

Town of Warner

Town Clerk's Office
Office Hours: Mon, Wed, Thurs
8 – 3 PM & Tues: 8 – 6 PM

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MINUTES OF THE TOWN OF WARNER ANNUAL MEETING MARCH 11, 2008

ARTICLE 1: To choose Town Officers for the ensuing year:

Selectman for 3 Years	Wayne Eigabroadt	153
	David B Karrick Jr	343
Budget Committee for 3 Years	Marc Violette	400
	Clyde Carson	340
Budget Committee for 1 Year	David B Karrick Jr	409
Moderator for Two Years	Raymond Martin	471
Trustee of Pillsbury Library, 3 Yrs	Frederick Moe	369
	Rhonda Rood	403
	Carol McCausland	394
Trustee of Pillsbury Library, 1 Yr	Susan Hemingway	447
Supervisor of the Checklist, 6 Yrs	Christine J Perkins	466
Chandler Reservation for 4 Years	Robert DeAngelis	100
	Stephen Hall	330
Trustee of Trust Fund for 3 Years	David B Karrick Jr	406
Trustee of Town Cemeteries, 3 Yrs	Kenneth W Cogswell	454
Almoners of Foster & Currier Funds for 3 Years	Penny Courser	30 *Write-In

Zoning Changes are proposed by the Town of Warner Planning Board to the Floodplain Development Ordinance, in order to continue to comply with the National Flood Insurance Program, as follows: (NOTE: All additions are underlined and deleted items are crossed out.)

ARTICLE 2. YES - 320 NO - 135

Are you in favor of the adoption of Article 2:

Item I, Definitions:

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Delete “Breakaway wall” as follows:

~~“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.~~

ARTICLE 3: YES – 318 NO - 133

Are you in favor of the adoption of Article 3:

Amend Item IV, Permit Required, by deleting “all new or substantially improved structures” and replace it with “all development” to read as follows:

An application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer/Building Inspector for ~~all new or substantially improved structures~~ all development located in Zones A or AE. The Code Enforcement Officer/Building Inspector may grant the permit, deny the permit, or determine that further consideration is necessary by the Planning Board. The applicant shall furnish the following information: [continues to items a-j]

ARTICLE 4: YES – 327 NO - 116.

Are you in favor of the adoption of Article 4:

Amend Item VII, Flood Elevation Determination, Floodproofing Standards, paragraph 1. b., by deleting “unnumbered,” as follows:

In ~~unnumbered~~ A zones the Code Enforcement Officer/Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).

ARTICLE 5: YES - .326 NO - 118

Are you in favor of the adoption of Article 5

Amend Item VII, Flood Elevation Determination, Floodproofing Standards, paragraph 2. a., by inserting Zone A, as follows:

All new construction or substantial improvement of residential structures in Zone A have the lowest floor (including basement) elevated to or above the 100 yr flood elevation; [continues to b]

ARTICLE 6: YES - 304 NO - 132

Are you in favor of the adoption of Article 6:

Amend Item VII, Flood Elevation Determination, Floodproofing Standards, paragraph 2. d., by inserting Zone A, as follows:

All recreational vehicles placed on site within Zones A & AE shall either: [continues to items i-iii]

ARTICLE 7: YES - 308 NO - 138

Are you in favor of the adoption of Article 7:

Reduce 75% to 50% in Item IX, Non-Conforming Uses, paragraph 6., to read as follows:

If any non-conforming use or structure is destroyed by any means, including flood(s), to an extent of ~~75%~~ 50% or more of its value, it shall not be reconstructed except in the conformity with the provisions of this Ordinance

CONTINUED TO WEDNESDAY, MARCH 12, 2008

In the main room of the Town Hall at 5 East Main Street, Warner, New Hampshire, at 7:05 PM, on Wednesday, March 12, 2008, Moderator Raymond Martin opened the 2008 Town of Warner Annual Meeting. He introduced himself. The crowd of about 180 rose to recite the Pledge of Allegiance and Reverend Jay Bodine of the United Church of Warner offered an invocation. Reverend Bodine asked for, "civility and graciousness in attending to the common good and needs of the community." He also asked for, "a moment of gratitude for those who worked hard to keep the roads clear in this long, snowy winter."

Paul Violette was called upon to present the dedication of the 2007 Town Report to Richard "Cut" Cutting. Mr. Violette informed the audience that Mr. Cutting was absent from the meeting due to being in another part of the country, but would be returning soon.

Mr. Violette said "Cut" is a Warner native. He said he has known the Cutting family for forty years and worked with "Cut" at the Merrimack Telephone Company, Contoocook, for as many years. He said "Cut" has served the Town in many roles but two areas in which he has given much of his time, expertise, energy, service and volunteerism are the Warner Fire Department and Fall Foliage Festival. He said a monetary value can not be placed on the contributions Mr. Cutting has made, he is a "behind the scenes" guy and his creation and work on the Warner Web site has provided a beneficial service to many.

Mr. Violette described Mr. Cutting's personality as, "'unique'- he stands out in your mind, once you meet or talk to him" and he has the, "true depth and knowledge of a New Hampshire native" The audience joined Mr. Violette in giving "Cut" a round of applause.

Moderator Martin asked for acknowledgement and appreciation for the many volunteers on town committees, boards and organizations – people who keep the town going, keep it what it is and preserve what is liked about Warner. Applause followed. He added that new volunteers are always welcome.

Moderator Martin recognized out-going Selectman, Wayne Eigabroadt for his 3 1/2 years of service, his help and involvement in town. The audience responded with applause.

Official, zoning and school election results from Tuesday, March 11, 2008, were read by the Moderator. He said 24%, or 497, of the total registered voters voted, voter turnout fell in line with past years and he thanked those who took the time to vote. He declared the results as final and asked new officials to go to the Town Clerk's office to be sworn into office. (Official and zoning results recorded at the beginning of these minutes. School results filed with minutes.)

The Moderator announced a budget presentation would be made by Selectman Chairman David Hartman followed by Budget Committee Chairman, Michael Cutting.

Selectman Hartman included in his presentation the following:

- Congratulations to Nancy Ladd, Warner's Pillsbury Free Library Librarian, recipient of the New Hampshire 2007 Library of the Year; a ceremony was held last summer (applause followed)
- Dedication in Memoriam in the Town Report to Thomas H. E. Chandler, stating the appreciation the Warner Village Water District had for Mr. Chandler's knowledge and 29 years of service; Selectman Hartman stated his personal appreciation of Tom's "fantastic work" and the fact that Tom "was not above getting his hands dirty." (applause followed)
- Congratulations to Joanne Hinnendael for her service on the Kearsarge Regional School District Municipal Budget Committee and standing up for Warner's interest in the school budget (applause followed)
- Congratulations to Allan Brown, Director of Public Works, and crew for snow removal; acknowledgment of Phil Rogers, Highway Foreman, retired after 21 years; new foreman is "able-bodied Brad Kelly - although no one can replace Phil Rogers"; special 'Thank You' and applause to Ed Shampney, retired after 40 years, as a skilled grader operator and to Warren "Buzzy" Sawyer, leaving after 11 years of service, as a skilled front end loader operator.
- Inventory forms need to be returned by April 15, 2008, penalty applies if delinquent
- Amendments to the Building Codes passed at the 2007 Town Election brought the town in compliance with International Building Codes; major projects and interior projects now require a building permit
- On-Line Vehicle Registrations are available through the Warner website
- 2006 Audit Report recommendations have been complied with and others are in the process of being complied with; 2007 audit will begin soon
- In the next two years the Planning Board will be updating the Town Master Plan, a necessary document on which ordinances, development and state funds are based

Selectman Hartman listed town revenue resources:

- Transfer Station (applause)
- Fire Department: saved taxpayer's money by applying for and receiving a \$225,000 grant (applause)
- Public Works Department and Emergency Management have teamed up for the past two years to secure in excess of \$300,000 in Federal Emergency Management Agency grants (FEMA) for town road repair (applause)
- Conservation Commission: applies for and receives grants in addition to the \$450,000 it has received from the town over the last six years (land use change tax and money approved at town Meeting) and has protected \$1.8 million of town land (applause)
- Chandler Reservation: sold trees
- Fall Foliage Festival: examples of town projects funded with money raised by the festival are the refinishing of the Town Hall floor and a new flag pole at the Transfer Station

Selectman Hartman stated that there may be change in the future, on a regional basis, of how trash is handled and disposed of. Without going into detail, he said the town is reviewing alternatives as well as the option of continuing in the current manner. He said a Transfer Station Long Range Planning Committee was appointed and has been meeting since December and, depending on their findings, the Selectman may come to the Town next March with a recommendation, so townspeople should "consider themselves warned 1 year in advance."

Other committees that Selectmen Hartman said the Board of Selectmen have created or re-instated include: the New Energy, Road, Recycling and Odd Fellows Building Committees. He referenced the Volunteer Form on page 149 of the Town Report and asked people to consider signing up.

Moderator Martin read the modified Robert's Rules of Order that the meeting would be using.

Budget Committee Chairman, Michael Cutting presented an overview of the Town Budget using pictures, charts and graphs in a Power Point Presentation. Including:

- Pictures of problems caused over the years to town roads:
 - o flooding on Joppa Road, FEMA funds being used to repair the road
 - o flooding and erosion on Parade Ground Cemetery Road
 - o flooding across East Main Street and Children's Brook
 - o wash-outs on Mason Hill Road, FEMA funds will be used to reconstruct the road
 - o (no picture) Horne Street reconstruction, FEMA money applied, waiting approval
 - o Article on the warrant that will address the Conner's Mill Bridge Project, washed out in 2006, has been funded by the state, waiting for the final negotiations between the state and federal government
 - o Project at the end of West Joppa road, funds applied for

Budget overview from 2001 up to the proposed 2008 budget;

- Capital expenditures compared to the Operating Budget, capital expenditures have stayed consistent while the operating budget rises
- Total 2008 total budget increase is 3.99%
- Pie chart showing the percentages and where the budget is appropriated (Highway, Fire Department, Town Offices, etc)
- Budget maintains a total increase of 3.99% despite the inclusion of : 10% increase health care costs, 6.17% increase in Workmen's Compensation, 8.75% increase Property Liability Insurance, escalating heating oil, propane and fuel costs, 5.8% employee wage increase
- The town has not stayed consistent with the National Cost of Living Adjustment (COLA) when negotiating wage increases and even though Selectmen have budgeted a 5.8% increase in employee wages, they have kept the total budget increase to 3.99%:
 - o 2005 town wage increase = 2.45% COLA = 4.1%
 - o 2006 town wage increase = 1.5% COLA = 3.3%
 - o 2007 town wage increase = 2.65% COLA = 2.3%

Bar graph comparing the amount raised by taxation to the town's value

2006 tax rate - \$8.14 2007 tax rate - \$7.49 2008 estimated tax rate - \$8.01

ARTICLE 8: PASSED

Shall the Town raise and appropriate the sum of \$ 2,871,082.00 (Two Million Eight Hundred Seventy One Thousand and Eighty Two Dollars) as a 2008 Operating Budget? This amount does not include amounts from any other warrant articles. (Recommended by the Board of Selectmen; Recommended by the Budget Committee.)

Read by Moderator. Motion made and seconded for discussion.

Budget Committee Chairman Cutting, explained that the Department of Revenue (DRA) suggested changing the voting process to vote on the Operating Budget first and then on each Capital Budget item or other articles, then add the approved Capital Items to the Operating Budget. Mr. Cutting said the town

had previously been voting on the warrant articles first and then on a total budget in a later article. . He said the town was really voting twice on some articles because they were included in the budget article.

Mr. Cutting answered Fred Hill that the \$8.01 tax rate is based on all articles passing.

As a point of order, Clark Lindley said he was aware that there was a change in presentation - line by line - but he was confused as to why, on page 50 of the Town Report, the town expenditures were \$7,572,288.70, of which \$3,187,464 is for the schools, did not agree with the Treasurer's Report on page 39, \$6,429,778.80. He asked which total was correct.

Town Administrator, Laura Buono stated that \$7,572,288.70 was correct. She explained that when the treasurer submitted her report, she inadvertently left 2006 figures in the expenditures line as well as the line below it.

Hearing no further discussion, the Moderator called the question.

Voice Vote, All in Favor, Article 8 Passed.

ARTICLE 9: PASSED

Shall the Town raise and appropriate the non-transferable sum of \$33,330.00 (Thirty Three Thousand Three Hundred and Thirty Dollars) for the purpose of purchasing a police cruiser for the Police Department? (Recommended by the Board of Selectmen and the Budget Committee)

Read by Moderator. Motion made and seconded for discussion.

Selectman Richard Cook explained that the Board of Selectmen is using the Capital Improvement Program (CIP), a planning document projecting town spending ahead six years, to "level fund" or keep taxes level into the future. He said the money asked for this year was postponed from 2007 in order to buy the 4-wheel drive vehicle. Selectman Cook said starting in 2009, the Selectmen plan to ask for a consistent amount each year, approximately \$20,000, to be put into a Capital Reserve Fund to keep expenses level. He said approving this article will return the purchase of vehicles back to the fleet replacement schedule that has been used for the past few years.

Jennifer Ohler said last year voters asked the Selectmen to consider global warming and does the cruiser have the best possible gas mileage for this type of vehicle.

Selectman Wayne Eigabroadt said citizen concern for an environmentally conscientious vehicle was considered and the vehicle currently available with the necessary police packages is the Dodge Charger. He said he would default to the mechanics for more specifics but he knows the vehicle has all the anti-pollution controls and a computer system that controls the use of the engine cylinders: four cylinders around town and eight when more power is needed.

Martha Bodnarick said she knows voters are considering the purchase price of the vehicle, but wanted to know what percentage the school budget increased.

Clark Lindley, Warner Representative to the School Board, said the school budget increased 8.99%. He said he could not give a specific figure for Warner but said there would be a significant change.

William Chandler, Chief of Police, responded to a question saying the current cruiser is a 2003 model with over 110,000 miles.

Mr. Allison Mock's question was answered stating the county budget had gone up 22%.

Charles Albano asked what happens to the 2003 cruiser if a new one is purchased. Chief Chandler said the Selectmen decide that and he doesn't know what the trade-in amount would be because the value goes down when the mileage goes above 100,000. Mr. Albano asked if the amount received for the trade-in could be put into a Capital Reserve Fund for the purchase of police vehicles instead of going into the general fund.

Selectmen Cook said a fund could be established next year but there was not a fund this year to put money into. Mr. Albano asked if the trade in amount received could be identified now to be put into a vehicle fund next year. Selectman Cook said when the warrant article is presented next year asking to establish a Capital Reserve Fund for police vehicles, it could include the words, "and to deposit 'X number of dollars' from the general fund into the Capital Reserve Fund" stating the amount of money received from the trade-in of the 2003 cruiser.

The Moderator said the suggestion will be recorded in the minutes of this meeting and since the Selectman can not be directed to do it this year, it must be remembered and brought up next year.

Selectman Cook said if the 2003 cruiser is traded in, the amount received will be deducted from the purchase price of the new vehicle but if the 2003 cruiser is sold by sealed bid, the money will be in the general fund to put into a Capital Reserve next year.

Steve Bridgewater asked what other vehicles the police had besides the 2003. Chief Chandler said there is a 2005 vehicle with projected replacement in 2010, and a 2007 SUV with a projected usage of 10 years. He said the replacement of that vehicle will have to be reviewed at that time so there is not two years of back to back vehicle purchases.

Michael Rogers asked if the SUV was used full time and if not was it considered to use it full time. Chief Chandler answered that the SUV is used on a semi-regular basis.

Chief Chandler explained that the price of the new vehicle includes a 7% mark up to cover the cost of the vehicle and equipping it. He said the objective is not to spend the entire amount. He said if needed, the money is available and if it is not needed, the money goes into the general fund.

Ken Bartholomew asked if the wording of the article should be, "to raise and appropriate 'up to' \$33,000". Selectman Cook said it is worded the way it is because the tax rate will be calculated on the full amount. He said any amount not spent will go into the general fund, or surplus and the Board of Selectmen will decide how much surplus to apply towards taxes to maintain a level tax rate.

Trisha Mitchell asked if there had been a cut back on cruiser patrols because she had not seen that many in her area. Chief Chandler said there has been a vacant full time position for over a year which meant less hours for patrolling.

Mark Ruff asked if the cruiser was already ordered. Chief Chandler said it was necessary to place a reserve order, but contingent on the outcome of town meeting, the town is not obligated to purchase the vehicle if it is voted down.

Chief Chandler also responded to Jeanne Hand about the maintenance costs.

Motion to Move the Question. Voice vote, All in Favor.

Voice Vote on Article 9 as read by the Moderator. All in Favor. Article 9 Passed.

ARTICLE 10: PASSED

Shall the Town 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 for the purpose of conserving open land in Warner? (Recommended by the Board of Selectmen: Recommended by the Budget Committee)

Read by Moderator. Motion made and seconded for discussion.

Brian Hotz, Conservation Commission Member, began by explaining three projects the Commission was involved in and why they were asking the town for financial support.

1. Third and final phase of the Warner phase of the Courser Conservation Easement project, \$10,000 of conservation funds earmarked, matching funds have been received, hope to complete the project this summer.
2. Natural Resource Inventory Maps that includes the entire town, \$9,000 from conservation funds
3. Currently working with several land owners on larger projects, some on-going projects in the Mink Hills that the commission has not had the money for

Mr. Hotz said the commission is asking for additional funding from the town to continue to work on these projects and to help pay for expenses involved in securing land. He said the current undedicated fund amount is approximately \$70,000, not enough for the commission to do their work. He said that even with the \$50,000 asked for, they will still need to get matching grants and funds from other entities. Mr. Hotz said it is still a good time to invest since land is still relatively inexpensive and other towns have asked for million dollar bonds.

Clark Lindley referred to page 24 and 25 of the Town Report, where Capital Fund Assets and Capital Fund Liabilities looked duplicated. As a point of clarification, he asked if Mr. Hotz said the commission had a fund balance of \$70,000. Mr. Hotz responded saying that the amount was “undedicated” funds. Mr. Lindley asked about the Fund Balances in the report. Moderator Martin said page 25 contained an error and had been updated with corrections. Martha Mical, Assessing Clerk, stated the Conservation Commission Report on page 40 had an explanation of the committed funds.

Martha Bodnarick asked why the Commission comes before the Town every year to ask for financial support and why it is not just included in the budget. Mr. Hotz said the Commission believes it is good to make a financial request at town meeting and hold an open discussion to determine what the town wants. He said he knows there will be a year when the town will need a Fire Station or have a large increase in taxes and that is when the Commission will be guided by the Selectmen and the Budget Committee to withhold asking for support.

Christine Perkins stated that the Conservation Commission receives the Land Change Use Tax from the town every year. She said in 2007, the Commission received \$44,680. She said since the year 2000 when a vote passed to give the tax collected from the Land Change Use to the Conservation Commission, they have received almost \$259,000 in addition to the \$50,000 a year approved at town meeting – a total of \$400,000. She said this would be the year to consider not approving the \$50,000 because people are struggling to pay fuel bills and other increases caused by high fuel prices. She said the school and county have to be paid and this is one area in the town that can be passed over to help alleviate the pressure.

Budget Committee Chairman Cutting said the committee looked seriously at the Conservation request and received no reply when it asked the Commission to look for other funding. He said there were no townspeople in attendance at the Budget Meetings speaking either for or against the conservation request

which made it difficult to know what the town wanted. He said the Committee would like to know how long the town wanted to continue funding conservation in the manner in which it has been funded and does the town want to see another way to fund conservation.

Mark Ruff asked for a clearer definition of the “public use” of conservation land. Mr. Hotz said the Commission is not buying town owned property but “conservation easements”. He said these are private lands owned by individuals who are allowing individuals to pass over the land. He said the Commission asks for “pedestrian public access”, which is not the same as on federal or state land.

Rebecca Courser said she has spoken on this subject several times and feels awkward in one sense because the Courser family is a recipient of some of the funds, yet the Courser family has also donated over \$400,000 to the Conservation work. She said she would like to correct the implication by Chairman Michael Cutting’s statement that money has not been raised from other sources: it is not true. She said when the Conservation Commission partners with the Forrest Society or the Asborn Sergeant or a Nature’s Conservatory, the agencies have applied for and received grant funding from the federal government or the state of New Hampshire and have done private fund raising. She also said that in evenly funding conservation over time, the town will get “more bang for the buck” rather than in 10 years asking the town for 1 million dollars or for a bond like other towns are doing.

Ms. Courser said the town has discussed the cost of open space versus developing property. She said it is more beneficial and cheaper for the town when property remains as open space.

John Dabuliewicz, Conservation Commission Member, said people come to town meeting and vote every year for on going expenses. He said he enjoys opportunities like cross country skiing and mountain biking on land the Commission has obtained easements on. He said by investing this small amount every year, the town is investing in keeping Warner the place people know as the place they came to live in. He said he agreed with Mr. Hotz that this was not the time to pass over funding Conservation because when a good project becomes available, there may not be money for it.

Andy Bodnarick asked when “forever is not forever” - pointing out that conservation easements out west had been severed. Mr. Hotz said there have been legal challenges to easements but they have all been defeated.

James Gaffney asked what the tax increase would be if the \$50,000 is approved. The Moderator said approximately .25 cents per \$1000.

Jeanne Hand asked the process to buy or donate land. Mr. Hotz answered that land can be bought or donated creating different tax benefits. He said easements can be identified on the inventory maps.

Selectman Cook wanted to remind people that the land in an easement is still owned by the land owner who continues paying taxes on it.

Joanne Hinnendael commented that most of the easement land is already in current use and if it were taken out of current use and developed, Conservation would receive the Land Change Use Tax. Michael Henley asked for clarification that the town’s Land Change Use Tax would still go to Conservation. Mr. Hotz answered, “Yes” and Article 10 was asking for additional money.

Motion to Move the Question. Voice vote, All in Favor.

Article 10 read by the Moderator. Request for a Paper Ballot with 5 voters in support.

Results of Paper Ballot: YES – 109 NO - 56

Motion by Allan Brown to hear Article 20 after Article 11 because of their relationship and information that is similar to both. Second made. Voice Vote, All in Favor. Motion Passed.

ARTICLE 11. PASSED

Shall the Town raise and appropriate the sum of \$200,000.00 (Two Hundred Thousand Dollars) to be added to the already established Highway Road Construction Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

ARTICLE 20. PASSED

Shall the Town raise and appropriate the sum of \$667,000.00 (Six Hundred Sixty Seven Thousand Dollars) for the purpose of replacing the bridge on Connors Mill Road. Of that sum, up to \$563,600.00 to be paid by a combination of State of New Hampshire Bridge Aid and FEMA funds with the remainder to be withdrawn from the Road Construction Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 11 and Article 20 Read by Moderator. Motion made and seconded for discussion. Clarification stated that the two Articles will be discussed together but voted on individually.

Selectman David Hartman said the \$200,000 requested in Article 11 was similar to past years. He said the Connors Mill Bridge Project is expensive and will replace the bridge that was washed out in the 2006 floods. He said the town pays rent for the current temporary state owned structure but the state wants the structure back.

Allan Brown, Director of Public Works, said the \$200,000 would be the town's share of the project. He said this is the same fund that was used for Newmarket Road last year. He said there were many FEMA related projects going on and the town has to maintain their 25% of those projects. He said the town will pay about \$100,000 up front then be reimbursed FEMA money.

Michael Henley asked and was told the money from FEMA goes into the Town General Fund but can be requested to expend at a Public Hearing.

Derek Pershouse asked how accurate the bridge estimate was. Mr. Brown said he felt it was very close but would have liked bids to have gone out by now. He said he has a meeting next week with the state to present and negotiate the project needs.

Alice Chamberlin asked if there was currently money in the Capital Reserve Fund. It was stated that the Highway Road Construction Fund was on page 56 of the Town Report. Selectman Hartman said as of December 31, 2007 the fund balance was \$110,399 and after adjusting for payments made since then, the balance is approximately \$75,000.

Alfred Hanson asked why Article 20 was not in Capital Outlay. Selectman Cook said it is required by statute to ask the town to appropriate the money but the money is not raised by taxation. Mr. Hanson also asked if the town was guaranteed the money. Mr. Brown said Governor Lynch doubled that amount of bridge funds available due to the amount of flood destruction. Mr. Hanson said it appeared as if the bridge replacement was not going to cost anything. Town Administrator Laura Buono agreed.

James Gaffney asked if the design of the new bridge was more secure and significantly different than the previous one. Mr. Brown said in 1978, a 12 x 13 plate bar, steel culvert, was installed and the new bridge will be a 70' steel girded bridge. He said the soil and the river banks were a consideration in choosing the bridge type.

Michael Rogers asked if the jobs were contracted out. Mr. Brown said Newmarket Road was but the bridge will go out to bid with the value of any work the town does on the project, taken off the cost of the job. He said the town had already provided gravel.

Motion to Move the Question. Voice vote, All in Favor.

Article 11 read by the Moderator. Voice vote. All in Favor. Article 11 Passed.

Mr. Brown said the road will be closed during the rebuilding project in order to save \$100,000. In answer to Alan McCausland's questions, Mr. Brown said the bridge would probably be out for 3 months, there would be a detour bridge, he did not know what season of year when project would start but hoped it would be in the summer when school was out. He said that would depend on contractor availability and negotiations with the state.

Hearing no other questions, Moderator called the question.

Moderator read Article 20. Voice Vote. All in Favor. Article 20 Passed.

ARTICLE 12: PASSED

Shall the Town raise and appropriate the sum of \$110,000.00 (One Hundred and Ten Thousand Dollars) to be added to the already established Highway Equipment Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 12 Read by Moderator. Motion made and seconded for discussion.

Selectman Richard Cook explained that the Capital Improvement Program (CIP) had identified \$690,000 worth of construction equipment needed over the next 6 years. He said the Selectman subtracted \$38,000 (the amount already in the fund) and divided by 6 resulting in \$110,000. He said the Selectmen anticipate requesting this amount each year be added to the fund to maintain an even and level funding.

Hearing no other questions, Moderator called the question.

Moderator read Article 12. Voice Vote. All in Favor. Article 12 Passed

Motion by Ron Wirth to Move Article 26 to be heard next. Second. No discussion. Voice Vote. Nays in the Majority. Motion Defeated.

ARTICLE 13: PASSED

Shall the Town raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) to be added to the already established Property Revaluation Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 13 Read by Moderator. Motion made and seconded for discussion.

Selectman Wayne Eigabroadt said the Property Revaluation Fund was set up years ago in anticipation of the start of the revaluation in 2009. He said the requested \$50,000 would be added to the current \$100,000 in the fund with the balance to be appropriated in 2009. He added the fund may continue to be funded to pay for future revaluations.

Martha Mical, Assessing Clerk answered Ken Hazen that the state requires a revaluation every 5 years. To Paul McCauliff Ms. Mical answered that the last revaluation was done in 2005. Selectman Eigabroadt added that a statistical update was required by the Department of Revenue due to the town falling percentage outside the state requirements.

Charles Albano was told the estimated cost of the revaluation was approximately \$200,000 and the job would go out to bid.

Hearing no other questions, Moderator called the question.

Moderator read Article 13. Voice Vote. All in Favor. Article 13 Passed.

ARTICLE 14: PASSED

Shall the Town raise and appropriate the sum of \$5,000.00 (Five Thousand Dollars) to be added to the already established Expendable Trust Fund for the Cemeteries per RSA 31:19-a for headstone restoration? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 14 Read by Moderator. Motion made and seconded for discussion.

Gerald Courser said this may be the last year money is needed for this project. He said the Page, Sysco, Hoyt and Sanborn Cemeteries are on the restoration list.

Hearing no other questions, Moderator called the question.

Moderator read Article 14. Voice Vote. All in Favor. Article 14 Passed.

ARTICLE 15: DEFEATED

Shall the Town establish a capital reserve fund for the purpose of Exit 9 Improvements and to raise and appropriate the amount of \$20,000.00 (Twenty Thousand Dollars) for that purpose and to appoint the Board of Selectmen as agents to expend? Of that sum, \$10,000.00 (Ten Thousand Dollars) will be withdrawn from the General Fund Balance with \$10,000.00 (Ten Thousand Dollars) to be raised by taxation. (Recommended by the Board of Selectmen and the Budget Committee)

Article 15 Read by Moderator. Motion made and seconded for discussion

Barbara Annis, Planning Board Chairman, began by dispelling rumors the town is doing any construction or creating a round-about at the Exit 9 area on Route 103. She said Article 15 is asking for money to pay for further studies in that area. She said traffic has increased and according to the studies done at Stevens Brook, in 2001, there were 6800 cars passing by daily and in 2006 the number increased to 9134. She also said the intersection at Market Basket is dangerous and the blinding morning sun coming into town creates a danger. Ms. Annis said in order for the Planning Board to know what to do, they need to do more studies, come back to the town with options and have the town provide input as to what they want.

Christine Perkins said it sounded like the Planning Board has a good "handle" on knowing the area and she would rather have the money go for building or constructing something rather than another study. Ms. Annis said they "do and don't" have a good handle on the area. She said they met with the state and were told there is a possibility there may be state money available but they needed to have a plan and more than the \$10,000 set aside to spend. .

Ms. Annis said no one on the Planning Board was an engineer and therefore could not design answers to questions like: if a traffic light is needed, where is the best location, which driveways may need to move - the Park and Ride driveway is only 10 feet from the entrance to Market Basket, "Park and Ride" has been asked and will not move the driveway so switching the entrance with the exit has been discussed.

Ms. Annis said the Planning Board has assessed exaction fees of \$28,500 if RAW Investment and The Begin Projects move forward at Exit 9..

Alice Chamberlin asked and was told the traffic counts stated earlier were at the Stevens Brook area (near Exit 9) and the latest counts for I-89 are from 2004. She asked if the money requested would provide opportunities for the townspeople to review and address traffic concerns. Ms. Annis said, "Yes" and said the Board is waiting for the return of eight Request For Proposals (RFP) from engineering firms asking if they do this type of study, have they ever done a study like this before, etc. She said when the RFP's are returned, the Board can choose a company to do the study.

Mr. Allie Mock asked if the Town Road Committee could do the study so it did not cost the town anything. Paul Violette, Planning Board Member, said Route 103 is a state highway the state has control over and nothing can change until a study is done and the best solution chosen. He said the state will not spend any money until an engineering study is done and a feasibility study has to be done by engineers.

Timothy Blagden asked why a new fund needs to be established and the existing Traffic Control Signal at Exit 9 Fund couldn't be used. Selectman Cook explained that the existing fund was set up for a traffic light. He said the town does not know if a traffic light is needed but if money were added, it could not be used for a feasibility study.

James Gaffney asked about the traffic data and was told by Selectman Eigabroadt that the data, as well as the Corridor Study, was available at Town Hall.

Andrew Bodnarick asked if Article 15 could be amended to withdraw the \$10,000 from the Traffic Control fund and put it into the Exit 9 Improvements Fund rather than raise \$10,000 through taxation. Selectman Cook said the Selectmen are planning to go to the 2009 Town Meeting to request closing the Traffic Control Fund and move the funds into the new fund. He said it was easier, legally, to close one fund after another fund is established. Moderator Martin agreed saying the town follows the procedures of the Department of Revenue.

Mr. Bodnarick said he still did not understand why the article could not be amended. Selectman Cook said the \$10,000 withdrawn from the general fund, as stated in Article 15, is an attempt to limit the impact on taxes. He said by dissolving the Traffic Control Fund next year, the \$10,000 from that fund will go back into the general fund so it is an indirect way to achieve what Mr. Bodnarick is requesting.

Christiania Connors said she was a participant in the Corridor Study and asked how a new study would be different. Ms. Annis said Dominick Severo who did the Corridor Study, had four recommendations: 1. Move the Park and Ride 2. Install a traffic device 3. Only allow left hand turns and 4. Install a median strip. Ms. Annis said since the owners will not move the Park and Ride, the board is looking at a traffic device so it must be determined what kind of device the town wants. She said there is a known problem with the Park and Ride exit to close to the entrance to Market Basket, therefore locating a traffic light is difficult dealing with all the existing driveways. She said they need to utilize the expertise of experts.

Joanne Hinnendael said the discussion and vote at the 2007 Town Meeting did not support funding a traffic light, the town should be firmer with developers conforming to what the town wants and for them to pay their share of expenses.

Ms. Annis said the Planning Board has required developer RAW to choose between lining up it's driveway with the entrance to the Park & Ride or move the entrance of the Park & Ride to be opposite the entrance to their development. She said RAW chose to move the entrance of the Park & Ride - with state approval. She said the Planning Board is aware of trying to create cross traffic but they have to deal with what is there. Ms. Annis said up until three years ago, they were unaware that they had a right to dispute or question the state's driveway approvals.

Motion made to call the question. Seconded. Voice Vote. All in Favor. Motion Passed.

**Moderator read Article 15. Voice Vote. Moderator in doubt of the majority.
Moderator asks for another Voice Vote. Nays in the Majority. Article 15 Defeated**

As a point of order, Selectman Eigabroadt said he would like to have a paper ballot if supported. He said he did not think because someone could “yell” louder they were in the majority. Moderator said he had ruled that the “Nays” were the majority but his ruling could be challenged.

Selectman Eigabroadt said he would challenge the Moderator’s ruling.

A request to re-open the discussion was made however, the Moderator said the ruling of the Moderator was Non-debatable and asked the audience how they wanted to vote.

A Voice Vote was called for; the Moderator said a “YES” vote was to overrule the Moderator and if he is overruled, the vote will be re-opened. He said a “NO” vote allows the original ruling to stand.

John Dabuliewicz asked for a Show of Hands.

Richard Colfer asked if Article 15 could be reconsidered and another vote taken.

Show of Hands Vote: YES- 69 NO – 78 Moderator declared Article 15 DEFEATED

Motion made by Rebecca Courser to re-strict reconsideration on Articles 8 through 15 and Article 20. Second.

Ms Courser said the intent of her motion was to avoid an article already voted on being brought back at the end of the meeting when many voters had left and chance the original vote being overturned by the minority.

Moderator explained passing this motion would restrict further vote on these articles tonight, although with seven days warning, any articles may be brought up for vote again.

Voice Vote on the Motion to Restrict. All in Favor. Motion Passed.

ARTICLE 16: PASSED

Shall the Town establish a capital reserve fund for the purpose of Town Hall Building Improvements and to raise and appropriate the sum of \$25,000.00 for that purpose and to appoint the Board of Selectmen as agents to expend? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 16 Read by Moderator. Motion made and seconded for discussion.

Selectman Richard Cook explained Article 16 was also the result of using the Capital Improvement Program to set aside a level funding amount of \$25,000 every year for improvements to the Town Hall building. He said some possible projects to fund are the roof, the front stairs and the potential future expansion of the building.

Motion by Steve Bridgewater to amend Article 16 to include the words, “a non-transferable Capital Reserve Fund for the purpose of Town Hall Building improvements”. Seconded.

Mr. Bridgewater explained the intent of his motion was to be sure the money was used for the Town Hall building only.

Moderator called for discussion on the Amendment.

Town Administrator, Laura Buono, said Article 16 was a special warrant article establishing a Capital Reserve Fund that can not be transferred for any other use. Moderator Martin agreed and stated the funds in a Capital Reserve were for the stated purpose of the fund when it was set up. He said adding Mr. Bridgewater's amendment would be fine because it is using words to state what is already understood.

Andrew Rushia asked for clarification that "Town Hall Building" meant the physical building in which "tonight's Town Meeting" was being held and not other buildings any where else. He was told it did.

Selectman Cook said the only way to change the Capital Reserve Fund was at a Town Meeting.

**Hearing no further discussion, Moderator called the question on the Amendment.
Voice Vote. Nays in the Majority. Amendment Defeated.**

Christine Perkins asked if there should be a Capital Reserve Fund for all Town buildings so if a problem arises, the Town has money for a solution. Moderator said someone could strike the words, "Town Hall" and replace it with, "Town Buildings".

Selectman Wayne Eigabroadt said, "There could be as many Capital Reserve Funds established as the town wanted - as many as one per town building but having money in a fund sitting, waiting for something to break is not a wise use of the money". He said there hopefully would be insurance for most problems.

James Gaffney asked where the funds are kept and if they are earning interest. Moderator Martin said the funds are in interest bearing accounts. Ms. Buono said they are also in investment funds. Selectman Eigabroadt said the Trustees are responsible for the funds according to town policy.

**Motion to move the question. Voice Vote. Passed.
Voice Vote on Article 16. All in Favor. Article 16 Passed.**

ARTICLE 17: PASSED

Shall the Town raise and appropriate the non-transferable sum of \$27,000.00 (Twenty Seven Thousand Dollars) for the purpose of repairing the roof on the Old Graded School? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 17 Read by Moderator. Motion made and seconded for discussion

Selectman Richard Cook explained Article 17 was not a Capital Reserve Fund; it was a one time request for money to replace asphalt shingles on the roof of the Old Grade School Building.

Michael Rogers asked if estimates had been received for the roof repair. Selectman Cook answered, "Yes". He said they needed price estimates to know how much money to request from the Town but bids would be going out before the actual job was awarded. He added that this replacement would not include the flat part of the roof in the back of the building.

**Motion to move the question. Voice Vote. Passed.
Voice Vote on Article 17. All in Favor. Article 17 Passed.**

ARTICLE 18: PASSED

Shall the Town establish a capital reserve fund for the purpose of Transfer Station Acquisition and Improvements and to raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) for that purpose and to appoint the Board of Selectmen as agents to expend? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 18 Read by Moderator. Motion made and seconded for discussion

Selectman David Hartman said the Transfer Station site lease with the state expires December 2008 and the Selectmen have been negotiating with the Department of Transportation to acquire the site. He explained the site consisted of the visible area that makes up the transfer station as well as land outside the fenced area. He said the Board and the Transfer Station Facility Committee feel the site will be adequate into the foreseeable future.

Selectman Hartman said the appraisal received from the state was “a little more than double \$50,000” and the Board hoped to negotiate for less.

Motion by James Gaffney to add language to say, “to purchase the site” because it is to “open ended” the way it is written. Second made.

Moderator Martin reread Article 18 stating it does include the words, “Transfer Station acquisition” and “improvements”. As written the audience agreed it sounded like the town was asking to buy the Transfer Station. Selectman Hartman suggested re-wording the Article to read: “Transfer Station site acquisition”. Mr. Gaffney was asked if that was acceptable and agreeable to change his motion.

Andrew Bodnarick said as a point of order, Article 18 was illegal as stated because the land belongs to the town not the state. He said he is old enough to remember when the land was taken from the town by the state supposedly for the sole purpose of I-89. He said since the land was no longer needed for I-89 he would dispute legally whether the state owned the land and why the town is appropriating money to buy land it already owns.

Moderator said that could be argued at a later date and the current issue at hand is the Amendment to Article 18. Selectman Eigabroadt said Mr. Bodnarick’s point is well taken and will have to be researched but right now Article 18 is asking for the townspeople to grant authority to Selectmen to purchase the transfer station land if they can negotiate a proper price with the state. He said a purchase would not be made unless there was a clear and free title determined by a title search. He also said the state is looking to receive full market value on their leases now instead of the \$1.00 annual lease price the town received twenty years ago so every year the town waits, will cost \$10,000 or \$20,000 more in lease payments.

Moderator re-read Article 18 with the accepted change to Mr. Gaffneys’s Amendment: “For the purchase of the Transfer Station site and strike the word “improvement”.

Shall the Town establish a capital reserve fund *for the purchase of the Transfer Station site* and to raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) for that purpose and to appoint the Board of Selectmen as agents to expend? Seconded.

Selectman Eigabroadt explained the word “improvement” was included because if any money remained after the purchase of the site, recommendations from the Committee to improve the site, could be funded. He responded to a question that the buildings on the site are owned by the town, the purchase is for land only and if the town does not buy the property, the current lease stipulates that the buildings will turn over to the state.

Selectman Eigabroadt said if the Amendment passed any unspent money after the land is purchased, would return to the general fund and the Selectmen would have to return next year to request money to pay for any recommended improvements the Committee may make to keep the Transfer Station in the condition it needs to be in for long term future use.

Responding to a member of the audience, Selectman Cook said Article 18 is asking to establish a Capital Reserve Fund to help the Selectmen implement the Design and Build Plan presented by the Committee for the best operation of the Transfer Station for the next twenty years. He said the first step in the plan is to purchase the land. He reminded people of how crowded the station is, the traffic flow is a problem and re-stated Selectman Hartman’s comment that there have been discussions to change the way solid waste and recycling is dealt with.

Donald Gartrell recommended leaving in the words “and improvements” so as not to lose ownership of the buildings regardless of whether the town is successful in purchasing the land since those words usually mean buildings.

Moderator answered Joanne Hinnendael that Article 18 is authorizing the Selectmen to expend the funds and they are not required to return to a town meeting to request authorization to withdraw money from the Capital Reserve fund.

Charles Albano spoke in favor of the Amendment in order to deal with one action at a time: the acquisition of the land first and then in the future, when a Transfer Station Plan or Design has been developed, vote on and appropriate funds at that time.

Michael Rogers asked what would happen to any unspent money in the fund. Selectman Eigabroadt said \$50,000 is less than half of the \$106,000 the state is asking for as a purchase price. He said the Selectmen are negotiating for a lower price and cautioned again, that every year the town waits, the price of the annual lease can be added on as a cost to purchase the land. He recommended amending the article amount to at least \$106,000.

Moderator Martin answered Mr. Rogers by saying that if \$45,000 was expended, then \$5,000 would remain in the Capital Reserve Fund, at the next town meeting, a request could be made to disband the fund and the balance would go into the general fund.

Motion to move the question on the Amendment. Moderator read Article 18 as amended. Voice Vote. Nays in the Majority. Amendment Defeated.

Moderator asked for discussion on Article 18 as originally presented.

Clark Lindley asked if the proposed 2008 budget includes \$10,000 to pay for the lease if the land is not purchased. He was told, “No” and then asked where the money would come from.

Town Administrator, Laura Buono, said the current lease expires December 31, 2008. She said in the negotiations with the state, the town would have a deposit on the property and could negotiate the purchase balance be raised in March 2009 and not be under obligation to purchase the land if the money is not approved.

Mr. Lindley asked if Article 18 needed to be amended in case it failed, to include the cost of the lease or rental fee or a deposit amount for the purchase of the land in 2009. Moderator said he did not think a Capital Reserve amount could be amended.

Gerald Marsh said the town has been leasing the property for 19 years and asked why the Selectmen waited until the last minute to take any action. Selectman Eigabroadt said the town began discussions with the state 2 years ago when the state decided it wanted fair market value for its leases.

Selectman Cook added that when the state informed the town it no longer wanted to lease the land for \$1, the town was offered an option to buy the land. He said the state appraisal of the property received in October 2007 was due over one year earlier. He said the Board reviewed the appraisal, responded in writing with concerns and are waiting for the state's response. He said he feels the process is moving "as fast as the state can move."

Richard Colfer asked for clarification the Selectmen are stating the current Transfer Station is crowded and there is a traffic problem but if the town buys the site, it will be adequate and meet the needs of the growing town for the next 20 years. Moderator answered, "Yes."

Motion to move the Question. Voice Vote. All in Favor.

Voice Vote on Article 18. All in Favor. Article 18 Passed.

ARTICLE 19: PASSED

Shall the Town establish a capital reserve fund for the purpose of Bridge Replacement & Maintenance and to raise and appropriate the sum of \$25,000.00 (Twenty Five Thousand Dollars) for that purpose and to appoint the Board of Selectmen as agents to expend? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 19 Read by Moderator. Motion made and seconded for discussion

Selectman Richard Cook said Article 19 was requesting to appropriate funds for bridge repair according to the time frame of level funding set forth in the Capital Improvement Program. He said before the town can apply to be on the list for state bridge aid, it must have its share of anticipated cost "in hand." He said the town is absorbing its share of the Connor's Mill Bridge cost but money in a Capital Reserve will allow the town to research state funds and be ready to apply for it to repair the town bridges that need repairs.

Tim Bladgen asked why it was necessary to have a Bridge Fund when the town already had a Road Fund. Director of Public Works, Allan Brown, said the intent is to spend \$200,000 on road construction yearly and use bridge fund strictly for bridges. Mr. Brown said there are 18 town bridges on the state's "Red List". He continued to explain the bridge repair line in his budget is severely under funded, he personally has inspected every culvert in town and the materials used years ago that were thought to be "everlasting" have greatly deteriorated.

Asking for and hearing no further discussion, Moderator called the question.

Voice Vote on Article 19. All in Favor. Article 19 Passed.

Motion by David Karrick to Restrict reconsideration on Articles 16 through 19. Second. Voice Vote. All in Favor. Motion to Restrict Passed.

ARTICLE 21: PASSED

Shall the Town vote to accept the provisions of RSA 79-D giving the Board of Selectmen authority to grant Discretionary Preservation Easements based on the specified areas spelled out under such chapter with the authority to remain in effect until rescinded? (Recommended by the Board of Selectmen)

Article 21 Read by Moderator. Motion made and seconded for discussion.

Selectman David Hartman said at the 2007 Town Meeting a statement was made that Discretionary Preservation Easements would be brought forward for discussion at the 2008 Meeting. He said the Board is asking if the town wants to endorse or approve the state statute giving authority to the Selectmen to establish the program in Warner and preserve the rural character of the town by assisting residents with barn preservation.

Selectman Hartman said the Board received a request from a resident who wished to use the program. He said the Board decided to evaluate the program by assisting the resident through the long, involved process. He explained that included: a public hearing, rating the value of the property, determining if the structure was historical, its age, if it was used for agricultural purposes and deciding on a percentage and value of the improvements and exempting that percentage of value from property taxes for ten years, at which time the exemption can be removed.

James Gaffney asked how the process is currently handled and what “triggers” the ending of the exemption. Selectman Hartman answered there has only been one request, it was handled in “abeyance” and the Board is asking the town if it is something they want the Board to continue to process if other residents decide to bring forward a Preservation request.

Selectman Wayne Eigabroadt said this process is similar to other tax incentive programs where there are questions and requirements that need to be applied. He said people are given a reduction on the increased assessment that is created as a result of the improvements and in exchange, the rural character of New Hampshire is preserved through saving the barns and avoiding their deterioration.

Jeanne Hand asked how much granting a Preservation Easement would raise the tax rate. Selectman Cook answered it would be an “insignificant amount – tenths of a penny.” Selectman Hartman said the discussion involves deteriorating properties that are not paying much in taxes and would continue to not pay much after the improvements.

Selectman Eigabroadt gave the example of a resident with a barn assessed at \$50,000 who makes improvements that increase the assessment to \$60,000, will receive a percentage exemption on the \$10,000 increase in assessment. He said the assessment will not fall below what the original was, therefore it will not affect the tax rate. He also said there is a very good percentage scoring process and answered Mrs. Hand that the historical committee is involved and statute is followed.

Motion made to move the question. Moderator recognized others to speak.

Kenneth Hazen raised a concern that residents who have already financially invested in preserving their barns and have been paying on higher assessments because of it, would be “penalized” because residents with run down, deteriorated barns who utilize this preservation program will not pay their full share of

their higher assessment and will actually be “rewarded” in the “interest of preservation” for not maintaining their property.

Selectman Hartman and Eigabroadt answered Mr. Gaffney’s question that the meaning of “rescinded” could be made at any future town meeting. A member of the audience interrupted and reminded the Moderator that the Question had been Moved.

Barbara Marty spoke in favor of the program as a good way to preserve barns and the value barns bring to the landscape in New Hampshire.

Moderator called for a Voice Vote to Move the Question. All in Favor.

Selectman Eigabroadt wanted to say for the record, that he did not get a chance to finish answering Mr. Gaffney’s question.

Voice Vote on Article 21. All in Favor. Article 21 Passed.

ARTICLE 22: PASSED

Shall the Town vote to accept the provisions of RSA 79-E giving the Board of Selectmen authority to grant Community Revitalization Tax Relief based on the specified areas spelled out in RSA 79-E:4 with such authority to remain in effect until rescinded? (Recommended by the Board of Selectmen)

Article 22 Read by Moderator. Motion made and seconded for discussion.

James McLaughlin explained that RSA 79-E enables towns and cities to grant temporary tax relief to property owners. He explained the application and qualification process.

RSA 79-E:1 Declaration of Public Benefit. –

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures as defined in this chapter.

RSA 79-E:2 Definitions. – In this chapter:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter.

II. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less.

III. "Tax relief" means that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

IV. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

James Hand asked and was told that the owner of a property could apply.

James Gaffney asked for clarification because as he understands it, residents who do not live in the downtown area are expected to support those in the downtown area who revitalize their house. He was told that was correct. Mr. Gaffney said he did not think that was fair.

Martha Mical asked when the boundaries of the district would be determined.

Kenneth Bartholomew said many older properties on Main Street have been revitalized, improved and restored over the past years. (Perkins Hardware, Wingdoodle as examples) He said as the Exit 9 area is developed, it becomes cheaper for a retail business to obtain space already built for that purpose than to restore an old, historic building. He said it will take time to develop the Exit 9 area, but there will be a shift in commerce to that area. He supports the Community Revitalization program because it will help keep businesses in the downtown area which is a great benefit to the town as a whole.

Nancy Martin agreed that developing and maintaining the downtown area was a great public benefit to all the residents of town. Mr. McLaughlin added that affordability could be a “deal breaker” for a business deciding to come to town.

Clark Lindley said that as an example, the Odd Fellows Building could become a multi-family apartment building for lowered taxes with families who could cost the town more tax dollars. Mr. McLaughlin said it could but in the case of the Odd Fellows Building, the plan would be one-bedroom apartments which don’t usually mean children using the school system.

Steven Bridgewater asked if the RSA stated the specific criteria for the developer in order to get the tax break. Mr. McLaughlin said it does require a “public benefit.”

**Motion to Move the Question. Voice Vote. All in Favor.
Voice Vote on Article 22. All in Favor. Article 22 Passed.**

ARTICLE 23: PASSED

Resolved: We the citizens of Warner, NH believe in a New Hampshire that is just and fair. The property tax has become unjust and unfair. State leaders who take a pledge for no new taxes perpetuate higher and higher property taxes. We call on our State Representatives, our State Senator and our Governor to reject the “Pledge”, have an open discussion covering all options, and adopt a revenue system that lowers property taxes.

Article 23 Read by Moderator. Motion made and seconded for discussion.

Steve Varnum explained Article 23 as straightforward: There has not been a real, honest, open discussion about state revenues for nearly 50 years. He said one reason for that is the “Ax the Tax Pledge” popularized by Mel Thompson. Mr. Varnum said the property tax does not work for New Hampshire, it is the reason elder citizens and retirees are having problems staying in their homes, it is the reason there is so much pressure on communities like Warner to give up their open space, build developments and shopping malls when in fact, it was the open space that brought most people to town and is what most people love about the town.

Mr. Varnum said it was time for citizens to ask the elected officials to consider state revenue and all of the options available. He said they may decide property tax is the best of the available deals and if so, that is fine or they may decide property tax needs to be moderated and other taxes raised or introduced. He said he is not arguing for other solutions but instead, for a discussion that opens it up for all possible solutions.

This resolution, Mr. Varnum said, was being put on 88 town warrants with 31 passing it last night. He asked that voters follow in suit and send a message to elected official and those who run for office, that Warner wants a completely open discussion, all the revenue possibilities on the table and the best possible decision for the state of NH and all its towns. Applause followed.

J D. Colcord, County Commissioner, said he did not sign the petition but he supports the article. He said he has been involved in Warner politics for 20 years and agrees with Mr. Varnum's statements about the property tax. Mr. Colcord also said the county tax rate has not been set yet but the county budget is up 15.3%. He said it is not necessarily true spending is out of control, but it is true revenue is down and the states saying, "No new revenue sources" is passing the problem on to counties and towns and the states responsibility is to stay stable. As an example, he said, when the 2008 budget was passed in June 2007, they decided to drop off 100% of non-federal care of long term care which means tax payers, as part of their property taxes, will have to pay for all the nursing homes,

Mr. Colcord said he is asking voters to ask people running for office if they are taking the pledge and if they are, tell them they will not get your vote because you want an honest discussion of available revenue sources. He also said it is interesting to note that 51% of the House, Ways and Means Committee – who are suppose to be looking at revenue sources - have taken the pledge.

Donald Gartrell, town resident for 40 years, said "New Hampshire has deep pockets and short arms" and the pledge has left an "out" for legislators from making the tough decisions and they need to "come to grips" with everything being tied to property taxes.

Beverly Heaton said she read that when the state of Connecticut needed revenue other than property tax, they instituted a state income tax in addition to the sales tax. She said now, years later, CT property taxes are higher than before and if New Hampshire could assure tax payers that property taxes would not go higher with other revenue sources applied, she would be in favor of Article 23.

James Gaffney introduced himself as a new resident back in New England after 7 years in Maryland. He said he loves that there is local control in New Hampshire and once it is given up to Concord, it will not be given back. He said the state needs to stop spending and live within its means.

Jeanne Hand related a story about New Jersey similar to what happened in Connecticut resulting in higher property taxes as well as a sales and income tax. She said the state must stop spending.

Steve Varnum said Article 23 is not addressing local control: it is asking the state to be open to other options instead of totally relying on this one tax.

Motion to Move the Question. Moderator recognized several more hands up before taking a vote.

Martha Bodnarick said Article 23 is not in favor of one tax over another - it is suggesting the legislators need to talk about new options of revenue.

David Rozek said an income and a sale tax of sorts already exists in New Hampshire. He said the Business Enterprise Tax was created by the legislature when professional associations wanted to avoid a business income tax. He said individual income taxes would simplify the business taxes to a certain extent, but the truth is, many of the taxes trying to be avoided already exist so he believes an open and honest discussion would be a good start.

John Heaton said there is no guarantee but it should be talked about and did not know why there needed to be a pledge if there was just a discussion.

Jon Nierenburg said he works in Massachusetts and pays 100% Massachusetts income tax and although it is his civic duty to pay taxes, he wished it were being given to New Hampshire.

Alan McCausland said he pays a tax on his employee payroll to the state and there is an interest and dividend tax.

Motion: Voice Vote to Move the Question. All in Favor.

Moderator read Article 23.

Voice Vote on Article 23. All in Favor. Article 23 Passed.

ARTICLE 24: PASSED

Shall we adopt the provisions of RSA 72:66 for a property tax exemption on real property equipped with a wind powered energy system which exemption shall be in the amount of 100% of the cost of the wind powered energy system up to \$35,000? (By Petition) (Not Recommended by the Board of Selectmen)

Article 24 Read by Moderator. Motion made and seconded for discussion.

Motion to Amend Article 24 by David Bates: Strike the word “cost “and replace it with “assessed value” and at the end add the words, “until rescinded.” Second.

There was discussion of what the correct RSA was for Article 24. Moderator presented for clarification that RSA 72:66 is the correct RSA and said the discussion would be on the Amendment.

Mr. Bates said the amendments were made to clarify the intent and make it so that people are not taxed on the assessed value of a system they install.

Selectman Cook said the Board of Selectmen did not originally recommend Article 24 because they wanted it to include the changes made in Mr. Bates' Amendment. He said the Board met with Mr. Bates, worked out the changes and are recommending Article 24 as Amended. He said at the 2007 Town Meeting, voters instructed the Selectmen to create an Energy Committee to research ways the town could lessen its “carbon footprint” and Article 24 is a result of some of their work.

James Gaffney asked if Article 24 and 25 cover the cost of and installation of required transfer panels, the most expensive part of the system. Mr. Bates said the discussion is on the amendment but he would be explaining the state definition of the energy systems next which would probably answer the question.

Motion to Move the Question in the Amendment. Voice Vote. All in Favor.

Voice Vote on the Amendment to Article 24. All in Favor. Passed. Article 24 Amended.

Mr. Bates said Article 24 will allow the town to exempt increases to property taxes for residents who install energy systems on their property. He proceeded to read the state definition of a wind powered system: **72:65 Definition of Wind-Powered Energy Systems.** – In this subdivision "wind-powered energy system" means any wind-powered devices which supplement or replace electrical power supplied to households or businesses at the immediate site.

Michael Franklin asked if there were specific RSA's that covered different systems and was told by Mr. Bates that there are and that is why different articles were proposed.

Alice Chamberlin asked what residential or zoning restrictions regarding height existed. Selectman Eigabroadt said the Planning Board was recently notified that the state has given authority to local municipalities to regulate those issues and the Planning Board is currently reviewing what regulations would be involved.

Tricia Mitchel said it was not clear in Article 24 the systems were restricted to personal residences. Mr. Bates said the state definitions says, "supplied to households or businesses" used on the site.

Motion to Move the Question. Voice Vote. All in Favor.

Voice Vote on Article 24 as Amended. All in Favor. Passed. Article 24 Amended.

ARTICLE 25: PASSED

Shall we adopt the provisions of RSA 72:62 for a property tax exemption on real property equipped with solar energy system which exemption shall be in the amount of 100% of the cost of the wind powered energy system up to \$35,000? (By Petition) (Not Recommended by the Board of Selectmen)

Moderator presented a correction in Article 25. He replaced the word "wind" with "solar" stating that Article 24 dealt with wind powered systems.

Article 25 Read by Moderator. Motion made and seconded for discussion.

Motion to Amend Article 25 by David Bates: Strike the word "cost" and replace it with "assessed value" and at the end add the words, "until rescinded." Second.

An audience member asked if there was an RSA that covered hydro systems and was told there was not but there was an RSA that covered wood. He was also told the RSA's are very specific and adding hydro to the amendment could not be done.

Motion to Move the Question in the Amendment. Voice Vote. All in Favor.

Voice Vote on the Amendment to Article 25. All in Favor. Passed. Article 25 Amended.

Mr. Bates read the state definition of solar energy system: **72:61 Definition**

of Solar Energy Systems. – In this subdivision ""solar energy system" means a system which utilizes solar energy to heat or cool the interior of a building or to heat water for use in a building and which includes one or more collectors and a storage container. ""Solar energy system" also means a system which provides electricity for a building by the use of photovoltaic panels.

Steve Bridgewater asked if the solar installation can be put on current use land without being in violation. Selectman Cook answered, "To the best of their knowledge, no."

Timothy Blagden asked if there were restrictions to be "on site" for solar and what did the words, "until rescinded" apply to. Mr. Bates said the state does not have an "on site" provision for solar energy and "until rescinded" means the exemption stands until voters decide to discontinue it at a town meeting.

Michael Franklin asked if stand alone grids are covered under this RSA and was told they were.

Andrew Rushia asked and was told that if he installed a solar system that increased the assessed value of his \$100,000 property assessment to \$135,000, he would be exempted \$35,000 of his assessment and taxed on the \$100,000.

Motion to Move the Question. Voice Vote. All in Favor.

Voice Vote on Article 25. All in Favor. Article 25 Passed as Amended.

ARTICLE 26

To see if the Town will vote to raise and appropriate the sum of no more than \$700.00 for the purchase of one professional grade, real time digital audio recording system (CD burning capabilities), several wireless microphones (3 or 4), and an appropriate multi-microphone mixer to properly duplicate and index/archive said CD's for posterity. CDs require little space, do not degrade, and can be stored indefinitely. The practice will allow reference and establish an official, traceable, permanent historical record of those meetings of boards and/or committees of the Town of Warner that are required by law or policy to be recorded. The purpose of this equipment is to digitally and indelibly record public meetings. At least one microphone shall be available for the public. This will capture an immediate, permanent audio record, and require it to be posted on the town website as a downloadable audio file within 48 hours of recording. It will facilitate and authenticate meeting minute's transcription as well. (By Petition) ((Not Recommended by the Board of Selectmen; Not Recommended by the Budget Committee)

Article 26 Read by Moderator. Motion made and seconded for discussion.

Ronald Wirth presented slides showing the current way meeting minutes are done, a new way to record minutes, digitally recorded, pictures of the wireless recorders, the mixing box and receiver and explained an audio file can be up loaded onto a computer and burned onto a CD. He said the CD would not be a replacement for the legal requirement for filing documents but they are the cheapest form of document storage and access at about .18 cents each, lighter than cassette tapes and easier and quicker to duplicate and store, taking up very little space.

Questions from the audience included: How would the information be "captured"? What is required to put the information on the Town website? Have the Selectmen considered the cost, if any, for training and maintenance of the equipment?

Joanne Hinnendael said the 'whole picture' needs to be looked at and an assessment needs to be made as well as a plan for the committees that will use the system.

Ms. Hinnendael made a Motion: To table Article 26 until next year. Second.

As a Point of Order, Steven Varnum asked if the Article comes back in the same language. The Moderator answered, "Yes".

Alan McCausland made a Motion to 'Not' table Article 26. The Moderator said that can be done by voting on the Motion made by Ms. Hinnendael.

Mr. Wirth said he had an Amendment to Article 26 he would like to present and would suggest it be heard before the Article 26 is tabled.

Moderator called for a Voice Vote on the Motion on the floor.

Voice Vote. Motion Failed. Article 26 Voted to remain on the floor for discussion.

Further comments included a preference to discussing the objective of Article 26 next year after more study, a question of who would pay for the necessary bandwidth and information from Selectmen Eigabroadt that the Town has purchased two servers that have the potential with added hard drives to be used in conjunction with the audio files.

Motion by Mr. Wirth to Amend Article 26 as follows:

To see if the Town will vote and raise the appropriate sum of no more than \$1000.00 for the purchase of one professional grade, real time digital audio recording system as has been described as one or more flash-based digital hand held recorders, USB connectivity that may connect and transfer and burn the audio file to CD, several wireless microphones (3 or 4), and an appropriate multi-microphone mixer to properly duplicate and index/archive said CD's for posterity. CD's require little space, do not degrade, and can be stored indefinitely. The practice will allow reference and establish a traceable, permanent historical record of those meetings of boards and/or committees of the Town of Warner that are required by law or policy to be recorded. The purpose of this equipment is to digitally and indelibly record public meetings. At least one microphone shall be available for the public. It will facilitate and authenticate meeting minute's transcription as well. This is not intended to replace the RSA requirements.

Second.

Selectman Cook said the Board met with Mr. Wirth. He said they agree and understand the intent presented, but the Board of Selectmen set Policy.

Voice Vote on the Amendment. Majority in Favor. Amendment to Article 26 Passed

The Board of Selectmen were individually asked if they supported the intent of Article 26. Selectmen Cook and Eigabroadt replied, "Yes" and Selectman Hartman answered, "No".

Voice Vote on Article 26 as Amended. Results Unclear.

Call for Hand Vote. YES: 32 NO: 32

Hand Vote tie broken by vote of the Moderator.

Moderator Voted "Yes".

Final Vote: YES: 33 NO: 32 Article 26 Passed as Amended.

ARTICLE 27

To transact any other business that may legally come before the meeting.

Article 27 Read by Moderator. Motion made and seconded.

Hearing no questions or comments, Moderator called for a Motion to Adjourn.

Motion to Adjourn made and Seconded. Voice Vote. All in Favor. Motion to Adjourn at 11:45 PM.

Respectfully Submitted,

*Judith A. Rogers,
Town Clerk, Warner*