

MINUTES OF THE TOWN of WARNER TOWN MEETING

POLLS OPEN FROM 8:00 A.M. TO 7:00 P.M.
TUESDAY, MARCH 8, 2005

*To the Inhabitants of the Town of Warner, New Hampshire in the County
of Merrimack in said State, qualified to vote in Town Affair:*

ARTICLE 1: To choose all necessary Town Officials for the year ensuing:

Selectman for 3 years:	Wayne Eigabroadt	498
Selectman for 2 years:	Dennis Barnard	188
	David Hartman	471
Selectman for 1 year:	Richard Cook	596
Budget Committee, 2 positions for 3 years:	Paul DiGeronimo	309
	David B. Karrick Jr	326
	Marc Violette	451
Trustee of Pillsbury Free Library, 3 positions for 3 years:	Susan L. Hemingway	508
	Paige S. Doherty	493
	Judith Pellitierre	46 (write-in)
Supervisor of the Checklist, 1 position for 3 years:	Christine J. Perkins	627
Chandler Reservation Committee, 1 position for 4 years:	Richard M. Cutting	604
Chandler Reservation Committee, 1 position for 3 years:	Stephen Hall	609
Trustee of Trust Funds, 1 position for 3 years:	David B. Karrick Jr	579
Trustee of Town Cemeteries, 1 position for 3 years:	Kenneth Cogswell	609
Almoners of Foster & Currier Funds, 1 position for 3 years:	Gerald Courser (write-in)	

The following Zoning Ordinance Amendments are the condensed versions of the full Zoning changes being proposed and recommended by the Planning Board. The complete versions were available at the Planning Board Office, the Selectmen's Office and at the polls on Election Day.

ARTICLE 2. To see if the Town will vote to amend Article III, Definitions, of the Warner Zoning Ordinance by adding the following:

- **“Buffer from Existing Highway”** means open space that is preserved between the boundary of the right of way of a town or state highway existing as of the date of enactment of this amendment to the Zoning Ordinance and the nearest boundary of any new developable lot. Buffer area is part of common open space.
- **“Buildable Area”** means total acreage of the parcel or lot *minus* the following:
 - 1) Slopes in excess of 25%;
 - 2) Waterways, including streams, rivers, ponds, lakes and other water course or water bodies;
 - 3) Wetlands;

- 4) Poorly drained or very poorly drained soils as defined by the New Hampshire Department of Environmental Services Water Division;
- 5) Land within existing highway or utility rights of way;
- 6) Land within a 100 year floodplain or floodway as determined by the Federal Emergency Management Agency;
- 7) Areas which are subject to an easement or a right of way that limits building or development, in favor of the Town, County, State, or Federal Government, or any third party.
- **“Common Open Space”** means land and water that is not subdivided for development but is permanently preserved by one of the options specified in Article XIV of this ordinance. Common open space shall not include private lot areas, street and highway rights of way (public or private), utility rights of way, or parking areas.
- **“Major Subdivision”** means any subdivision not classified as a Minor Subdivision.
- **“Minor Subdivision”** means any subdivision which creates three (3) or fewer lots or condominium units which does not require the construction of any new street or the extension of municipal facilities, and which is not in conflict with any duly accepted or approved street, plan or map.

YES – 455 NO - 197

ARTICLE 3. To see if the Town will vote to amend Article XI, Commercial District C-1 of the Warner Zoning Ordinance as follows:

- C. Frontage, lot, and yard requirements [remains the same]
 - 1. **Lots developed for commercial purposes: [new heading]**
 - A. Frontage and Minimum Buildable Lot Area: [remains the same]
 - B. Yard requirements: [remains the same]
 - 2. **Lots developed for residences: Lots developed for residential use within the C-1 District shall be subject to the frontage, lot and yard requirements specified in Article VI-C of this ordinance. [new section]**

YES – 463 NO – 183

ARTICLE 4. To see if the Town will vote to create a new Zoning District to be known as Article XI-A, Warner Intervale Overlay District, and amend Table I – Use Regulations accordingly:

Article XI-A Warner Intervale Overlay District INT

The Warner Intervale Overlay District encompasses that portion of Warner’s commercial district to the east and in immediate proximity to Interstate 89 Exit 9, between the Interstate and the intersection of State Route 103 and North Road (REF MAP). The purpose of the Intervale Overlay District is to provide a framework for development in this area as a commercial and social hub for the community, compatible with Warner’s character as an historic New England town, and providing an appropriate entrance to the Village, which lies less than a mile to the south. It is critical that development in this area reflect the character of the town as it has grown and developed for over 200 years, including elements of architecture, scale and setting of buildings and roadways into the landscape, landscaping features, and features that accommodate and encourage non-vehicular traffic.

At the same time, it is important to recognize the importance of the Intervale area as a major junction and stopping point for travelers and shoppers. Their needs must be accommodated, as must the realities of the high volume of traffic they bring to this area. It is important that development in the Intervale District be capable of safely handling this traffic, further enhancing visitors’ and residents’ experience of the Intervale area.

To achieve these goals, in addition to the provisions that apply to the C-1 District of which the Intervale Overlay District is a part, the following provisions shall apply to the Warner Intervale Overlay District:

- A. Uses permitted by right shall be those designated by the letter P in column INT of Table 1, and that Table with Column INT only is hereby made a part of this Article.
- B. Uses permitted only by special exception of the Zoning Board of Adjustment shall be those designated by the letter S in column INT of Table 1.
- C. Accommodation shall be provided within and between developed parcels for non-vehicular travel, specifically including travel by foot and bicycle.

YES – 473 NO – 174

ARTICLE 5. To see if the Town will vote to add the Open Space Development text as Article XIV, which will replace the current Article XIV, Cluster Development in its entirety:

Article XIV Open Space Development

- A. Purpose: The purpose of this Article, in accordance with RSA 674-21-1, is to assist in preserving Warner's rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:
1. To implement objectives of the Warner Master Plan.
 2. To maintain and protect Warner's rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, stream corridors, wetlands, floodplains, shorelands, ridge topes, steep slopes, critical species habitat, and sensitive natural areas.
 3. To preserve scenic views and to minimize views of new development from existing streets.
 4. To provide for the unified and planned development of major subdivisions for residential uses, incorporating large areas of permanently protected common open space.
 5. To encourage development that is consistent with Warner's historic land use patterns of village-like areas where buildings and residences are grouped, surrounded by areas of open space used for agriculture, forestry, recreation, and similar purposes.
 6. To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard subdivision regulations, in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of Warner's landscape.
 7. To increase flexibility and efficiency in the siting of services and infrastructure.
 8. To create groups of dwellings with direct visual and physical access to open space.
 9. To permit recreational use of common open space.
- B. Applicability. This Article shall apply to all building lots created by Major Subdivision in the R-2, R-3, OC-1 and OR-1 zones after the date of adoption of this Article.
1. Exceptions:
 - a. In R-2 Zone, this article shall not apply to subdivision of lots with acreage less than 12 acres prior to subdivision. Such subdivisions shall be subject to the frontage, minimum Buildable Area and yard requirements specified in Article VI-C-1 of this Ordinance.
 - b. In the R-3 Zone, this article shall not apply to subdivisions in which all lots in the completed subdivision have a minimum lot size of twelve (12) acres. Such subdivisions shall be subject to the frontage, minimum Buildable Area, and yard requirements specified in Article VII-C-1 of this Ordinance. Any lots created under this exception shall be prohibited from further subdivision.
 - c. In the OC-1 Zone, this article shall not apply to subdivisions in which all lots in the completed subdivision have a minimum lot size of twelve (12) acres. Such subdivisions shall be subject to the frontage, minimum Buildable Area, and yard requirements specified in Article VII-C-1 of this Ordinance. Any lots created under this exception shall be prohibited from further subdivision.
 - d. In the OR-1 Zone, this article shall not apply to subdivisions in which all lots in the completed subdivision have a minimum lot size of fifteen (15) acres. Such subdivisions shall be subject to the frontage, minimum Buildable Area, and yard requirements specified in Article IX-C-1 of this Ordinance. Any lots created under this exception shall be prohibited from further subdivision.
 - e. This article shall not apply to subdivisions which are defined as Major subdivisions by virtue only of the fact that they require the construction of any new street or the extension of municipal facilities, but which do not result in the creation of more than three (3) new lots. Such subdivisions shall be subject to the frontage, minimum Buildable Area, and yard requirements specified in Article VI-C-1, VII-C-1, VIII-C-1, or IX-C-1 of this Ordinance, as appropriate to the Zone in which they are located.

C. Density and Dimensional Standards. The following density and dimensional standards shall apply to residential development that is subject to this Article.

OPEN SPACE ZONING DENSITY AND DIMENSIONAL STANDARDS

ZONE	R-2	R-3	OC-1	OR-1
Minimum Parcel Area before Subdivision (acres)	12	12	20	20
Maximum Density	1 unit per 2 acres of Buildable Area	1 unit per 3 acres of Buildable Area	1 unit per 5 acres of Buildable Area	1 unit per 5 acres of Buildable Area
Minimum Lot Area After Subdivision	1.0 acre	1.0 acre	1.5 acre	1.5 acre
Minimum Frontage from Existing Highway	75'	75'	75'	75'
Minimum Frontage Per Lot	100'	125'	150'	150'
Minimum Front Yard (to right-of-way)	30'	30'	40'	40'
Minimum Common Open Space (percentage of Gross Land Area; at least 25% of Common Open Space must be Buildable Area)				
Parcel size <= 40 acres	30%	50%	60%	60%
Parcel size > 40 acres	30%	60%	60%	60%

D: Ownership and Maintenance of Common Open Space. To restrict common open space from further subdivision and/or land development, and to ensure adequate planning for ownership and maintenance of open space, open space shall be owned and its management provided for by deed restriction, conservation easement, or other agreement as specified in this Section, in a form acceptable to the Planning Board upon recommendation of the Town Attorney and duly recorded in the office of the County Registry of Deeds.

1. Ownership. The following methods may be used, either alone or in combination, to own common open space.
 - a. Homeowners' Association or Condominium Association or similar form of common ownership set up by the developer and made a part of the deed or agreement for each lot or dwelling unit. This form of ownership may only be used where all Common Open Space within the development is held in common.
 - b. Fee simple dedication to a private nonprofit organization such as a conservation trust or Society for the Protection of New Hampshire Forests.
 - c. Dedication of conservation easements to a public agency such as the Town of Warner.
 - d. Dedication of conservation easements to a private nonprofit organization such as a conservation trust or Society for the Protection of New Hampshire Forests.
 - e. Ownership retained by the original landowner. Ownership of common open space may be retained by the original landowner provided that the Town of Warner or another entity approved by the Planning Board shall hold conservation easements on the land protecting it from any further development
 - f. Undivided fractional ownership by each development lot owner in the Common Open Space of the development as a right appurtenant to lot ownership which runs with the lot, subject to the restrictions on the Common Open Space.
 - g. Other methods acceptable to the Planning Board upon recommendation by the Town Attorney.

3. Approval. Prior to approval of subdivision of any parcel, the developer must submit documentation of the plan for ownership and management of common space in accordance with this section. All such documentation will be subject to review by legal counsel, the Central New Hampshire Regional Planning Commission, the Warner Conservation Commission, and any third parties named in such documentation, as deemed appropriate by the Planning Board, and to review and approval by the Planning Board, prior to approval of the proposed subdivision.

E. Ownership and Maintenance of Common Areas or Components. In cases where the proposed development results in areas or project components (such as roads, driveways, or utilities) of common ownership, there shall be established procedures and responsibilities for perpetual maintenance of such areas or components by the inclusion of covenants running with the land in the deeds or other instruments of conveyance delineating such areas in accordance with RSA 479:A as from time to time amended; and

1. Obligating purchasers to participate in a Homeowners' Association, Condominium Association or similar form of common ownership (which participation shall be automatic upon conveyance of title or lease to individual dwelling units), and to support maintenance of the open areas by paying to the Association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments;
2. Obligating such an Association to maintain the common areas and/or components;
3. Empowering the Town, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance, and;
4. Providing for agreements that, if the Town is required to perform any maintenance work on such areas or components, said purchasers would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid.

Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Planning Board;

F. OTHER REQUIREMENTS

1. Streets. Streets and/or common private driveways proposed to access lots within the subdivision shall conform to the requirements of Warner's Subdivision Regulations. If any common private roads or driveways are proposed, provision for their maintenance shall be made in the Subdivision Plan and shall be subject to approval by the Planning Board.

ARTICLE 6. To see if the Town will vote to amend Article XII, Sign Ordinance as follows:

2. No flashing, or animated, or internally illuminated signs shall be allowed in any District. [text added]

YES – 469 NO - 197

ARTICLE 7. To see if the Town will vote to amend Article VI, Medium Density Residential District [R-2]; Article VII, Low Density Residential District [R-3]; Article VIII, Open Conservation District [OC-1]; and Article IX, Open Recreational District [OR-1] by adding the following text to the Provisions section, “C. Frontage, lot and yard requirements” (the same text added to each article):

C. Frontage, lot, and yard requirements:

1. **Lots created by Minor Subdivision shall be subject to the following requirements: [text added]**
[Change current “1.”, Frontage and Minimum Buildable Lot Area, to “a.”, and current “2.”, Yard requirements, to “b.” The current frontage, minimum buildable lot area and yard requirements stated in the current Zoning Ordinance remain the same]
2. **Lots created by Major Subdivision shall be subject to the requirements of Article XIV, “Open Space Development”. [text added]**

YES – 430 NO - 202

ADJOURN TO WEDNESDAY, MARCH 9, 2005

At 7:00 PM, Wednesday, March 9, in the Warner Town Hall, 5 East Main Street, Warner, New Hampshire, Raymond Martin introduced himself as the Moderator of the 2005 Annual Meeting of the Town of Warner. The crowd of about 200 residents stood to Pledge Allegiance to the American Flag and Reverend J. Jermain Bodine of the United Church of Warner lead the invocation.

The Moderator briefly highlighted the activities, involvement and accomplishments over the past 95 years of Mr. Robert “Pud” Ellsworth to whom Warner’s 2004 Town Report was dedicated. He next recognized the dedication of Barbara Bartlett, retiring after nine years as Warner’s representative to the Kearsarge Regional School Board.

The Moderator stated 704 voters, 35% of Warner’s total registered voters cast their votes for Town and School Officials, Town Zoning Amendments and School issues. He read the results of the elections. (Totals are recorded in the beginning of this document)

Selectman Wayne Eigabroadt thanked the voters for electing him and then thanked and acknowledged resigned Selectman John Brayshaw’s 6 years of service and also recognized outgoing Selectman Peter St. James

Moderator Martin relayed the rules of the meeting. He introduced Budget Committee Chairman, Michael Cutting, who presented a PowerPoint presentation of the 2005 Budget.

Mr. Cutting explained that the Selectmen did not originally support Article 8, but in continuing the cooperation between the Budget Committee and the Board of Selectmen, a compromise will be presented.

ARTICLE 8. To see if the Town will vote to direct the Board of Selectmen to hire a Professional Administrator to assist the Board of Selectmen in carrying out their responsibilities and to appropriate \$35,000 (Thirty-Five Thousand Dollars) for salary and benefit costs for 2005. (Submitted by Petition)(Not Recommended by the Selectmen, Recommended by the Budget Committee and included in the Budget**).**

Moderator read Article 8.

Motion to Move the Question. Second.

Discussion followed.

Mr. Dabuliewicz made an Amendment to Article 8:

1. Direct the Board of Selectmen to:
 - A. First work with the New Hampshire Municipal Association/Local Government Center to determine the needs, optimum design, desired qualifications, specific job description and suggested compensation for a position of professional administrator to assist the Selectmen to carry out their responsibilities;
 - B. Then hold at least one public hearing to present the results of the efforts under #1 A above, including the proposed job description and suggested compensation, and receive public comment on the proposals; and
 - C. Then finalize the proposed job description and compensation and recruit and hire a person for the position through an open hiring process.
2. Appropriate \$35,000 (Thirty Five Thousand Dollars) for compensation (salary and benefits) for the position of professional administrator to cover the period from the time the person is hired until the end of 2005.

A second was made to the amendment.

Point of clarification: The Moderator stated that if Article 8 passed as amended, Article 9 would be passed over.

Calling for and hearing no discussion, Moderator called for a voice vote on the amendment to Article 8.

Majority in Favor. **Amendment Passed.**

Voice vote on Article 8 as amended. Majority in Favor. **Article 8 as Amended, Passed.**

ARTICLE 9. To see if the Town will authorize the Selectmen to work with the New Hampshire Municipal Association (NHMA)/Local Government Center in determining the need and costs associated with the creation of a Town Administrator position. **(Recommended by the Selectmen)**

Article 9 Passed Over.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$250,000.00 (Two Hundred and Fifty Thousand Dollars). The amount of \$237,500.00 (Two Hundred and Thirty Seven Thousand, Five Hundred Dollars) will be a Grant for the purchase of the Fire Department Tanker. The balance of \$12,500.00 (Twelve Thousand Five Hundred Dollars), to be raised by taxation. If the Grant is not received no money will be expended. **(Recommended by the Selectmen, the Budget Committee and included in the Budget)**

Moderator read Article 10:

Motion to Move the Question. Second.

Discussion followed.

Calling for and hearing no further discussion, Moderator called for a vote..

Voice vote on Article 10. Majority unanimously in Favor. **Article 10 Passed.**

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of \$80,000.00 (Eighty Thousand Dollars) to be added to the existing Fire Department Building/Renovation Capital Reserve Fund. **(Recommended by the Selectmen, the Budget Committee, and included in the Budget)**

Moderator read Article 11:

Motion to Move the Question. Second.

Discussion followed

Calling for and hearing no further discussion, Moderator called for a vote.

Voice vote on Article 11. Majority unanimously in Favor. **Article 11 Passed.**

ARTICLE 12. To see if the Town will vote to raise and appropriate the sum of \$70,000.00 (Seventy Thousand Dollars) for a mandated Statistical Update of the Assessed Values for the Town of Warner to be started in 2005. **(Recommended by the Selectmen, the Budget Committee, and included in the Budget)**

Moderator read Article 12:
Motion to Move the Question. Second.
Discussion followed

Motion to Move the Question. Voice Vote. Ayes in the Majority.
Voice Vote on Article 12 as presented. Ayes in the Majority. **Article 12 Passed.**

ARTICLE 13. To see if the Town will vote to raise and appropriate the sum of \$58,000.00 (Fifty Eight Thousand Dollars) for the purpose of purchasing a 1 ½ ton dump truck for the Highway Department. **(Recommended by the Selectmen, the Budget Committee, and included in the Budget).**

Moderator read Article 13:
Motion to Move the Question. Second.
Discussion followed

Motion to Move the Question. Voice Vote. Ayes in the Majority.
Voice Vote on Article 13 as presented. Ayes in the Majority. **Article 13 Passed.**

ARTICLE 14. To see if the Town will vote to raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) to add to the Capital Reserve Fund for the Re-Construction of East Roby District Road. **(Recommended by the Selectmen, the Budget Committee, and in the Budget)**

Moderator read Article 14:
Motion to Move the Question. Second.
Discussion followed

The question was asked if there could be a paper ballot. Moderator said he would take another question before he answered.

Discussion followed
Motion to Move the Question. Voice Vote. Ayes in the Majority.
Voice Vote on Article 14 as presented. Ayes in the Majority. Article 14 Passed.

Fred Hill said he would like to challenge the Chair. He said there was a request for a paper ballot earlier. The Moderator said he recalled that there was, called for and counted 6 voters in agreement for requesting a paper ballot. Moderator explained which color ballot to use and after everyone had voted, the ballots would be counted.

Paper Ballot results for Article 14: **YES - 128** NO – 51 **Article 14 Passed.**

ARTICLE 15. To see if the Town will vote to raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) to add to the Highway Equipment Capital Reserve Fund and to further appoint the Selectmen as Agents to expend from this fund (per RSA 35:1) **(Recommended by the Selectmen, the Budget Committee, and included in the Budget)**

Moderator read Article 15:
Motion to Move the Question. Second.
No discussion.
Voice Vote on Article 15 as read. Ayes in the Majority. **Article 15 Passed.**

ARTICLE 16. To see if the Town will vote to raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) to be added to the Conservation Fund in accordance with RSA 36-A:5, III as an additional source of revenue appropriated for the purpose of conserving open land in Warner. **(Recommended by the Selectmen, the Budget Committee, and included in the Budget)**

Moderator read Article 16:
Motion to Move the Question. Second.

Discussion followed
Motion to Move the Question. Voice Vote. Ayes in the Majority.
Voice Vote on Article 16 as presented. Ayes in the Majority. **Article 16 Passed.**

ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of \$37,508.00 (Thirty Seven Thousand Five Hundred Eight Dollars) to be added to the existing Expendable Trust Fund for the repair of the Town Hall roof. **(Recommended by the Selectmen, the Budget Committee, and included in the Budget)**

Moderator read Article 17:
Motion to Move the Question. Second.
Discussion followed

Martha Bodnarick made a motion to move the question. Second. Voice Vote. Ayes in the Majority.
Voice Vote on Article 17 as presented. Ayes in the Majority. **Article 17 Passed.**

ARTICLE 18. To see if the Town will vote to raise and appropriate the sum of \$27,200.00 (Twenty Seven Thousand Two Hundred Dollars) for the purchase of a new Police Cruiser. (Recommended by the Selectmen, the Budget Committee, and included in the Budget)

Moderator read Article 18:
Motion to Move the Question. Second.
Discussion followed

Motion to Move the Question. Voice Vote. Ayes in the Majority.
Voice Vote on Article 18 as presented. Ayes in the Majority. **Article 18 Passed.**

ARTICLE 19. To see if the Town will vote to raise and appropriate the sum of \$25,000.00 (Twenty Five Thousand Dollars) to be used for the purchase of a Bobcat for use at the Transfer Station. (Recommended by the Selectmen, the Budget Committee, and included in the Budget)

Moderator read Article 19:
Motion to Move the Question. Second.
Discussion followed

Motion to Move the Question. Voice Vote. Ayes in the Majority.
Voice Vote on Article 19 as presented. Ayes in the Majority. **Article 19 Passed.**

ARTICLE 20. To see if the Town will vote to raise and appropriate the sum of \$11,000.00 (Eleven Thousand Dollars) for the replacement of windows at the Old Grade School. (Recommended by the Selectmen, the Budget Committee, and included in the Budget)

Moderator read Article 20
Motion to Move the Question. Second.
Discussion followed

Seeing no more questions or discussion, Moderator called for a Vote on Article 20 as presented.
Voice Vote on Article 20. Ayes in the Majority. **Article 20 Passed.**

ARTICLE 21. To see if the Town will vote to raise and appropriate the sum of \$10,000.00 (Ten Thousand Dollars) for the preservation of Town records. **(Recommended by the Selectmen, the Budget Committee, and included in the Budget)**

Moderator read Article 21
Motion to Move the Question. Second.
Discussion followed.

Justin Solomon made a Motion to Move the Question. Voice Vote. Ayes in the Majority.

Voice Vote on Article 21 as presented. Ayes in the Majority. **Article 21 Passed.**

ARTICLE 22. To see if the Town will vote to raise and appropriate the sum of \$5,000.00 (Five Thousand Dollars) to be added to the existing Forest Fire Expendable Trust Fund. **(Not Recommended by the Selectmen, Recommended by the Budget Committee, and included in the Budget).**

Moderator read Article 22
Motion to Move the Question. Second.
Discussion followed.
Seeing no more questions or discussion, Moderator called for a Vote on Article 22 as presented.
Voice Vote on Article 22. Ayes in the Majority. **Article 22 Passed.**

A **Motion** was made by Christine Perkins:
To restrict reconsideration on Articles 8, 10,11,12,13,14,15,16,17,18,19,20,21,22. Second.

Moderator explained the results of approving the Motion to Restrict.
Seeing no discussion, Moderator called for a Vote on the Motion.
Voice Vote on the Motion. Ayes in the Majority. **Motion Passed.**

ARTICLE 23. To see if the Town will vote to raise and appropriate the sum of \$5,000.00 (Five Thousand Dollars) to be added to the existing Expendable Trust Fund for the Cemeteries (per RSA 31:19-a) to be used for Town Cemeteries Head Stone restorations. **(Recommended by the Selectmen, the Budget Committee and included in the Budget).**

Moderator read Article 23
Motion to Move the Question. Second.
Discussion followed
Seeing no further discussion, Moderator called for a Vote on Article 23 as presented.
Voice Vote on Article 23. Ayes in the Majority. **Article 23 Passed.**

ARTICLE 24. To see if the Town will vote to raise and appropriate the sum of **\$3,185,752.00** (Three Million One Hundred Eighty Five Thousand Seven Hundred Fifty Two Dollars) which represents the bottom line of the posted budget as recommended by the Budget Committee.(Recommended by the Selectmen)(Said sum is inclusive of all Articles included by the Budget Committee) Majority Vote Required.

Moderator read Article 24
Motion to Move the Question. Second.

Fred Creed made a request for a paper ballot vote. Moderator counted 6 voters in agreement.
Discussion followed

Henry Garcia made a **Motion:**

Limit the increase of the entire budget, not singling out any essential service, by applying a cap of 5% as the increase. Second.

Mr. Garcia explained that his intent was to use the 2004 Actual Expenses and cap the 2005 budget with a 5% increase over that amount. He said he is proposing to take what was expended in 2004 and multiply that by 1.05 to create the 2005 operating budget.

Questions and comments followed

Mr. Cutting said, the 2004 Town Expenditures were \$2,165,505.34; with the 5% cap the Town Expenditures would be: \$2,273,780.20
Discussion followed

Steven Lindblom asked to move on the Amendment.
Discussion followed

Moderator called for a Vote to cease discussion on Article 24
Voice Vote. Ayes in the Majority. Discussion ceased.

Moderator restated the amendment to Article 24:

Take the amount expended in the 2004 Town Budget for operational expenses and cap that at a 5% increase and roughly decrease the total budget by \$148,263.

Moderator said a paper ballot vote was requested on the original Article, not the amendment.

A voter and 6 additional voters requested a paper ballot on the amendment.

Moderator announced the results of the paper ballot vote on the amendment to Article 24:

YES - 32 NO - 124 **Amendment to Article 24 Defeated**

Moderator announced the results of the paper ballot vote on Article 24:

YES - 129 NO - 24 **Article 24 Passed**

A **Motion** was made by Michael Cutting:

To restrict reconsideration on Articles 23 and 24. Second.

Voice Vote on the Motion. Ayes in the Majority. **Motion Passed.**

ARTICLE 25. To see if the Town will vote to approve an "Option Agreement" between the Town of Warner and the "Odd Fellows Block Partnership" for the purpose of purchasing the Odd Fellows Building at 10 Church Street, Warner, NH that will return the building to a usable condition and maintain its historic architectural integrity. Said "Option Agreement" shall expire on December 30, 2005, unless exercised by parties and upon payment to the Town of Warner.

Moderator read Article 25

Motion to Move the Question. Second

Discussion followed

Moderator said there was a Motion to end the debate.

Moderator called for a Vote. Majority in Favor. **Motion to end debate Passes.**

Moderator called for a vote on Article 25 as presented.

Voice Vote on Article 25. Ayes in the Majority. **Article 25 Passed.**

ARTICLE 26. To see if the Town will vote to amend the Solid Waste Ordinance by deleting the last paragraph I Article II Sec. 1 which states: "Upon special arrangements with the WTRS Supervisor, recyclables from other towns will be accepted at the discretion of the Board of Selectmen." AND INSERT the following text in its place: "Recyclables from other towns may be accepted only after an affirmative vote to do so, as voted at an Annual Town Meeting." (Submitted by Petition) (Recommended by the Selectmen)

Moderator read Article 26
Motion to Move the Question. Second.
Discussion followed

Martha Mical made a Motion to move the question. Moderator said he would recognize those hands that are up for comments first.
Discussion continued.

Moderator called for a Motion to end debate. Voice Vote. All in Favor to end debate. **Motion Passed.**

Moderator called for a vote on Article 26 as presented. Voice vote. Moderator in doubt. Show of hands called for.
YES - 45 NO – 73 Majority Against. **Article 26 Defeated.**

ARTICLE 27. To see if the Town will vote to adopt the amended change to the Solid Waste Ordinance, by requiring all "dumpster" users, commercial or residential, to pay all costs for disposal of their trash at the Concord Regional Cooperative (effective date June 1, 2004), as enacted by the Selectmen on May 25, 2004 per RSA 149-M:17 and RSA 31:39.

Moderator read Article 27
Motion to Move the Question. Second.
Discussion followed

Martha Mical made a **Motion** to move the Question. Moderator called for a voice Vote. All in Favor. **Motion Passed.**

Moderator called for a vote on Article 27 as presented. Voice Vote. Majority in Favor. **Article 27 Passed.**

ARTICLE 28. -Whereas Genetically-Modified or Genetically-Engineered, (also referred to as "GE" or "GMO"), foods and crops, have not been proven safe, may cause long-term damage to the environment, pose a clear threat to the integrity of rural, family farm economies, and can have serious impacts on human health;
-Whereas GE crops have been found to contaminate other crops through cross-pollination, and are stringently regulated in more than 30 countries;

-Whereas citizens throughout the United States are taking steps to address concerns about GE foods at the state and local levels.

-Whereas Congress and federal regulatory agencies have failed to adequately address this issue, therefore be it resolved that the residents of Warner, New Hampshire:

1.Call upon our elected officials, including New Hampshire legislators, Congressional representatives and U.S. Senators, to support mandatory labeling by manufacturers and processors of all genetically engineered food and seeds, as well as a moratorium on the further growing of GE crops until there is credible and independent scientific evidence that these products are not harmful to our health, the environment, the survival of family farms, and economic sustainability in a World Market that, increasingly, opposes GMO products.

2.Declare our support for legislation at the state and federal levels that will shift all liability from farmers to the commercial developers of GMO technology for any damages resulting from the growing of GMO or GE crops, and Cross-Pollination of crops grown from conventional, (NON-GMO), seed stock.

3.Declare our opposition to the planting of genetically engineered seeds in the Town, and resolve to actively discourage the planting of GE seeds, as a step toward making New Hampshire a GE-free planting zone by the 2005 growing season. (Submitted by Petition)

Due to the late hour and the length of the Article, the Moderator asked if he could refrain from reading Article 28 Majority in agreement. Motion to Move the Question. Second.
Discussion followed

Motion to move the Question. Moderator called for a voice Vote. All in Favor. **Motion Passed.**

Moderator called for a vote on Article 28 as presented. Voice Vote. Majority in Favor. **Article 28 Passed.**

ARTICLE 29. To accept reports of the Town Officers heretofore chosen and Committee appointed as published in the Annual Town Report and to pass any vote relating thereto.

Moderator read Article 29
Motion to Move the Question. Second.
No discussion followed

Moderator called for a vote on Article 29 as presented. Voice Vote. Majority in Favor. **Article 29 Passed.**

ARTICLE 30. To see if the Town will vote under RSA 31:39 to permit the Board of Selectmen to adopt bylaws on behalf of the Town of Warner until the next Annual Meeting.

Moderator read Article 30
Motion to Move the Question. Second.
No discussion followed

Moderator called for a vote on Article 30 as presented. Voice Vote. Majority in Favor. Article 30 Passed.

ARTICLE 31. To transact any other business that may come before said Meeting.

Motion to Adjourn. Second.
Voice Vote. Majority in Favor. Meeting Adjourned at 10:50 PM.

Respectfully Submitted,

Judith A. Rogers,
Warner Town Clerk