



TOWN OF WARNER

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Select Board: Harry Seidel, Chairman
Alfred Hanson, Vice Chair
Michael J. Smith
Kathleen Frenette, Town Administrator

Select Board Public Meeting Minutes August 19, 2025 6:00 PM

I. Open the Public Meeting / Roll Call / Pledge of Allegiance

Chairman Harry Seidel called the meeting to order at 6:01 PM.

Select Board present: Chairman Harry Seidel, Vice Chair Alfred Hanson and Mike J. Smith.

The Pledge of Allegiance was recited.

Members from the Public: John Leavitt, Martha Mical, Ed Mical, Kathleen Frenette, Christine Frost, Jody Sloane, Ian Rogers, David Carle, Annmarie Timmins, John Noble, James Gaffney, Kathi Schoonmaker, Angela Spinney, Nate Burrington, Judy Newman-Rogers, Trish Mitchell, Rebbecca Courser, Debra Mahar, Elizabeth Labbe, Pier D'Aprile, Ginger Marsh, Bob LaFrance and Chris Ostron.

II. Public Comment

John Noble spoke about the sewer treatment plant issues that have been going on for three months. He stated that there has not been any type of resolution. He advised the Select Board that he still has not been contacted by anyone from the sewage treatment plant or Warner Village Water District. John Noble requested contact information for the water district, stating that he will be reaching out to them. He requested that this topic be added to the Select Board agenda as a standing agenda item so that the Select Board can provide updates. Harry Seidel explained that he was told the plant made a repair to something that was dry, and it had to refill and the sewage plant needs to get the molecular biological bacteria to be in a good state of balance. John Noble stated that according to the research he has done it should not take 3 months. John Noble explained that active bacteria culture can be ordered by the barrel to achieve the required balance. Judy Newman-Rogers stated that Ray Martin has scheduled a meeting on September 24, 2025 at 7:00 PM. John Noble expressed frustration with having to wait 5 more weeks for an update from them. He stated this is affecting the quality of life and the health of those affected.

The Select Board agreed that it is long time to wait. Martha Mical suggested John Noble contact the three commissioners because the Select Board is not in charge of the Warner Village Water District. Harry Seidel will call Ray Martin. Mike Smith explained that he was present when the meeting was scheduled and that was the first availability of the commissioners.

James Gaffney stated that it is his understanding that Darcie Buskey has resigned from handling meeting notices, he asked who is responsible for that now. Harry Seidel explained that Darcie will continue until a replacement is found. James Gaffney agreed with John Noble that having to wait five more weeks for a response on an issue that has been going on for three months is unacceptable. James Gaffney asserted that the meeting should take place this week.

Nate Burrington appreciates the work of the Select Board for all their efforts, recognizing that it is a volunteer position and a difficult job. He stated that he approached Tim Allen Director of Public Works, (DPW) and Paul Raymond about Annis Loop to discuss grading the side of the road to improve drainage. He asked the Select Board to look into that. Nate Burrington advised the Select Board that he has been working on the 10 Church Street property, putting in a 400 amp service in. He explained that his lawyer has been working on a response to the town. Harry Seidel asked if Nate Burrington wanted to keep his place on the

1 agenda today under Select Board Business since his attorney was unable to attend this meeting. Nate
2 Burrington confirmed that he would like to speak to the Select Board. Harry Seidel explained that the Town
3 has received a letter from Mr. Burrington's attorney and it was distributed to the Board. Harry Seidel
4 suggested scheduling a meeting that Mr. Burrington, his attorney, and the Select Board on September 2nd or
5 16th, 2025. Harry Seidel assumed this item would be tabled.
6

7 Annmarie Timmins spoke about her concerns regarding the Town's response to her Right to Know (RTK)
8 request. She explained that she is seeking information regarding the sale of Town owned property. She
9 stated that she had spoken to Mike Smith about this. She is the vice president of the Tom's Pond Association
10 and one of the properties is 16' wide located on Tom's Pond. She stated that that she is looking for
11 clarification on the process. Annmarie Timmins explained that she is not here to stop a sale and recognized
12 that it makes financial sense for the Town. She explained that it is possible that one of the abutters may want
13 to make an offer. She stated that she attended the Conservation Commission meeting because she
14 understood that this was going to be a public process. Annmarie Timmins explained that the Forest Society
15 proposed without objection that they be able to buy some properties quietly without a public sale because
16 that would drive up the price. She stated that Mike Smith informed her that each property sale is handled
17 differently and told her he would send her the Town's policy. Annmarie Timmins stated that he did not send
18 the policy, so she filed a RTK request on July 14, 2025. Annmarie stated that she requested just a few items,
19 1) the town's policy – not Mike Smith's version, but the actual written town policy. 2) A list of Town owned
20 properties 3) any emails regarding two lots from August 2023 to the present. Annmarie Timmins stated that
21 she received the Conservation Commissions list of 10 properties that they prioritized. She stated that Kathy
22 Frenette said she would pass her RTK request to the Select Board and advised her to reach out to Mike
23 Smith. Annmarie Timmins stated that she did not receive a response. She advised the Select Board that she
24 is very familiar with the RTK process from her experience as a journalist. She stressed to the Select Board
25 that the Town is required to respond to a RTK request in 5 days. Annmarie Timmins stated that she did
26 eventually speak to Mike Smith and advised him that she still wanted the information as she requested.
27

28 Annmarie Timmins read an exchange of text messages that she received from Mr. Smith regarding the RTK
29 request. She stated that she did not understand Mike Smith's responses to her question. Annmarie Timmins
30 expressed her frustration stating that at this point she has filed a petition to go to court to get the
31 documentation. She stressed that it is a waste of taxpayer dollars to force a resident to go to court for
32 documents that are public record. She stated that she will represent herself and the town will be forced to
33 pay an attorney. Annmarie Timmins advised the Select Board that the only person who has been helpful has
34 been Judy Newman-Rogers. She stressed that she is not trying to be difficult, she has been incredibly
35 patient. She reiterated that this is a waste of taxpayer's money. Annmarie explained that this is not how it
36 works, they must follow all the laws including the right to know law. She stated that the Town cannot pick
37 and choose which law they want to follow.
38

39 Harry Seidel clarified that Annmarie Timmins is only looking for information on the two lots on Tom's Pond.
40 Annmarie Timmins confirmed. Harry Seidel explained that the 1994 policy for selling town owned property
41 is vague and needs to be updated, to include notification of abutters and possibly approved at Town Meeting.
42 Harry Seidel assured Annmarie that they will get to the bottom of this, sooner rather than later. Annmarie
43 Timmins stated that she believes Judy is working on it. She advised the Select Board that it is not her
44 intention of stopping the sale of town property she just wants to know the details. She explained that the
45 abutter of the property might be interested in the parcel, and she is only trying to help the Tom's Pond
46 Association. Martha Mical stated that the piece of property that Annmarie Timmins is inquiring about is used
47 by the Fire Department. Annmarie Timmins explained that the parcel she is inquiring about was property
48 that the Town took for unpaid taxes. She stated if in fact the property is used for the fire department it might
49 make sense to keep it. Harry Seidel stated that the deed might have more information or possibly a deeded
50 access for the Fire Department to run their hoses down to the water.

Mike Smith stated that looking back at an email chain the town's process was sent to Annmarie Timmins. Annmarie Timmins clarified that she spoke to Mike Smith at a Conservation Commission meeting in October of 2024 and he took her email address to send her the Town's policy, but she did not get it. She explained that she left that meeting unsure if some properties are sold differently than others based on their conversation. She asked for the information again in July and Ms. Frenette sent the information.

David Carle addressed the Select Board explaining that Mike Smith has violated numerous Town policies. He explained that recently Mike Smith signed an expletive to a town document. David Carle stated that Mike Smith ignored a 91-a deadline and has opened the town to a possible lawsuit as was just stated by the previous speaker. David Carle stated that Mike Smith has divulged confidential information to the public, information that he learned by "virtue of his official position" a violation of RSA 165 and RSA 42:1a. David Carle asserted that it is time for Mike Smith to resign, or the Select Board should initiate the process to petition the Superior Court to have Mike Smith removed.

III. Select Board Business:

A. Building Permits: Proposed Revisions

Harry Seidel explained that he and Mike Smith worked on the building permit together and the cost sheet for building permits. He stated that the Select Board has received feedback from builders and some residents that the fees are too high. He explained that they were not in complete agreement on the fees. Harry Seidel stated that he wanted them a little lower, but he went along with amounts. Harry Seidel explained that there was an issue with the building permits costing the town more than what was being charged. He explained that he met with the builders who spoke out and they made reductions.

The Select Board reviewed the proposed building permit fees.

New home: \$150 up to 2000 square feet \$300 over 2000 square feet plus .30/sf

Basement: \$.25/sf for finished space and \$.15/sf for unfinished space

Addition/alteration \$100 plus \$.35/sf

New structure or ADU no change to footprint \$150 plus .30/sf

New structure or ADU change to footprint \$150 plus .30/sf.

Martha Mical stated that a renovation such as a kitchen upgrade should be lower than \$150. Harry Seidel explained that the building inspector still has to go to the property just as he would for a new structure. Mike Smith stated that he does not feel \$150 is too high for the permit fee. It was determined that a kitchen alteration is \$100 (2nd line on form). Martha Mical urged the Select Board to use more specificity.

James Gaffney stated that he has requested 3 times for the cost analysis that was used. Harry Seidel stated that the documents have been printed, and he will give them to Mr. Gaffney. James Gaffney requested the documents be emailed to him. Harry Seidel stated that there are pages and pages of documents that would need to be digitized, it would be easier to give them to Mr. Gaffney. James Gaffney stated that the law states the town can only charge the cost of doing the work.

Alfred Hanson explained the building inspector is paid when an actual inspection is done. Harry Seidel explained that the majority of projects require multiple inspections. He noted that the building inspector is also responsible for reviewing plans and other office duties. He stated that it would be very difficult administratively to break down each task. Harry Seidel reiterated that they tried to pull together a fee structure that is reasonable and covers it all. He stated that the two local builders that he spoke to had significant input on the proposed revisions. The Select Board agreed that the proposed revisions are reasonable. Elizabeth Labbe informed the Select Board that she has heard from builders that the proposed

1 fee structure is simplified. Harry Seidel stated that he appreciates the input from the two local builders.
2 Harry Seidel explained that a public hearing will be scheduled for September 9, 2025.
3

4 **B. Burrington Builders, Project Review**

5 Nate Burrington spoke to the Select Board about his project. He explained that the Select Board did not
6 notify his attorney of this discussion, they only notified him, and his attorney was not available. Nate
7 Burrington stated that he came to the meeting in good faith and because he did not want the Select Board to
8 be frustrated with him for not showing up. He stated that he would not answer any legal questions or agree
9 to anything without consulting his attorney. He explained that the Select Board did not officially notify them
10 that they would be on the agenda as the law requires. He stated that they did not ask to be on the agenda.
11

12 Nate Burrington explained that his attorney's letter dated August 4th was in response to the letter he received
13 from the Select Board dated June 18th, June 19th and July 3rd regarding the tax relief under RSA79-e. He
14 stated that he hopes and expects the Board to grant the tax relief that he requested and feels that he is entitled
15 to as explained in his attorney's letter. Nate Burrington stated that he had submitted a letter to the Board
16 asking Harry Seidel to recuse himself from any matter before the town that he (Burrington) is involved in.
17 He stated that there was a business falling out between Harry Seidel and himself on matters unrelated to the
18 Odd Fellows Building project. Nate Burrington elaborated, he has asked the Board to hold a separate
19 hearing on that question when his attorney can be present. He asked the Board in the meantime to allow his
20 attorney to speak directly with the Town's attorney to discuss the 79-e issues, he feels strongly that between
21 the two attorney's they can resolve any issues. Nate Burrington stated that there has been no progress
22 regarding the situation since the last hearing in April, he stressed that was four months ago. He stated that he
23 has installed a 400amp service and other improvements. He acknowledged that there have been some delays
24

25 Nate Burrington restated his request to allow his attorney to speak directly with the Town's attorney to avoid
26 wasting any more valuable time. He reiterated his commitment to the project and he has tried to address the
27 concerns of the Town and the Select Board along the way. Nate Burrington stated that the Town will get a
28 quality building and landmark that the Town can once again be proud of. He stated he hopes the parties can
29 get passed the issues and move forward. Nate Burrington stated that he will be putting up a fence because he
30 did not meet the deadline of boarding up the windows. He thanked the Select Board for this opportunity.
31 Harry Seidel believes that it would be less expensive and safer if the broken glass was removed and the
32 windows boarded up. He is concerned with safety issue relating to falling glass.
33

34 **C. Right to Know Requests**

35 Harry Seidel explained that there are three Right to Know (RTK) requests: from Annmarie Timmins
36 regarding the sale of two town owned parcels, Jody Sloane regarding the audit and Danielle Young regarding
37 a very wide ranging request for all correspondences from 2024 to the present for Harry Seidel, Alfred
38 Hanson and Clyde Carson. He explained that the volume of information that has been requested is troubling.
39 He spoke about the task of assembling the information and then someone has to review the material to make
40 sure that nothing confidential is included. Harry Seidel stated that the review of the materials will be
41 expensive. Harry Seidel stated that there is another RTK from James Gaffney regarding building permit fees.
42

43 James Gaffney stated that the administrative review does not have to be done by the Town's attorney. He
44 stated that someone just needs to review the materials. James Gaffney explained that it would be beneficial
45 if the town had a policy on what exactly it means to be confidential. He stated the request should be able to
46 be filled in several hours. Harry Seidel consulted with the Town's attorney to determine how best to fill the
47 request. James Gaffney asked if the conversation included the entire Select Board or if it was Harry Seidel
48 alone. Harry Seidel explained that he reached out - not the entire Select Board. James Gaffney stated that
49 the entire Select Board needs to be present for those conversations to carry any weight. Harry Seidel
50 clarified that it is appropriate for a Selectman to speak with legal counsel. He explained that it is not

1 practical to require the entire Select Board to be present for any consultation with the town's attorney. Mike
2 Smith stated that the entire Select Board did speak to the Town's attorney and they explained that the Select
3 Board needs to stop contacting them individually. Mike Smith stated that it is also in the Select Board rules
4 and procedures that no one Select Person should individually contact the Town's attorney. He explained that
5 the attorneys do not represent the Select Board members independently, they represent the Select Board.
6 Harry Seidel noted that Mike Smith has contacted legal counsel in the past. Mike Smith stated that he has
7 not called legal counsel. He clarified that if he called counsel he called his counsel. He explained that
8 anytime he wanted a legal opinion asked the Town Administrator to reach out.

9
10 Christine Frost asked when the RSA91-a requests were received and responded to. Judy Newman-Rogers
11 estimated that they were received around the same time the auditors left. Harry Seidel stated that a response
12 of receipt was sent within 5 business days. Judy Newman-Rogers explained that legal counsel also advised it
13 appropriate to inform requestors of 30 days to provide the information. She stated that legal counsel offered
14 to review the materials to redact the confidential information.

15
16 Ian Rogers stated that determining what confidential information is incredibly complicated. He stated that
17 there are numerous RSA's to be aware of and HIPPA rules. He cautioned the Select Board to be careful to
18 avoid a future lawsuit.

19
20 Annmarie Timmins informed the Select Board that the RSA law was updated during the last legislative
21 session. She explained that towns have the express right to talk with someone to determine if the request can
22 be narrowed.

23
24 John Leavitt stated that Harry Seidel previously said he talked to the lawyer about this and he made a
25 decision that the emails have to go to the lawyer. John Leavitt stated that without going to the Select Board
26 Harry Seidel made the decision. Harry Seidel clarified that he does not make decisions unilaterally, he
27 brings the information to the Select Board.

28 29 **D. Town Administrator Evaluation Form**

30 Harry Seidel stated that the current Town Administrator Evaluation form was created but it has not been used
31 or approved. Harry Seidel explained that he reviewed a few forms and crafted a version for the Select Board
32 to consider. He stated that the revised version is longer and different in design formatting. Harry Seidel
33 stated that he is presenting this to the Select Board for their review and to discuss this at their September 9,
34 2025 meeting. Kathy Frenette asked if she will be provided a copy of the approved form. The Select Board
35 discussed if necessary to hold a public hearing to adopt a Town Administrator Evaluation form. John Leavitt
36 explained that each draft of a form should be identified. James Gaffney echoed John's statement, he
37 suggested adopting version control. The Select Board agreed to label the document version 5. Ian Rogers
38 stated that the last few minutes discussing version control is nit-picking. He feels that it is people in the
39 audience trying to find fault with the small paperwork issues to make the Select Board look bad. Ian Rogers
40 stated that it happens very frequently. Bob LaFrance explained that as an engineer for 40 years adopting
41 version control would be best practice. Chris Ostron echoed Bob LaFrance's comments. He stated that it
42 happens in every other industry so it should be done in town government.

43 44 **E. Auditor Search Committee (ASC)**

45 Harry Seidel asked if the committee members were present to make a statement. Mike Smith asked if the
46 ASC was informed that this was on the agenda. James Gaffney answered no. Harry Seidel stated that he did
47 not. Judy Newman-Rogers stated that Robert Blake was aware. James Gaffney stated that this is the second
48 time that this was on the agenda and the committee was not informed ahead of time. Alfred Hanson asked
49 who the Chairman of the ASC is. James Gaffney explained that the ASC did not select a Chair, they did not

1 feel it was necessary. Alfred Hanson asked what the chain of communication is. James Gaffney explained
2 that the ASC communicates as a whole and it has not been a problem for the ASC.
3

4 Mike Smith asked if the Select Board wanted James Gaffney to come to the table and provide an update on
5 the ASC. Mike Smith stated that he is not sure why this is an agenda item. Harry Seidel explained that the
6 Town of Warner lost its auditor and this is a very serious situation for the Town. He stated that on July 17th
7 the Budget Committee wanted to form an audit search committee to secure an engagement letter from a new
8 auditor. Harry Seidel explained that at that July 17th meeting the ASC was created and it was determined that
9 the ASC would be independent from the Select Board, Town Administrator and the Finance Department. He
10 explained that there was a focus on efficiency. He stressed that it was very important to find an auditor soon.
11 Harry Seidel explained that the Town has received two letters of interest from auditors. Harry Seidel stated
12 that is what the ASC was charged to do. He stated that they successfully completed that. Harry Seidel stated
13 that the letters are from Bonnie Bachelder a CPA from Vermont and another from Vachon Clukay from
14 Manchester NH. He explained that each of them has submitted proposals. Harry Seidel stressed that time is
15 of the essence. He would like the Select Board to consider the proposals. Harry Seidel stated that Vachon
16 Clukay has served as the town's auditor in the past, and they have 15 years of knowledge about Warner. He
17 stated that Vachon Clukay can start September 1st. Harry Seidel advised the Select Board that Elizabeth
18 Labbe has been in contact with an individual at Vachon Clukay who has assured her that she would submit
19 the MS535 before the November 1st deadline. Harry Seidel explained that given their knowledge and
20 experience with Warner and their familiarity and trust they have with the Finance Department as well as their
21 commitment to complete the MS535, he supports the selection of Vachon Clukay.
22

23 Kathi Schoonmaker spoke but Harry Seidel explained that she is speaking out of turn he asked her to wait
24 until the Select Board had a chance to deliberate. Alfred Hanson explained that he reviewed both proposals
25 and a decision needs to be made. Mike Smith stated that he has concerns that the Select Board did not
26 approve the RFP that was sent out. He is confused as to why the ASC is not presenting the two proposals.
27 He agreed that time is of the essence. He stated that a third proposal would be appropriate. Mike Smith
28 stated that the proposal from Vachon Clukay was just given to him today. He questioned why the ASC is not
29 presenting the proposals. Harry Seidel stated that the ASC worked very hard and he appreciates their efforts.
30 Mike Smith questioned how the RFP was sent out without Select Board approval. Harry Seidel stated that
31 does not matter to him. Multiple comments at once from the audience were made. A female stood up and
32 asked everyone to refrain from speaking out disrespectfully to each other.
33

34 James Gaffney explained that the last audit in 2023 cost the Town \$23,750 and the quote from Bachelder was
35 approximately \$40,000. He stated that on Friday the Vachon Clukay letter was forwarded to him and the
36 letter states that they are willing to work for Warner but they have other clients ahead of them. James
37 Gaffney explained that as a result of the 2023 Warner audit they wrote off \$11,109. He stated that there was
38 almost 50% more work done on the 2023 audit than the Town was billed for. He stated that points to
39 problems in the Town's books. James Gaffney stated that the Town needs to be prepared to spend at least
40 \$40,000 for the audit. He stated that Vachon Clukay has indicated that they will bill the Town at cost. He
41 stated that if that has changed he is not aware of that. He stated that he would like to see the latest emails.
42 James Gaffney explained that the ASC has concerns about the state of Warner's books and if the Town goes
43 blindly into an audit the costs will be unknown. He stated that the concerns relating to the Town's books is
44 the reason that the auditing firm terminated the agreement. Harry Seidel disagreed. James Gaffney stated
45 that on August 5th the ASC presented to the Select Board their recommendations on how to move forward.
46 He stated that some of those recommendations were approved. He stated that they submitted an RFP to hire a
47 CPA to review the current state of the books with the help of James Sherman. James Gaffney reiterated that
48 the Town will be at the back of the line for an auditor to start in Warner. He explained that in the waiting
49 period it would be in Warner's best interest to have someone assess the current state of the books. He
50 stressed that would save the Town money.

1
2 Alfred Hanson stated that he has had conversations with Clyde Carson the Finance Director who has
3 informed him that he is ready at any time for the audit. Alfred Hanson explained that Clyde Carson manages
4 the town's books and Clyde has been involved with the audit for the last two years. Alfred Hanson stated that
5 he has to believe that Clyde is ready. James Gaffney stated that the auditor found issues in those two years.
6 Alfred Hanson acknowledged that and clarified that the town did not take actions to resolve the issues. He
7 suspects that will change this year. James Gaffney stated that the fact that Vachon Clukay wrote off \$11,000
8 in labor leads the ASC to believe that problems exist and still exist. Alfred Hanson stressed that the Town
9 now has the opportunity to fix the situation in the next few days. He acknowledged the hard work that the
10 ASC put in. Alfred Hanson stated that he is comfortable making a decision. James Gaffney stated that if
11 there is time before the auditor can start it makes perfect sense to have someone review the books.
12

13 Harry Seidel stated that Vachon Clukay has committed that they can start September 1st and to complete the
14 MS535 before the November 1st deadline. He is concerned that if the town hires a CPA it will delay the
15 MS535 and the audit.
16

17 Christine Frost commended the Select Board for moving expeditiously on this matter. She stated that from
18 her experience it is best practice to hire an auditor on a 3 year interval. She stated that it is not best practice
19 to have the same auditor year after year. She stressed, the fact that Vachon Clukay has been auditing Warner
20 for 15 years forming relationships is not a good thing. She reiterated that it is standard and best practice to
21 bring in a new firm to give a different perspective. She is curious to know why the \$11,000 was written off.
22 She asked for the cost specifics of each proposal. Harry Seidel recapped the proposed costs: Bachelder
23 \$25,000 for the lead auditor and \$12,500 for staff, total of \$37,500 and Vachon Clukay \$25,000 to \$40,000
24

25 Christine Frost stated that it makes sense to select an auditor who has not been here. Harry Seidel stated he
26 disagrees given the conditions Warner is in right now. Elizabeth Labbe stated that the person from Vachon
27 Clukay is not the same person who audited Warner last year. She stated that the auditor she spoke to has not
28 been to Warner. Kathy Frenette explained there are problems with the books that Clyde is not being
29 transparent about. She stated that he is billing finance charges to GL lines and not paying out late charges.
30 Trish Mitchell's comment was inaudible. James Gaffney asked her to wait to be recognized. Kathy Frenette
31 explained that she has years of experience in finance and has been through 12 audits. She stressed that the
32 Town's books are a mess, noting that nothing is where it should be. She stated that Clyde is giving people
33 more vacation time than they are supposed to have. She stated that raises have been given without the Select
34 Board's approval. Kathy Frenette stated Harry Seidel and Alfred Hanson refuse to look at the documentation
35 that supports her statements. She stated that Harry Seidel wants to keep Clyde and another person here, and
36 they are retaliating against her putting her on leave.
37

38 James Gaffney explained that the ASC discussed the need to receive feedback from the next auditor on the
39 areas that need improvement. He urged the Select Board to ask for that.
40

41 David Carle explained that the purchasing policy allows the RFP to be waived by the Select Board on a vote
42 by the Board. Ginger Marsh Town Treasurer informed the Select Board that she has been Town Treasurer for
43 8 years and the auditing company Vachon Clukay has never once asked to speak with her. Ginger Marsh
44 pointed out that Vachon Clukay has been auditing Warner for the last 15 years and has found errors every
45 year for the last 4 years, errors that were not corrected and they never asked to speak with the Treasurer.
46 She cautioned the Select Board about this.
47

48 Mike Smith stated that it is good that the Select Board is moving forward as fast as possible to get this done.
49 He reiterated that he had hoped that this would have come from the ASC. He stated that the Select Board did
50 not review or vote on an RFP. He does not appreciate that the proposal was just given to him today and he is

1 expected to make a decision. He stated that he needs time to review the proposal. He has concerns about
2 Vachon Clukay's long term relationship with staff and personal relationships with staff. Mike Smith
3 explained that the Budget Committee also agreed last year to change the auditor. He stated that Harry Seidel
4 and Alfred Hanson have come to the meeting with a predetermined decision to hire Vachon Clukay before
5 the Select Board discussed it. Harry Seidel disputed that, advising Mike Smith that he received the letter
6 from Vachon Clukay the same time he did. James Gaffney explained that the Select Board is meeting again
7 on Thursday, they could make their decision then. Alfred Hanson asked if two days is enough time for Mike
8 Smith to review the proposal. Alfred Hanson acknowledged that best practice is to change auditors. He
9 explained that by accepting the proposal from Vachon Clukay the audit gets done. He supports making a
10 decision in the next few days. Mike Smith stated that he is not comfortable bringing back the auditing firm.
11 Trish Mitchell supports hiring a new auditing firm. Mike Smith stated that he just wants to be careful and
12 does not want to settle or rush into anything.
13

14 Rebbecca Courser explained that the Department of Revenue (DRA) is aware of the situation, and they know
15 that the Town is working on it. She stated that there is a way that the tax rate could be set even if the audit is
16 not completed. She explained that the Town has more time to find an auditor. She encouraged the Select
17 Board to take their time. Rebbecca Courser stated that any errors or suggestions made by the auditor must be
18 addressed this time. Harry Seidel spoke about the need to submit the MS535 by November 1st. Elizabeth
19 Labbe stated that without the MS535 the tax rate cannot be set. She stated that the MS535 is typically done
20 by the auditor. Harry Seidel reiterated that Vachon Clukay has committed to having that done in time.
21

22 James Gaffney suggested the Select Board review the RFP from the ASC that allows the committee to look
23 for a CPA. He also suggested the Select Board review the RFP from the ASC to search for an auditing firm.
24 Harry Seidel spoke about the need for an auditor, not a CPA. James Gaffney stated that there are well
25 documented issues and uncorrected problems with the town's books that a CPA can help the Town rectify.
26 He asked what had been corrected. Alfred Hanson stressed the audit needs be done, and the auditor will
27 point out any issues or errors. He explained that hiring a CPA to review the books will cost a significant
28 amount of money in addition to the auditing costs.
29

30 Harry Seidel suggested postponing the decision until Thursday. Alfred Hanson suggested the Select Board
31 meet at 6:00 PM prior to the Budget Committee meeting. The Select Board agreed.
32

33 **F. Transfer Station Stickers**

34 No discussion
35

36 **G. Building Inspector Vacancy**

37 Harry Seidel explained that there are four candidates for this position. Mike Smith stated that this information
38 was given to him today. Mike Smith stressed that he should have received all the information at the time that
39 the Select Board packets were sent out. Harry Seidel explained that this is not a new topic, and this has been on
40 previous agendas. He stated that everyone is doing the best they can. Mike Smith clarified that a fourth
41 candidate's resume was given to him today. The Select Board agreed to revisit this discussion on Thursday
42 prior to the Budget Committee meeting to give more time to Mike Smith to review the information.
43

44 Ginger Marsh stated that the perception is that Mike Smith is not getting information timely. Mike Smith
45 stated that he has been complaining about that since last September. Judy Newman-Rogers asked why is that
46 happening, what is causing Mike Smith not to receive the documentation when the other two Select members
47 are. Harry Seidel asked if he was not coming into Town Hall. Mike Smith stated that he came in on Sunday
48 and there was nothing in his bin, when he came in today there was information in his bin. Mike Smith
49 explained that he is supposed to receive the information 3 days prior to the meeting. Judy Newman-Rogers
50 clarified that it is not a situation where information is being thrown at someone at the last minute, employees

work in real-time, it is that the information just came in at the last minute and then given to the Select Board. She explained that it is then the decision of the Select Board to decide to consider it or hold it until the next meeting. She recognized that there is a cut off for receiving information for the Select Board packets but often times important information comes in after the cut off. She asked the Select Board for guidance on how to deal with that situation.

Harry Seidel suggested the Select Board revisit this discussion on Thursday at 5:00 PM prior to the Budget Committee meeting. James Gaffney suggested posting the documents electronically with a link on the agenda so that anyone can get the information. He suggested a PDF file be sent to the Select Board. Harry Seidel explained that the Board does receive the information electronically.

H. Complaint: Jumping From Covered Bridge

Alfred Hanson stated that he was contacted about this complaint, he requested the complaint be submitted in writing for the Select Board to review. Alfred Hanson acknowledged the written complaint has not been received and he will follow up with the person tomorrow. Alfred Hanson explained that this is a safety issue. Mike Smith stated that there is still a process and procedure to follow.

IV. Town Administrator Report

None

V. Consent Agenda: Aug 19, 2025

Mike Smith stated that he received the Consent Agenda just today. He stated that he did not receive the two new hires forms, or the payroll change forms. He explained that he requested the information be placed in the Town Administrator's office, but they were not there. Harry Seidel read the following consent agenda.

Motion by the Warner Select Board to approve the following or previously signed:

1. A request to the Trustee of the Trust Funds: In the amount of \$4,476.00 from the Transfer Station Facility Capital Reserve Fund to pay United Construction & Forestry. In the amount of \$3,378.64 from the Employee Expendable Health Trust Fund to pay invoices from Health Trust.

2. Two payroll change forms

3. Two new hires in the Fire Department.

Harry Seidel made a motion seconded by Alfred Hanson to accept the consent agenda as read. Roll Call Vote Hanson YES Seidel YES Smith NO

Martha Mical suggested the consent agenda and manifests be put in the Selectmen sign file at the close of business on Thursday to allow the Selectmen to review them over the weekend. She suggested that if the documents are not there by Thursday night, then they should be held until the next meeting. Martha Mical acknowledged that things come up or an emergency occurs. Ginger Marsh explained that difficulty that will place on the Finance Director. Martha Mical revised her suggestion that the documents be available Monday. James Gaffney spoke about the recommendation to outsource payroll. He stated that by doing that it would free up time for Clyde Carson. Alfred Hanson explained that he has been giving that some thought.

VI. Manifests: May 27, 2025, July 8, 2025, July 22, 2025, July 22, 2025 (second) and Aug 19, 2025 Manifest Motion for August 19, 2025

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

Accounts Payable check numbers 11646 through 11654 dated 8/6/2025, in the amount of \$24,403.52.

Accounts Payable check number 11655 dated 8/12/2025 in the amount of \$350.54.

Accounts Payable check numbers 11656 through 11689 dated 8/12/2025, in the amount of \$107,408.29.

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

Accounts Payable check numbers 11690 through 11693 dated 8/19/2025, in the amount of \$57,032.54 for the

1 August 21s bi-weekly payroll deposit: Bi-weekly payroll check numbers 4054 through 4058, and direct
2 deposit check numbers E02600 through E02628 dated 8/21/2025 for a net payroll of \$42,578.93.
3 **Alfred Hanson made a motion seconded by Harry Seidel to approve the August 19, 2025 Manifest as**
4 **read. Roll Call Vote Hanson YES Seidel YES Smith NO**

5
6 **Manifest Motion for July 22, 2025**

7 Motion for the Select Board to approve the following previously signed manifest:

8 Accounts Payable check numbers 11590 through 11614 dated 7/15/2025, in the amount of \$31,072.52.

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

10 Accounts Payable check numbers 11615 through 11617 dated 7/22/2025, in the amount of \$22,097.90 for the
11 July 24th bi-weekly payroll deposits. Bi-weekly payroll checks numbers 4044 through 4048, and direct
12 deposit check numbers E02536 through E02564 dated 7/24/2025 for a net payroll of \$43,520.16.

13 **Harry Seidel made a motion seconded by Alfred Hanson to approve the July 22, 2025 Manifest motion**
14 **as read. Roll Call Vote Hanson YES Seidel YES Smith NO**

15
16 Discussion on the motion: Mike Smith explained that he did not see the payroll or any of the checks. Alfred
17 Hanson questioned why Mike Smith does not see them if they are there when he comes in to review them.

18
19 Martha Mical suggested establishing a designated place for the checks to be reviewed and signed. James
20 Gaffney asked the Select Board to adopt a policy on this.

21
22 **Mike Smith made a motion seconded by Alfred Hanson that anything that needs to be signed by the**
23 **Select Board is to be placed in the sign file (with the supporting documentation) located in the Town**
24 **Administrator's office. Roll Call Vote Hanson YES Seidel YES Smith YES**

25 July 22, 2025 (second) Manifest by Payee

26 Check # 11615 in the amount of \$219.49 Check # 11616 in the amount of \$13,915.73 and

27 Check # 11617 in the amount of \$7,962.68.

28 **Harry Seidel made a motion seconded by Alfred Hanson to approve the Manifest by Payee.**
29 **Roll Call Vote Hanson YES Seidel YES Smith NO**

30
31 The Select Board determined that the Manifest for May 27, 2025 and July 8, 2025 were approved at the July
32 8, 2025 Select Board meeting.

33
34 **VII. Public Comment**

35 Rebecca Courser spoke about the wall dividing panels that are outside under a ripped tarp being exposed to
36 the elements. She urged the Select Board to move them to a better location. Mike Smith stated that he asked
37 Tim Allen to move them to the old fire station. Mike Smith agreed to follow up on that.

38
39 John Leavitt explained that everyone is in agreement that finding an auditor is critical. He explained that the
40 Audit Search Committee was established. He stated that Mike Smith is the only Selectmen who has attended
41 the meetings, Harry Seidel and Alfred Hanson have not. John Leavitt stated that the recommendations were
42 thoughtfully submitted but Harry Seidel and Alfred Hanson have chosen to ignore it. He stated that they want
43 to rehire the former auditing firm. He stated that they want to forget about everything the ASC
44 recommended. John Leavitt asked why they formed the ASC and wasted their time. He stated that it makes
45 no sense except they are trying to hide their own agenda of hiring the old auditor.

46
47 Martha Mical asserted that John Leavitt's comments are not true. She explained that the Select Board voted
48 on some of the recommendations made by the ASC. John Leavitt acknowledged the Select Board did vote on
49 some of the recommendations, but they have not acted on a single recommendation. Alfred Hanson
50 explained that the three Selectmen cannot attend the same meeting because that constitute a quorum. Alfred
51 Hanson explained that the ASC was established to be independent from the Select Board. He stated that he

1 and Harry Seidel did not attend the meetings because the intention was for the ASC to work independently
2 from the Select Board. John Leavitt asked why the Select Board has not acted on any of the ASC
3 recommendations. Harry Seidel stated that public comment is not a question and answer session.
4

5 Ginger Marsh asked for an update on the homeless encampment on North Road. Harry Seidel read a
6 prepared statement: *"It has come to our attention that we have a situation on North Road, on town owned
7 property. The Board of Selectmen are working with our contracted welfare agent and Elizabeth her assistant
8 to find a solution."*
9

10 Point of order: John Leavitt stated that he was told Public Comment is not a question and answer session.
11

12 Ginger Marsh stated that her concern is that this be resolved before winter. She spoke about the trash, and
13 generators running all night. Elizabeth Labbe encouraged those affected to submit their concerns in writing.
14

15 James Gaffney stated that there are numerous infractions that he does not understand why this is allowed to
16 continue. He mentioned the infractions are disturbing the peace, trespassing and littering. Elizabeth Labbe
17 explained that she has spoken at length to town counsel who have advised that that the Town will need to
18 place them somewhere, they are the Town's responsibility. She stated that she is working with Carol
19 Conforti-Adams to find placement for them. Elizabeth Labbe stated that she has only been aware of this for
20 a week and she is moving as fast as she can. She assured Ginger Marsh that it will be resolved before winter.
21 Ginger Marsh expressed her frustration because she said this was brought to the Town's attention last
22 October or November and it has taken 11 months to reach Elizabeth. Harry Seidel agreed.
23

24 John Nobel asked for assurance that the sewage treatment issue will be on the agenda until the issue is
25 resolved. Alfred Hanson expressed his frustration that John Nobel has tried repeatedly to contact the sewer
26 district personnel, and he has not received a response. John Nobel requested the precinct contact information
27 to be added to the website. Mike Smith agreed to assist Mr. Nobel.
28

29 **VIII. Meeting Minutes: July 31, 2025 and August 5, 2025**

30 July 31, 2025

31 Page 2 line 48 insert Joann's last name

32 Page 3 Mike Smith requested that the portion of the Select Board meeting (that was not recorded on the
33 zoom video) when the Select Board returned from the non-public session be account for.

34 The Select Board agreed to table the July 31, 2025 meeting minutes.
35

36 August 5, 2025

37 Page 1 line 24 insert to

38 Page 1 line 41 insert this

39 **Harry Seidel made a motion seconded by Alfred Hanson to approve the August 5, 2025 Select Board**
40 **meeting minutes as amended. Roll Call Vote Hanson YES Seidel YES Smith ABSTAINED**
41

42 **IX. Select Board Other Business**

43 -Harry Seidel informed the Select Board that the Trustees of the Trust Funds denied the charges for the
44 cameras that were purchased for town hall. Mike Smith asked if the Trustees have provided a written
45 statement. There was a discussion regarding how the cameras were paid for. The Select Board agreed to
46 hold off until they speak to Tim Allen about the cameras at the transfer station and highway garage.
47 The Select Board agreed to schedule Tim Allen on the agenda for August 26, 2025. James Gaffney stressed
48 that the town has not adopted the camera policy.

49 -Mike Smith stated that he will have a report on the Health Insurance status at the next meeting.

50 -The Select Board reviewed a document from Encore Electric outlining the expense that they have incurred.

-Harry Seidel explained that the Warner school board representative has notified the Town of a meeting on Wednesday September 17, 2025 at 6:00 PM at the Newbury Town Office to discuss the school budget and the consolidating schools. The Select Board agreed to post the information on the town website, upcoming agendas and the library newsletter in an effort to inform the residents.

-Harry Seidel was asked to read the following into the minutes.

This letter is to be read aloud into record at the next Select Board meeting, from the Parks and Rec. Commission. This letter was emailed to the Select Board, Town Administrator, Public Works Director, and the Health Officer (both current and previous). The Town of Warner does not own the beach rights, nor do we bear the liability to test waters or post on the private beach area of Pleasant Pond. The residents surrounding the water body and Pleasant Pond Cooperative, Inc. (private beach area) own the rights to their frontage on the water body. The "beach" front was previously owned by Peter Wyman of Pleasant Lake Estates; it has since changed hands to Pleasant Pond Cooperative, Inc. In 2023, residents from Hartshorn Lane brought concerns to the Select Board of contamination from a private septic leaching into the water body. At that time the health officer did an evaluation, and testing was completed while Peter Wyman was the owner of the beach front area. The results of the test were clear, and Henniker Septic was also contacted to verify the private septic was being maintained. The cost of the test should not have been borne by the town; however, it was. It was brought to our attention that the health officer, per the Town Administrator, a request of the Select Board has been continuing to test the water and pay for it with town funds (the mileage for collection and testing fees). This should be rectified and cease moving forward. We cannot post town signs for water safety at a private beach; this is a liability to our town. Pleasant Pond Cooperative, Inc. (private beach area) bear the liability and cost to do such testing and posting at their beach. After conferring with the Health Officer, he has reached out separately to NHDES, and we have contacted the NHDES Beach program to see if the Co-Op can be included in next year's sampling. However, this will have to be coordinated with the Pleasant Pond Cooperative, Inc. We will forward any responses to them. Sincerely, The Parks and Rec. Commission

Letter from Christopher Lopez:

"I sincerely hope that what April has stated is correct. That being said, I think we have to run this by legal, because I am not 100% certain that it is 100% accurate. As the Town's Health Officer, I will not stop responding to residents' concerns until it has been definitely validated by our attorney that the Town has no liability for the water quality of the pond. I'm looking forward to hearing what legal has to say because I do not love the fact that I now solely responsible for the sampling and transport of the samples to the state lab. Until I have been advised of the town and myself the town's health officer are in no way responsible or liable for the issues that may arise from poor water quality or contamination of the pond, I will not be changing my process. Than you respectfully Chris"

Harry Seidel explained that he contacted the NHMA attorney Steve Buckley to look into this. Harry Seidel noted that if Pleasant Pond is more than 10 acres it is considered a state waterbody, and the responsibility falls to the town. Mike Smith summarized the response from Steve Buckley that states the Town's health officer should be testing the water. He stated that the town is not responsible for posting. Alfred Hanson questions the description between public water and private. He would like to speak to the previous owner Peter Wyman for his input. The Select Board agreed that the town is responsible for testing.

-Mike Smith stated that he received the state form MS 434 (revenue adjustment).

-Mike Smith stated that an application came in for the Welfare position.

-Mike Smith stated that he received information regarding the cell tower lease agreement. He asked the Select Board to review the agreement and put it on the agenda for September 26, 2025.

-Mike Smith advised the Select Board that the Planning Board heard a conceptual consultation on a parcel that is facing some hurdles.

-Mike Smith advised the Select Board that the Planning Board received a complaint that came on Map 7 Lot 43 that they redirected to the Select Board. He suggested adding that to the next agenda.

X. Non-Public Session (If needed, RSA 91-A:3 II (a,b,c,d,e,f,g,h,i,j,k,l,m))

None

XI. Adjournment

Mike Smith made a motion seconded by Alfred Hanson to adjourn the August 19, 2025 Select Board meeting. Roll Call Vote Hanson YES Seidel YES Smith YES

- 1 The meeting adjourned at 9:51 PM
- 2 Respectfully submitted on 8/22/25 by Tracy Doherty

DRAFT