 None

186
187
188 VI. Select Board Other Business

- 189 - Snowmobile trail permission and NH Fish and Game Raffle permit signed by the Chairman
- 190 - Building Permits were signed

191 VII. Consent Agenda

192 **Allan Brown made a motion seconded by Faith Minton for the consent agenda for January 16, 2024,**
193 **motion to approve as signed by the Warner Select Board. Motion passed unanimously.**

- 194 - a raffle permit for NH Fish and Game and
- 195 - Kearsarge Trail Snails to have public access to class VI roads for one year, trails 1, 4, 4A,5, 6, 6A, 7, 7A,
196 7B and PRI345.
- 197 - Building permits Map 11 Lot 046, Map 14 Lot 005-03, Map 14 Lot 029-1-8 and Map 16 Lot 027.

198 VIII. Manifest

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

- 200 • Accounts Payable check numbers 8000, dated 1/17/2024, in the amount of \$99.59.
- 201 • Accounts Payable check numbers 8001 through 8012, dated 1/18/2024, in the amount of \$27,329.00.

202 Further motion to authorize the Select Board to approve and order the Treasurer to sign the following manifests:

- 203 • Accounts Payable check numbers 8013 through 8014, dated 1/22/2024, in the amount of \$61,909.28
204 covering the Federal Tax and Payroll deposits for the January 25th bi-weekly payroll.
- 205 • Bi-weekly payroll checks numbers 3590 through 3599 and direct deposit check numbers E01357 through
206 E01380 dated 1/25/2024 for a net payroll of \$47,341.23.

207 **Faith Minton made a motion seconded by Allan Brown to approve the Manifest for January 22, 2024.**
208 **Motion passed unanimously.**

209 The Select Board has received a petition warrant article to change to a five member Select Board. The Select
210 Board discussed whether they would support the petition warrant article. Faith Minton explained that with the
211 new Town Administrator starting soon it would be best to stay with a three member Select Board. Harry Seidel
212 concurred with Faith Minton. Allan Brown stated that the three members Select Board is his preference.

213 **Faith Minton made a motion seconded by Harry Seidel that the Select Board will not recommend the**
214 **petition warrant article. Motion passed unanimously.**

215 There was further discussion regarding the informational meeting on January 30th to address the Town Clerk Tax
216 Collector issue, Assessing questions. February 7th meeting at 5:00pm presentation from Avitar Associates.

217 There was a conversation regarding the increase in service calls for EMT's at a local memory care facility. Harry
218 Seidel has concerns that the EMT's are being overwhelmed by a private company calls for service. Butch Burbank
219 suggested contacting the company to discuss ways to mitigate the costs to the Fire Department.

220 IX. Non-Public Session RSA 91-A:3 II,a,b,c (dismissal, promotion, compensation, disciplining or
221 investigation of charges; hiring a public employee; matters if discussed in public would likely affect adversely
222 the reputation of any person; this extends to any application for assistance, tax abatement or waiver of a fee,
223 fine, or other levy, if based on inability to pay or poverty of the applicant.

224 **Motion made by Harry Seidel Seconded by Allan Brown**

225 **Roll Call: Harry Seidel YES Faith Minton YES Allan Brown YES**

226 The Select Board went into non-public session at 8:49 PM

227 Respectfully submitted by

228 Tracy Doherty