



TOWN OF WARNER

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

Select Board Meeting Minutes November 12, 2024 4:00 PM

Lower Meeting Room Warner Town Hall 5 E Main St

I. Open the Meeting and Roll Call

Chair Mike Smith called the meeting to order at 4:03 PM

Present: Mike Smith (Chair), Faith Minton, Harry Seidel, Kathy Frenette Town Administrator and Judy Newman-Rogers Selectboard Administrative Assistant

Also Present: Many audience members

II. New Hire: Tim Allen Director of Public Works, introduced Travis Downs, a new fulltime employee in the Highway Department, Labor/Building Maintenance. He stated that Travis will be a good fit for the department and explained he qualifies for the \$2,000 stipend because he does not need the Town Health Plan.

Faith Minton made a motion seconded by Harry Seidel to hire Travis Downs at \$25/hr with the stipulations given by Tim Allen as the building maintenance employee for the Town of Warner. Motion passed unanimously.

III. Select Board Minutes – None

IV. Sam Carlson, Encore Solar, Payment in Lieu of Taxes (PILOT), Poverty Plains Road Array

Sam Carlson from Encore Solar and Fred Hill Poverty Plains Road property owner were present. Sam Carlson advised the Select Board that a power purchase agreement is in place with NH Community Power Coalition (NHCCPC); the alteration of terrain permit has been submitted and deemed complete by the Department of Environmental Services (DES); the impact study from EverSource has been received and no issues were identified; on October 23rd he submitted a proposal to the Select Board relating to the PILOT which stated the land lease is 25 years with the option to extend. Mike Smith stated he reviewed other communities with similar solar agreements and the proposal from Encore does not compare to other towns. He questioned why the base rate is \$3,000. Sam Carlson explained that amount is per megawatt which was based on the clean energy fact sheet. He stated the range is \$2,000 - \$4,000 a megawatt. Sam explain the project is 5 megawatts, multiply the per megawatt cost by five to determine the annual payment. Each year that payment increases by the escalator. Sam Carlson presented 3 financial scenarios for the Select Board to consider and use to determine the property tax obligation.

Faith Minton stated she prefers scenario #3 because it is more revenue for the Town. Harry Seidel spoke about the Town's need to generate revenue. He spoke about the possible use of the property as residential housing that would bring in revenue. Mr. Hill explained that he has no interest in developing his land for housing. He explained that the land has been in his family for generations. He stated that lot is 242 acres but the solar array would only use 20 acres and the gravel pit will remain active. Sam Carlson stated he could live with any of the

1 three scenarios. Faith Minton asked about the property tax for that area now verses the PILOT. Mr. Hill
2 explained that the land is in current use and the tax bill is only \$2,500.

3
4 ***The Select Board opened the floor for public comment.***

5
6 John Leavitt asked for clarification on the property taxes. Christine Perkins spoke in support of the project. She
7 supports the middle scenario. Barb Marty asked for an explanation on what a PILOT is. Harry Seidel explained
8 that it is a long term agreement negotiated and paid to the Town instead of typical property taxes. He stated that
9 PILOT's are designed to create tax revenue for a municipality, the facility such as a solar array does not use
10 typical town services. Mike Smith stated that length of the agreement has not been decided. He explained that
11 in scenario #1: year one would generate \$13,000 and with the escalator year five would generate \$21,000.
12 Ginger Marsh stated that Mr. Hill pays \$2500 for 242 acres because of current use, but if the solar project is
13 approved it would generate additional tax revenue for that area.

14
15 Faith Minton stated that based on other town's PILOT programs the base is \$3500 or higher. The Encore
16 proposal for Warner offers 3 scenarios starting at: 1) \$2750 2) \$3250 3) \$3750. She would like the Town to
17 consider \$3250 or the \$3750 base. Mike Smith agreed. Mike Smith spoke about other PILOT programs
18 throughout the country that range between \$6,000 and \$9,000. He stated that he originally was thinking about a
19 low point of \$4,000. Sam Carlson stated that Encore is working on projects in Peterborough, Derry, and
20 Conway. Faith suggested the middle of scenario 2 and 3 and proposed \$3,500. Harry Seidel supports scenario
21 3 at \$3750 base. James Sherman expressed concern about using an inflation rate of 2%, when currently it is 3%.
22 He would like to see something in the contract that requires the contract to be reviewed. Mr. Sherman
23 explained that he was not able to find a projected interest rate at 1.8%. He advised the Select Board that what
24 he found for the next ten years was 2.3 to 2.4%. Mr. Carlson countered saying the Federal Reserve's
25 projections are 2.3% for 30 years and the solar panels denigrate half a point each year. Mike Smith stated that
26 he would support \$3750 as the base with an escalator of 1.8% for 25 years, year 26-35 the escalator would
27 increase to 2.3%.

28
29 **Harry Seidel made a motion seconded by Faith Minton to enter a contract with Encore Renewable
30 Energy at a rate of \$3,750 per megawatt with an annual escalator of 1.8% for 25 years after which the
31 annual escalator will increase to 2.3% for the last 10 years. Motion passed unanimously.**

32
33 **Faith Minton made a motion seconded by Harry Seidel to authorize Kathy Frenette to work with Sam
34 Carlson from Encore Renewable Energy to create a contract for the Town of Warner which will be
35 reviewed by the Warner Select Board. Motion passed unanimously.**

36
37 **VI. Town Administrator's Report by Kathy Frenette**

- 38 - The 2025 budget is under review with Budget Committee
- 39 - Applications are still coming in for the Land Use Coordinator position
- 40 - Quotes for health insurance and managed IT care will be ready for review at the next meeting.
- 41 - Seeking permission to apply for a grant from the Warner Fall Foliage Festival to cover the cost of
- 42 refinishing the floors upstairs, in the entryway and the auditorium
- 43 - New postage machine is being look into
- 44 - Working on resolving a claim with Primex

45
46 ***Mike Smith stated the meeting order of business will be adjusted***

1 **VI. Select Board Business**

2 **a. Joint Loss Management Committee (JLMC): Town Hall Safety Issues/Recommendations**

3 Nancy Ladd Chair of JLMC spoke about a step in the building that is a safety issue. She has spoken to Tim
4 Allen about installing a landing and hand rail. She also suggested installing a motion light in the elevator.
5

6 **b. Housing Champion Program**

7 The Housing Champion Program originates from the NH Department of Business and Economic Affairs. Mike
8 Smith stated the Select Board has an application to submit to be placed on a list for grants through this program.
9 The application is due Friday November 15th. Harry Seidel stated that the designation is an opportunity
10 available to towns by RSA 12-O: 71-75 to address housing. Faith Minton explained that the state legislature
11 established the rules. She stated that this is not a commitment for the Town. Harry Seidel explained that in
12 order to receive the designation there needs to be a review of the zoning ordinance, master plan and other items
13 relating to infrastructure for sewer and water. Mike Smith asked if there are volunteers who would complete the
14 application. He recapped the opportunities from the Housing Champion program such as; grants, training for
15 zoning and planning boards, sewer plans and sidewalk development.
16

17 *Mike Smith asked if there was any public comment regarding the application.*
18

19 James Gaffney stated that the application requires the Town to compile a large list of information and it would
20 be unprecedented for the Town to farm out the paperwork like this. He expressed his reservations. He
21 explained that down the road the Town would need to submit a workforce housing plan, execute the plan and
22 then apply for reimbursement. Kathy Schoonmaker in the audience asked if the Select Board has been working
23 on the application. She asked if the Select Board had advised any of the land use boards. The Select Board
24 explained that they are only considering applying for the designation. Harry Seidel stated this designation does
25 not obligate the town. James Gaffney asserted that the application uses language such as “applicant *shall*
26 demonstrate dedication to encourage and establish workforce housing”. Mike Smith stated the “shall” refers to
27 the applicant shall provide the information that the application requires. James Gaffney disagreed.
28

29 Ian Rogers stated that he assisted Barak Greene and Harry Seidel with the research for this application. He
30 explained that the “shall” that is being referred to is for the previous actions the towns have completed. Ian
31 Rogers stated that this is not obligating the town to do anything in the future. James Gaffney stated that if
32 people were given the opportunity to read this and weigh the pros and cons they would voice their opinion. He
33 stated that the people present at the meeting have read it and they think this is a bad deal.
34

35 Jim Sherman in the audience suggested tabling the decision until the spring to allow for an inventory of
36 opinions. John Leavitt stated that it was revealed that 3 individuals have been working on this. He stated that
37 72-hour notice for this item on the agenda is inadequate. Kathy Frenette stressed that they just found out about
38 this at the NH Municipal Association (NHMA) conference on October 31st. Mike Smith echoed Kathy
39 Frenette’s comment. He further noted that Harry Seidel brought it to the Planning Board where a few members
40 expressed interest. He explained that while they were looking into the program they asked Mike Smith to put it
41 on the next agenda.
42

43 Danielle Blevins (?) voiced her frustration, asking the Select Board why they are sneaking this through. She
44 asked why they are wasting time applying for something that covers everything that has been voted down
45 (sidewalks, public transportation, and outrageous housing proposals). She asserted that this program takes over
46 town ordinances. She stated that finding out Monday does convey trust and it is unacceptable. Danielle
47 reiterated that this program is entirely geared toward providing workforce housing. She stated that any grant
48 offered is tied to workforce housing.
49

1 James Gaffney spoke about past situation where the Select Board at that time applied for a grant without
2 engaging the public. He explained that it was ultimately voted down. He spoke about the importance of
3 transparency. Mike Smith reiterated that as soon as he was asked to put it on the agenda he immediately put out
4 a notice to inform the town that a discussion was being added. He explained that volunteers looked at what is in
5 place now to determine if an application could be submitted. Mike Smith stressed that nothing was discussed
6 about changing anything in place now. (Name not stated) in the audience suggested the Select Board table the
7 application until the Select Board and Planning Board can hold public hearings resulting in a more productive
8 conversation. Barak Greene agreed that it would be appropriate to table the application until there is a project.
9 James Gaffney suggested the Select Board create a process for any grant application that mirrors the existing
10 process for the sale of Town owned property.

11
12 Mike Smith tabled the application for the Housing Champion program. Faith Minton stated that she appreciates
13 the community engagement. She stressed the need for respect and civility. Faith Minton explained the Select
14 Board respects all views and they did not come to the meeting with preconceived notions.

15
16 More audience participation (names not stated) indicated that those present do not support the Housing
17 Champion program. They are not interested in workforce housing, sidewalks and do not want higher taxes.

18
19 Mike Smith explained that there are needs in Town that must be addressed but are not affordable. He spoke
20 about his interest in securing grants that could help the town in other areas. He spoke about the Select Board
21 responsibility to be fiscally responsible, he feels that it would be irresponsible of the Select Board not to
22 consider anything available.

23
24 **Harry Seidel made a motion seconded by Faith Minton to table the Housing Champion program**
25 **discussion until the spring. Motion passed unanimously**

26
27 **VII. Consent Agenda**

28 None

29 **VIII. Manifest**

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

31 -Accounts Payable check numbers 10780 through 10803 dated 11/6/2024, in the amount of \$651,322.78, which
32 includes a payment to the Kearsarge Regional School District of \$600,000.

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

34 -Accounts Payable check numbers 1004 through 10805 dated 11/12/2024, in the amount of \$56,922.05 for the
35 Payroll and Federal Tax deposits for the November 14th bi-weekly payroll.

36 -Bi-weekly payroll checks numbers 3846 through 3851, and direct deposit check numbers E01984
37 through E02017 dated 11/14/2024 for a net payroll of \$43,701.07.

38
39 **Faith Minton made a motion seconded by Harry Seidel to approve the manifest as read with the**
40 **correction of the first check #. Motion passed unanimously.**

41
42 **a. Sale of Town Owned Properties**

43 Map 21 Lot 9 / Map 18 Lots 5, 6, 9, 12, 15, and 16 / Map 14 Lot 17 / Map 1 Lot 3

44 The Select Board discussed a parcel on Map 21 Lot 009. Mike Smith stated that a resident has asked if he could
45 lease the land from the Town. Mike Smith stated that he has discussed the proposal with the Select Board,
46 Planning Board and Conservation Commission, all were in agreement. He stated that he needs to do the
47 calculations on the lease or selling the lot and the back property taxes.

1 Mike Smith informed the Select Board that he recently accompanied the Conservation Commission on a site
2 walk of Map 18 Lots 5, 6 and 9. The lots are under consideration to be sold. He stated they also walked Map 18
3 Lots 12, 15 and 16, those will be discussed at the next Conservation Commission meeting. He explained that lot
4 15 is comprised of a town forest and will not be considered for sale. The Select Board discussed lot 12 which is
5 a buildable lot. Mike Smith stated that Lot 6 is buildable. Mike Smith stated that the Conservation
6 Commission has not voted to approve the sale of the lots. He spoke about the possibility of splitting lot 6 and
7 retaining a portion for conservation and selling the remaining area. Mike Smith asked for the Select Board's
8 approval to continue investigating lots 5, 6, 9, 12 and 16. He stated that lot 9 is small in size and not buildable
9 but could have added value to the property owner across the street.

10
11 The Select Board discussed Map 14 Lot 17, 5 acres on North Road. Mike Smith stated he was approached by a
12 developer. He explained that the lot does have river frontage; during the site walk he saw an old foundation on
13 the corner of the lot; the lot is buildable, with sufficient frontage and acreage. The Select Board agreed to allow
14 Mike Smith to investigate the property for potential sale.

15
16 The Select Board discussed Map 1 Lot 3, 56 acres on Wiggins Trace. Mike Smith explained that this lot is on a
17 class 6 road, he is unsure if it is buildable; the lot is on the boarder of Henniker. An interested party wants to
18 farm this parcel. The Select Board agreed to allow Mike Smith to investigate the property for sale.

19
20 **Mike Smith made a motion seconded by Harry Seidel to move forward with the investigation of Map 1**
21 **Lot 3, Map 18 Lots 5, 6, 9, 12 and 16. Motion passed unanimously.**

22
23 **b. Code Violation Enforcement Procedure Update - Tabled**

24 **c. 3 Non-compliance Building Permits, Status - Tabled**

25
26 **X. Select Board Unanticipated Business (moved up on agenda)**

27 Harry Seidel asked for an update on the Xenakis, Dimond Lane property. Mike Smith informed the Select
28 Board that the Town attorney is resolving the matter. He stated that the hammer head has been built.

29
30 **IX. Public Comment**

31 John Leavitt spoke about the importance of having written procedures for the Select Board. He stated that a
32 written procedure is helpful for new members and the public. The Select Board agreed to look into the idea.
33 Mike Smith explained the time commitment and challenges that the Select Board face. He spoke about the
34 impact that turn over has on the Select Board and ultimately the Town. Mike Smith explained that there was
35 minimal comment on the solar array but there was a significant push back on just filling out a form. He
36 welcomes any suggestion that would streamline things.

37
38 **Select Board Unanticipated Business Continued**

39 Mike Smith spoke about a parcel that is due to be taken for back taxes (Map 20 Lot 5). The Tax Collector is
40 looking for a decision from the Select Board. Judy Newman-Rogers asked if this is the only property pending
41 deeding; explained that in the past the entire list of properties pending deeding was presented to the selectboard
42 for review from the Tax Collector prior to deeding deadline. She stated that the previous Tax Collector
43 recommended the Selectboard use discretion to accept/deny a deed. (Liability, contamination, etc) It was
44 determined that in 2023 Map 20 Lot 5 had been taken by the Town but a deed was not filed.

45
46 **Harry Seidel made a motion seconded by Faith Minton to direct the Tax Collector to execute the steps to**
47 **finalize the taking of this property for back taxes. Motion passed unanimously.**

1 Mike Smith explained that the Society for the Protection of New Hampshire Forests is interested in purchasing
2 or trading for some town owned property.

3
4 Harry Seidel stated the tree is ready to be planted in front of Town Hall.

5
6 **XI. Non-public Session (If needed, RSA 91-A:3 II (a,b,c,d,e,f,g,h,I,j,k,l))**

7 None

8
9 **XII. Adjournment**

10
11 **Faith Minton made a motion seconded by Harry Seidel to adjourn the meeting at 7:30 PM. Motion**
12 **passed unanimously.**

13
14
15 Respectfully submitted by
16 Tracy Doherty
17 Edits – Judy Newman-Rogers
18 Selectboard Admin Asst
19