

Warner Town Clerk

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Office Hours: Mon, Wed, Thurs,
8:00 – 3:00 PM
& Tues 8:00 – 6:00 PM

TOWN OF WARNER 2012 ANNUAL TOWN MEETING

TUESDAY, MARCH 13, 2012 ELECTION RESULTS

ARTICLE 1

Selectman For Three Years (1)	539	Clyde Carson
Tax Collector For Three Years (1)	565	Marianne Howlett
Town Clerk For Three Years (1)	181	Tracey Mcguckin-Hallenborg
	*450	Judith Newman-Rogers
Treasurer For Three Years (1)	557	Gail Holmes
Moderator For Two Years (1)	561	Raymond Martin
Almoner of Foster & Currier Funds For Three Years (1)	547	O. Fred Hill
Budget Committee For Three Years (2)	505	Alfred Hanson
	465	Martha Mical
Chandler Reservation Committee For Four Years (1)	549	Stephen Hall
Supervisor of the Checklist For Six Years (1)	546	Martha Thoits
Trustee of Trust Funds For Three Years (1)	534	Stephen Trostorff
Trustee of Pillsbury Free Library For One Year (1)	529	Sherry Thomas
Trustee of Pillsbury Free Library For Three Years (3)	515	Tina Schirmer
	472	Richard Knapik
Write – In Candidate	27	David Pook
Trustee of Town Cemeteries For Three Years (2)	551	Gerald B. Courser
	561	Penny Sue Courser

The following Zoning Ordinance Amendments are the condensed versions of the full zoning changes that were proposed and recommended by the Warner Planning Board. (Full version on file with this report)

QUESTION 2 YES - 347 NO - 220

Amend Article XII - Signage Regulations, by rewriting paragraphs C and D to clarify the interpretation of existing requirements; and by increasing the allowed sign area from (32) to (46) square feet in the Business District B-1 where this supplemental signage is attached to a building which would be consistent with that on some existing businesses; and by allowing sign area of (64) square feet for each separate primary building on a premises in Commercial District C-1 while maintaining the existing allowed area of (64) square feet for signage for a single building on a premises in the Commercial Districts and, amend Article III Definitions by adding a definition for Premises to mean a lot including its buildings.

QUESTION 3 YES – 427 NO - 121

Amend Article IV - General Provisions, by deleting paragraph O in its entirety as shown by strikeouts below. The intent is to leave the requirements for installation of underground utilities with the existing Town Building Codes (which has adopted the NH State Codes) and with the utility companies' own requirements

~~.Any underground utility within a Public Right-of-Way or dedicated Town highway shall be buried no less than 36 inches below ground surface and in schedule 80 conduit. [Amended March 1999]~~

QUESTION 4 YES – 338 NO - 226

Amend Article XI – Commercial District C-1, by deleting paragraph H as shown by strikeouts below. The intent is to allow an equal opportunity for this type of restaurant on all lots in the Commercial Districts.

~~No fast food or drive-in restaurant shall be located on a site, lot or parcel within two thousand (2,000) feet of any other site, lot or parcel occupied by another fast food or drive-in restaurant, with such distance measured along and/or across one (1) or more public highway rights-of-way. [Approved March 2001.]~~

QUESTION 5 YES – 330 NO - 237

Amend TABLE 1 – USE REGULATIONS section for RESIDENTIAL USES, by making the changes below. The intent is to allow more flexibility for housing within the downtown Business District B-1 and the adjacent Village Residential District R-1 without going through the Zoning Board of Appeal's special exception or variance process for these situations. The Planning Board's Site Plan Review process for Multi-family Dwellings will still be required.

Changing:

1-Family Detached Dwelling from requiring a Special Exception to Permitted in Business District B-1 and, 2-Family Dwelling from Not-Allowed to Permitted in Business District B-1 and, Multi-Family Dwelling from Not-Allowed to Permitted in Business District B-1 and, Multi-Family Dwelling from requiring a Special Exception to Permitted in Village Residential District R-1 and, "Conversion of Existing Dwelling Structure to Multi-Family Dwelling" from requiring a Special Exception to Permitted in Business District B-1 and in Village Residential District R-1.

QUESTION 6 YES - 437 NO - 126

Amend Article IV - General Provisions, by adding a sub-section to the existing paragraph H – Nuisance provision as shown below. The intent is to provide initial direction to citizens who are concerned with nuisance noise situations. The State Statute is in effect even if this amendment fails to be approved.

Noise related complaints will be handled by the Warner Police Department according to NH State Statute 644:2-Disorderly Conduct.

QUESTION 7 YES - 289 NO - 162

Amend Article IV - General Provisions, by adding paragraph T which would allow Child Day Care Home for up to 3 children as a Home Occupation if certain conditions are met; and would allow outside play time; and would not require Site Plan Review by the Planning Board. The intent is to simplify the process and reduce the initial costs for small operations for child care. The existing requirement to obtain a Special Exception for larger Day Care operations shall remain.

and, amend Article III – Definitions, by adding a definition for "Child Day Care Home" to mean a Home Occupation not required to be licensed by the State of New Hampshire, providing care and supervision in a dwelling unit to not more than three (3) children from one or more families for periods of time not to exceed 24 consecutive hours and excluding members of the family in the dwelling. (See RSA 672:1).

QUESTION 8 YES - 428 NO - 111

Amend TABLE 1 – USE REGULATIONS, under the ACCESSORY USES section, by revising line #2 by deleting “Private day nursery” and adding “Day Care”. The purpose is to update the terminology.

QUESTION 9 YES – 394 NO - 163

Amend by adding a new Article XIV-B - Accessory Apartment, containing provisions to allow a lot to have one accessory apartment of no less than 300 square feet but no more than 50% of a primary dwelling’s building area up to a limit of 1,000 square feet, if certain requirements are met. An accessory apartment could also be located in a detached accessory building such as a garage with an apartment loft or a storage/barn building. The intent is to add provisions to allow individual accessory apartments in the Zoning Ordinance since there currently are no such provisions.

and amend Article III – Definitions, by adding a definition for “Accessory Apartment” to mean a separate complete housekeeping unit that is contained within, attached to a single family dwelling, or within an accessory building, in which the title is inseparable from the primary dwelling.

and, amend TABLE 1 – USE REGULATIONS under the RESIDENTIAL USES section, by adding “Accessory Apartment” and indicate as being permitted in all Districts except Intervals Overlay INT and Commercial District C-1.

ADJOURN TO WEDNESDAY MARCH 14, 2012 at 7:00 P.M.

Moderator Ray Martin opened the Warner Annual March Town Meeting at 7:00 PM , Wednesday, March 14, 2012. The audience stood for the Pledge of Allegiance and then listened as the Official, Zoning and School results of the Election held the previous day were announced. (Election results recorded at the beginning of these minutes) Winners were declared & asked to go to the Town Clerk’s Office to be sworn in for their new or re-elected position.

The Moderator said the total number of voters, 639, was a great turnout compared to 439 voters for last year’s Town Election. He thanked the dedicated individuals who came in after voting closed at 7 PM to count the votes cast and said new counters are always welcome. He said because there were three ballots, a total of over 2000 votes were cast and needed to be recorded on tally sheets, making for a long night. The audience responded in a round of applause.

The Moderator introduced Clyde Carson, Chairman of the Warner Board of Selectmen to present the “State of the Town”.

Chairman Carson began by saying the 2011 Town Report was dedicated to Richard “Dick” Brown. Recently retired, he said Dick was Chief of the Warner Fire Department for almost 25 years and a member of the department for 35 years. He said the Town was very grateful for all the time Mr. Brown had devoted to the Town.

Chairman Carson said he would like to say a few words about Mr. Brown even though he was not in attendance at tonight’s meeting. He said the Selectmen and several members of the Fire Department went announced to Mr. Brown’s home to present him with a signed copy of the 2011 Town Report. He said Mr. Brown appeared “caught off guard” but pleasantly surprised. The Fire Department presented Mr. Brown with a retirement present, a pewter Fireman’s Bugle. Chairman Carson said Mr. Brown explained that depending on rank, a fireman would have a certain number of bugles to communicate with at a fire. Chairman Carson said the Fire Department did a great job with their choice of gift and asked that when people see Mr. Brown, they thank him and wish him a “Happy Retirement”.

Referring to a computer generated presentation projected onto the screen on the back wall of the Town Hall stage, Chairman Carson explained a few of the Town projects completed in 2011 and projects for 2012.

1. North Village Road	<u>Project Funds</u>		<u>Project Costs</u>
Bridge Capital Reserve Fund	\$141,749		Engineering \$ 9,474
Road Construction Capital Reserve Fund	\$196,660		Constr /Paving \$224,683
Town Gravel	\$ 30,240		Materials \$ 98,745
			Town Gravel \$ 30,240
			Traffic Control <u>\$ 5,506</u>
	TOTAL:	<u>\$368,649</u>	\$368,649

2. 2012 Road Projects

 A. ½ mile of Pumpkin Hill Road

 B. Bartlett Loop Culvert

 a. Already closed - cars only

 b. Continuing discussion on the action to be taken

Chairman Carson explained that North Village Road was an expensive project. He said the Town has other necessary and expensive infrastructure projects that require serious review and discussion. He said the Road Committee has prioritized the Road Projects into a “Top 10” list and is in the process of fine tuning estimates. He said the cost of these projects could be upwards of several million dollars.

3. Street Sweeper
- Purchased in spring 2011 for \$35,000
 - Estimated annual savings: \$9,000
 - Eliminates scheduling issues
 - Supports road crew activities, e.g. ditch clean out
 - Potential to share with Bradford
- **Showed a picture of the Street Sweeper

4. Transfer Station Loading Dock
- Improved efficiency
 - Project cost: \$34,438
 - Flexible scheduling
 - Expanded parking
 - Sets the stage for future improvements

5. Town Hall & Fire Station Generators

	<u>Project Funds</u>		<u>Project Cost</u>
Town Voted	\$37,500	Town Hall	\$12,769
Grants	<u>\$18,812</u>	Fire Station	<u>\$28,024</u>
TOTAL:	\$56,312		\$40,793

Remainder to General Fund: Total Project Funds minus Project Cost = \$15,519

- Both sized to support 100% demand
- Fire Station sized to support future building
- Generators are tested weekly - automatically

6. Future Fire Station

<u>Expenditures from Capital Reserve Fund</u>	
Land on Route 103	\$ 76,213
Building removal	\$ 4,605
Warren Street Architects	\$ 42,350
Shore land permit	<u>\$ 3,750</u>
Cost to Date:	\$126,918

7. Town Hall Energy Upgrades

\$ 9,995

New energy efficient twin boilers

- Town Hall boiler failed last year
- Second boiler called on to work only when needed

\$23,450

Insulation over main hall & stage & air sealing throughout

- Energy Efficiency Audit was done
- there was a 35% heat loss in Town Hall
- 16 inches of insulation added
- Fuel savings for the Town

8. Odd Fellows Building

A. Hazardous Material Mitigation

- Funded by Brown Fields Grants

\$8,000 • Phase I – survey of the building completed in December 2011

- Identify areas to look at for potential hazardous waste

\$8,000 • Phase II – testing, in 2012

- Depending on when grant money is available, perhaps July
- Treat identified areas to determine if any hazardous materials exist

\$??? • Phase III – removal of any hazardous material (if 2012 funding is available)

- actual removal of material will depend on when/if funds are available

** Building will be certified cleared for the Town to move forward with a use or sale

B. Clock Tower Restoration

- Clock Tower was a Town project and not original to the building
- Townspeople wanted a clock tower in Town so private money was raised

C. Possible Moose Grant application in 2012

- To remove Clock Tower
- Use local talent to restore
- Possible options
 1. Return to a restored Odd Fellows Building
 2. Create a monument

D. National Register of Historic Places application

- Qualifies building for more funding options & opportunities
- More attractive to potential developers
- Does not put limitations on what the Town may do with it

9. Town Website

New look

Intent:

present a good first impression of Warner when viewed
increase town information: minutes, meeting schedules, happenings & notices
Art work by Jamie Murray, local resident, who also took the Town Report cover

10. Riverside Park Ice Rink

Thank You to the many citizens involved - a few were named:

Griffin Manning Chuck Austin Hayden Manning
Eddie Mareau Tim Wilson AND Warner Parks & Recreation

2012 Budget Presentation by Michael Cutting, Chairman, Warner Budget Committee

Warner Budget Committee Members:

Introduced by Mr. Cutting and Thanked for all their time and effort

Michael Cutting, Chairman Kimberley Edelmann, Vice Chairman
 Marc Violette Alfred Hanson David Karrick, Selectman's Rep
 Jean Hand Martha Bodnarik Raymond Martin, WVWD Rep.

A. Budget Committee Focus Points

1. Control the Operating Budget
2. Continue to fund Capital Reserve Funds (CRF)
 - Funds are built up over years toward a purchase and available when needed
 - Selectman Carson's presentation explained how CRF's were used in 2011
 - Media reports show many towns have substantial projects but no funds to support them
3. Control Town tax rate

B. 2012 Budget

1. Overview of how the budget is spent

58.7% of the total budget is expended by:

Highway 31 %
 Police 16.2%
 Fire 7.3%
 Selectmen's 4.2%

Important for the public to know:

- Department Heads take very seriously the responsibilities of their departments
- Philosophy has changed from "If not spent this year, it will be cut next year."
- Through Selectmen's and Department Heads management, effort and support is given to controlling spending to the best possible methods

C. Operating Budget Summary

- Committee met first Focus Point of controlling the Operating Budget

2012 compared to 2011

<u>2011</u>	<u>Operating Budget</u>	<u>+</u>	<u>Capital Budget</u>	<u>=</u>	<u>Budget Total</u>
Appropriation	\$2,884,582.00		\$450,000.00		\$3,334,582.00
Spent	\$2,771,421.99		\$450,000.00*		\$3,221,421.99
Unspent	\$ 113,160.01		*into CRF's		\$ 113,160.01

<u>2012</u>	<u>Operating Budget</u>	<u>+</u>	<u>Capital Budget</u>	<u>=</u>	<u>Budget Total</u>
Proposed	\$2,884,577.00		\$464,000.00		\$3,348,577.00*

* Increase from 2011:
 \$13,995.00 .0042%

- Committee met second Focus to fund CRF's and control budget increase

Estimated 2012 Tax Rate

Requested Appropriations	\$3,348,577.00	
-Less: Est. Revenue	\$1,153,238.14*	* includes \$204,142 from General Fund
-Less: Applied Surplus	\$ 0.00	
+ Add: Overlay	\$ 50,000.00	
+ Add: War Service Credits	\$ 88,200.00	

2011 Valuation \$280,722 per \$1000

The Committee determined \$204,142.00 from the Fund could be returned to the tax payers to help control the tax rate.

Warner Town Tax Rate

2010 Town Tax Rate	\$8.99	
2011 Town Tax Rate	\$8.60	
2012 Anticipated Tax Rate	\$8.31	Based on information known at this time.
Decrease from 2011	3.4%	.29 * Includes all Warrant Articles as

Recommended by Selectmen and Budget Committee

- Committee met third Focus to control tax rate

Mr. Cutting said that to meet the focus of controlling the Tax Rate and still funding the CRF's, the Budget Committee considered the amount of money in the Town's Fund Balance (aka: Surplus, General Fund) which is a little more than \$800,000. He said the Department of Revenue Administration (DRA) requires a Town's Fund Balance be maintained at between 5-17% of the Town's total budget, a percentage that can change yearly. He said the Committee discussed appropriate amounts to maintain in the Fund, allowing for paying bills on time and still keeping an acceptable balance if an emergency occurred. Mr. Cutting said they decided \$204,142 was a comfortable amount to withdraw from the Fund. He said applying the money to the Capital Budget would reduce the amount needed to be raised by taxation therefore controlling the tax rate. He said this was done in the Warrant Articles that include the wording, "*Of that sum \$xxxxx to come from the General Fund Balance and \$xxxxx to be raised by taxation.*"

Mr. Cutting emphasized that taking money from the Fund Balance every year would eventually deplete the balance to below a sufficient amount but being conscientious of the economic conditions of many residents, the Committee felt it was critical to do this year. Mr. Cutting also said that he can not guarantee the projected tax rate but a good financial year would help in achieving it.

Fred Creed asked for the current balance of the General Fund. Mr. Cutting said at the start of 2012 the balance was approximately \$800,000 but that will be reduced to about \$600,000 or 650,000 if the budget passed as presented. He explained that any revenue and money that departments do not spend will go into the Fund to replenish it.

The Moderator explained the rules to be followed for the meeting. He also said that Town counsel has advised that Article 35, presented by petition asking the Town to adopt a Food Bill of Rights and Self Governance ordinance is "void, illegal and unenforceable." (Copy of document on file with this report.)

Motion by James Gaffney:

Move Articles 34 and 35 to be heard after Article 12. Second.

Moderator called for discussion.

Martha Bodnarick encouraged voters to vote against the Motion saying the purpose of the Town Meeting is to "conduct Town business and vote on budgets first."

Voice Vote on the Motion. Nays in the Majority. Motion FAILED

ARTICLE 10 PASSED

Shall the Town raise and appropriate the sum of \$ 2,884,577.00 (Two Million Eight Hundred Eighty Four Thousand Five Hundred Seventy Seven Dollars) as a 2012 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 the Moderator. Question Moved and Seconded for Discussion.

Chairman Clyde Carson said the 2012 budget was not “a mirror” of the 2011 budget just because the difference between the two budgets was \$5.00. He explained that they were able to maintain a “flat” budget despite a reduction to the Town in State funding.

Voice Vote on Article 10. Ayes in the Majority. Article 10 PASSED.

ARTICLE 11 PASSED

Shall the Town raise and appropriate the sum of \$10,000.00 (Ten Thousand Dollars) to add to the already established Police Department Vehicle Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.

Police Chief William Chandler began by saying the 2012 Capital Reserve request was \$6,000 less than the 2011 request. He explained that a new cruiser was scheduled to be purchased in May 2012 but since a vacant full time police officer position was just recently filled, the cruiser mileage was under the expected mileage. Chief Chandler said a new cruiser purchase can be delayed until 2013 and stated that the current balance of the fund is \$23,178.

Alice Chamberlain asked what a cruiser cost. Chief Chandler said he estimates the cost between \$30,000 - \$33,000, fully equipped but that will be more defined the closer it gets to actually purchasing the cruiser. He added that the final cost is usually under his estimate but prefers to estimate cautiously.

James Gaffney asked about the current condition of the cruisers. Chief Chandler replied that his goal is to get through the year with the 2008 cruiser, the SUV purchased in 2007 has a life expectancy of 8 - 10 years which Chief Chandler said was attainable and the 2010 cruiser has low miles on it since it is the most recent purchase. He said he feels the department is in “good shape” in regards to vehicles

Hearing no further discussion, the Moderator called for a Vote.

Voice Vote on Article 11. Ayes in the Majority. Article 11 PASSED.

ARTICLE 12 PASSED

Shall the Town raise and appropriate the sum of \$250,000.00 (Two Hundred Fifty Thousand Dollars) to be added to the already established Highway Road Construction Capital Reserve Fund? Of that sum \$150,000.00 (One Hundred Fifty Thousand Dollars) to come from the General Fund Balance and \$100,000.00 (One Hundred Thousand Dollars) to be raised by taxation. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.

The Moderator stated that the fund balance was currently \$28,947 before Director of Public Works, Matthew Waite, presented. Mr. Waite said the funds are used for road repairs and this year a section of Pumpkin Hill Road was on the repair schedule. He answered Michael Amaral’s question asking what roads were on the “Town’s Top Ten List” saying that Waldron Hill was included in that.

Ed Mical asked if an amendment passed at the 2011 Town Meeting stating that public hearings be held before expending from the Road Construction Capital Reserve Fund was still in effect. Town Administrator Laura Buono answered, “Yes, until rescinded at a Town Meeting.”

Ms. Buono also answered a question from Janice Cutting confused about the difference in the Capital Reserve balance stated by Moderator and the balance of \$3700 published in the Town Report by saying that there are a couple of funds that were updated after year end and after the Town Report went to print.

James Gaffney said that from a taxpayer point of view, it would be beneficial to see a list of what the money being asked for will be spent on.

Alice Chamberlain asked what percentage of the road construction budget would be spent. Selectman David Hartman answered that the requested \$250,000 is the road construction budget and talked about the day-to-day costs of roads in the budget.

Hearing no further discussion, Moderator called the Question.

Voice Vote on Article 12. Ayes in the Majority. Article 12 PASSED.

ARTICLE 13 PASSED AS AMENDED

Shall the Town raise and appropriate the sum of \$50,000.00 (Fifty 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)

Read by the Moderator. Question Moved and Seconded for Discussion.

Motion by Ed Mical:

Amend Article 13 as written by adding the following after Highway Equipment Capital Reserve Fund. All equipment purchases utilizing the Highway Capital Reserve Fund must be listed in the approved Capital Improvement Program for the year purchased unless an emergency requires that an existing piece of equipment be replaced due to breakdown. Prior to any expenditure of funds, the authorized agent, the Board of Selectmen shall hold a properly noticed Public Hearing, as defined in State RSA, to fully explain what the money will be used for. Additionally, the Board shall vote to approve the expenditure of funds and all funds expended shall be included in a report that is available for the public and included in the next year's Town Report. This amendment shall remain in force until rescinded by the legislative body. Second.

Mr. Mical explained that his amendment, similar to one he made last year, is asking for accountability to the taxpayers through notice, public hearings and publication on how funds are spent and what they are spent on.

Richard "Dick" Mueller asked if the amendment required funds be expended in the next calendar year. The Moderator reread the proposed amendment and said as he understands it, unless it is an emergency, if money is taken out of the fund to purchase a piece of equipment, that piece of equipment must be on a "list to be purchased in that year." The Moderator, his summation confirmed by Mr. Mical, went on to add that if a piece of equipment is not purchased in the year it is listed in, the money does not have to be spent and the piece of equipment can be added to a future year's list adding that the amendment also allows for equipment to be purchased in an emergency.

Discussion continued with Mr. Mical answering questions about the necessity of this amendment. He said the Capital Improvement Program (CIP), updated yearly, includes department input for projects and purchases for the current and future years. He said the Highway Department equipment requests are listed in the CIP and his amendment, which allows for emergency purchases even if the equipment is listed in future years, is requesting more accountability for equipment that the Town purchases.

With confusion on the amendment expressed by Martha Bodnarick and Marc Violette, Martha Mical offered clarification by saying that the Town can't just go out and "buy a boat". Nancy Martin asked why the amendment was needed and Mr. Mical responded by saying that purchases should be listed in the CIP.

Selectman Hartman said the CIP is an "advisory document" for the Selectmen and Budget Committee, not a document with a list "of needs to be purchased." He said the purpose of the Capital Reserve Fund is to allow the Selectmen, working with Department Heads, to maintain the Town. He added that he did not understand

the “thrust” of the amendment but it might be that “you should run for Selectman” because, he said to Mr. Mical, that he was proposing to take the authority away from the Selectmen and binding it to the CIP, an advisory document.

Motion to Call the Question.

Moderator recognized Mr. Gaffney who commented that it sounded like there were people concerned about what the money is spent on.

**Voice Vote on the Amendment. Ayes in the Majority.
Amendment to Article 13 PASSED.**

Moderator asked for discussion on Article 13 as Amended.

Marianne Howlett asked if there were any purchases planned for 2012. Selectman David Karrick said if there is, there will be a public hearing, Director Waite said there is nothing planned “as of this date” and the Moderator added that if necessary, an emergency purchase could be made after a public hearing.

**Voice Vote on Article 13 as Amended. Ayes in the Majority.
Article 13 as Amended PASSED.**

ARTICLE 14 PASSED

Shall the Town raise and appropriate the sum of \$10,000.00 (Ten 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)

Read by the Moderator. Question Moved and Seconded for Discussion.
The Moderator stated that the current fund balance was \$115,801.

Chairman Carson explained that the Town had just finished a reevaluation and is asking that money be put into this CRF every year that will build up and cover the expense of the next appraisal in four years. He answered Fred Creed’s question that the last reevaluation cost \$130,000.

To Mr. Mueller’s question regarding the price for the future reevaluation, the Moderator responded that it was difficult to estimate but the amount put into the fund can be adjusted as it gets closer to doing the reevaluation and the price is clearer.

Sara McNeil spoke to the audience saying she has lived in Warner for 35 years, attending Town Meetings for 30 years, and is “appalled at the poor turnout” at this meeting, asked that people think about why that is and talk to other people about why attendance is so low.

Ms. Mc Neil also commented on knowing that the state requires a reevaluation every five years but there are some towns that do not do it and that does not keep everyone on the “same playing field.” She added that property taxes are “killing” her and hopes that something can change soon.

James Gaffney said he was also appalled at the lack of turnout. He said the town leadership needs to do a better job of getting information out to the public and increasing attendance at the school meetings also because that is a larger part of the tax bill.

The Moderator said the Question was Moved and Seconded then reminded anyone wishing to speak, to keep their comments to the Article.

Voice Vote on Article 14. Ayes in the Majority. Article 14 PASSED.

ARTICLE 15 PASSED

Shall the Town raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) to be added to the already established Fire/Rescue Vehicle Capital Reserve Fund and to name the Board of Selectmen as Agents to expend? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.
The Moderator said the current balance of the fund was \$ 96,674.

Fire Chief Ed Raymond explained the fund was created to allow for the replacement of expensive equipment that the department requires. He said what they have is in good shape and should carry them through the year. He answered Mr. Mueller that the next large equipment purchase would be 3-5 years away.

Cathy Creed asked why Article 15 had the words, "Selectmen as Agents to expend" and other Articles did not. Town Administrator, Laura Buono said the authority automatically goes forward, year after year, when the fund is "PASSED" that way. Selectmen David Hartman said most Capital Reserve Funds have already appointed the Selectmen as Agents, the wording probably should not be in Article 15 - it is a mistake and it could be amended out.

The Moderator said the statement, "Selectmen as Agents to expend" is included in the wording when a Capital Reserve Fund is first established and carries forward until the fund is discontinued. He said he believed all the funds discussed at this meeting were all established funds.

Chief Raymond answered James Gaffney's question saying that the next purchase will cost about \$225,000 - \$250,000 and that is why the Town needs to save money towards that purchase.
Mr. Gaffney agreed it would be good to have the money and not have to take out a bond.

Motion was made to Call the Question. Second.

Voice Vote on Article 15. Ayes in the Majority. Article 15 PASSED.

ARTICLE 16 PASSED

Shall the Town raise and appropriate the sum of \$10,000.00 (Ten Thousand Dollars) to be added to the already established Transfer Station Acquisition & Improvement Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.
The Moderator said the current balance of the fund was \$ 497.

Transfer Station Foreman, Varick Proper explained that the project planned for this year was a 16 foot extension to the main recycling building. Alice Chamberlain asked how Article 16 was different from Article 18. Mr. Proper said Article 16 was for "Improvements" and Article 18 was for "Equipment."

James Gaffney made a Motion:

To include language in Article 16 on how the money is to be spent.

The Moderator said that would mean that the only thing the money could be expended on is that project and Capital Reserve Funds are not set up for that purpose. Martha Bodnarick commented that "it would be nice" if concerned people attended the public meetings for the Budget Committee and CIP to be informed about how the money will be spent.

When the Moderator asked for any other comments, John Leavitt said he took "offense" to the last statement saying that the purpose of this public meeting was to discuss the Articles and vote them "up or down" and he felt it was not appropriate to attack someone asking a decent question.

Mr. Gaffney said he had made a Motion and asked if there was a Second.

The Moderator asked if there was a Second to the Motion.
Hearing none, he called the Question on Article 16 as originally submitted.

Voice Vote on Article 16. Ayes in the Majority. Article 16 PASSED.

ARTICLE 17 PASSED

Shall the Town raise and appropriate the sum of \$25,000.00 (Twenty Five Thousand Dollars) to be added to the already established Bridge Replacement & Maintenance Capital Reserve Fund? Of that sum \$25,000.00 (Twenty Five Thousand Dollars) to come from the General Fund Balance. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.
The Moderator said the current balance of the fund was \$35,481.

Director of Public Works, Matt Waite explained that the funds would be used to maintain Town bridges instead of having to replace them. He answered Tim Scott's question saying that the money is used for paint and/or repair boards, not engineer or survey costs. He answered Nancy Martin saying the North Village Road Bridge was on the State's Red List as a high priority and the next priority is Laing Bridge. He said the Covered Bridges are always on the list.

Mr. Waite answered James Gaffney that addressing problems with Laing Bridge will take it off the Red List.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 17. Ayes in the Majority. Article 17 PASSED.

ARTICLE 18 PASSED

Shall the Town raise and appropriate the sum of \$13,000.00 (Thirteen Thousand Dollars) to be added to the already established Transfer Station Equipment Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.
The Moderator said the current balance of the fund was \$13,013.

Transfer Station Foreman, Varick Proper explained that the newest piece of equipment at the Transfer Station is 8 years old and this CRF was established to put money aside to use when it is necessary to purchase equipment, which should not be until 2017 when the trash compactor is scheduled for replacement.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 18. Ayes in the Majority. Article 18 PASSED.

ARTICLE 19 PASSED AS AMENDED

Shall the Town raise and appropriate the amount of \$10,000.00 (Ten Thousand Dollars) to be added to the already established Radio and Pager Expendable Trust Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.

Fire Chief Ed Raymond said he had taken equipment inventory and determined it was up to date.

**Chief Raymond made a Motion to Amend Article 19:
To reduce the requested amount to 0.00 (Zero) from \$10,000 (Ten Thousand Dollars).
Second.**

Town Administrator, Laura Buono responded to the question of what the fund amount was by saying there will be a small amount after a reimbursement for radios is made but she did not have that figure with her.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on the Amendment. Ayes in the Majority. Amendment PASSED.

**Voice Vote on Article 19 as Amended. Ayes in the Majority.
Article 19 as Amended PASSED.**

ARTICLE 20 PASSED

Shall the Town raise and appropriate the non-lapsing amount of \$6,000.00 (Six Thousand Dollars) for the purpose of purchasing a new mower for Parks and Recreation. This article will be non-lapsing until December 31, 2014. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.

The Moderator said the current balance of the fund was \$7500.

Selectman David Karrick said if approved, \$13,500 (The fund balance of \$7500 + the requested \$6000) should be enough to purchase a new mower for the Parks and Recreation Department, replacing the current 4-year old mower which has proved to be inadequate. He said he was not sure if the current mower would be traded in and to Richard Mueller answered that he felt confident the new mower would have a warranty.

Andrew Bodnarick asked why the words, "lapsing fund" and a date were included in Article 20. Selectman Karrick said it was in case the mower is not purchased in 2012 or 2013.

Town Administrator, Laura Buono said Article 20 is not a Capital Reserve Fund; it is an "Appropriation."

The Moderator explained that a "Capital Reserve Fund" could be continued and funded indefinitely and an "Appropriation" has an end date. Cathy Creed asked and was told that if the money is not spent by the end of 2014 it goes into the Town General Fund.

A gentleman in the audience stated that he thought \$13,500 sounded like a lot of money for a lawn mower. The Moderator said the large playing fields at Riverside and Bagley Parks are mowed quite often during the season and the mower is an "industrial" strength mower not the average homeowner size.

James Gaffney asked if the Town had considered sub-contracting the mowing and if so, what were the costs. Selectman Karrick said in previous years the Town did sub-contract the field mowing and although he did not have the information with him that was being asked for, he did know that it had proven to be more cost effective and there is better scheduling when the person doing the job is employed by the Town.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 20. Ayes in the Majority. Article 20 PASSED.

ARTICLE 21 PASSED

Shall the Town raise and appropriate the sum of \$10,000.00 (Ten Thousand Dollars) to be added to the already established Town Hall Building Improvements Capital Reserve Fund? Of that sum \$10,000.00 (Ten Thousand Dollars) to come from the General Fund Balance. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.
The Moderator said the current balance of the fund is \$4940.

Selectman Carson explained money from this CRF has been used for Town Hall slate roof replacement and for the energy updates done in Town hall last year. He said future uses would include addressing the granite front steps of Town Hall and secure storage for Town records. He said the steps have been discussed as a priority project for this year with enough money to pay for the work if this article passes and then the Town can move forward on vault/secure storage for Towns records.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 21. Ayes in the Majority. Article 21 PASSED.

ARTICLE 22 PASSED

Shall the Town raise and appropriate the non-lapsing amount of \$24,176.14 (Twenty Four Thousand One Hundred Seventy Six Dollars and Fourteen Cents) for the purpose of constructing additional sidewalks under the Safe Routes to School Program? Of that amount, \$24,176.14 (Twenty Four Thousand One Hundred Seventy Six Dollars and Fourteen Cents) will be coming from the money awarded to the Town of Warner through the NH Safe Routes to School Program. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.

Selectman Carson explained that this is money for engineering the sidewalks as part of the Safe Routes to School Program grant that was awarded to the Town. He said this money was awarded to the Town after the original grant so it is necessary, procedurally, for the Town to vote to accept the money.

Richard Mueller asked if there were any “state strings attached” – any that had monetary implications for the Town. Selectman Carson answered that it will be the responsibility of the Town to maintain the sidewalks. Gerald Marsh asked if the sidewalks were going from Geneva Street to the Community Action Program building (aka: CAP Building & Old Graded School) and was told “Yes” by Selectman Carson. Mr. Marsh also asked but an answer was not available regarding the cost per foot to snow blow the Town sidewalks.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 22. Ayes in the Majority. Article 22 PASSED.

ARTICLE 23 PASSED

Shall the Town raise and appropriate the non-lapsing sum of \$9,142.00 (Nine Thousand One Hundred Forty Two Dollars) for the purpose of replacing the carpet in the lower level meeting room of the Town Hall? Of that sum, \$9,142.00 (Nine Thousand One Hundred Forty Two Dollars) to come from the General Fund Balance. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.

Selectman Carson explained that this request relates to the flooding in the Town Hall basement that occurred a few years ago. He said the basement carpet was damaged, an insurance claim was made, and the Town received \$9,142 which was put into the General Fund until a decision could be made on what the best option for replacement flooring should be. Selectman Carson said the decision has been made and Article 23 asks voters to allow the money to be withdrawn from the General Fund and be spent to replace the basement carpet.

James Gaffney commented that \$9,142 seemed like a “phenomenal” amount for carpet and asked if the job had gone out to bid. Town Administrator, Laura Buono responded by saying that they have received quotes on the 1400 square feet of basement space. Budget Chairman, Mike Cutting said the cost breaks down to \$6.53 per foot.

Speaking through the Moderator, Ms. Buono answered questions that the \$9,142 did not need to be raised by taxation, the article was technically asking voters if the original, unused insurance money that was deposited into the General Fund could now be moved out of the Fund to be spent.

Sara McNeil commented that she also thought this was an “astronomical” amount of money to spend on what will typically be indoor/outdoor industrial carpet.

Cathy Creed asked why there was no date or time limit to spend the money stated in the Article. Ms. Buono answered that with or without a date, it is automatically 1 year to spend the funds.

Mr. Gaffney asked if there was any concern that there could be another flood if flooding was the original reason for replacing the carpet. Selectman David Hartman answered that the problematic drainage issue at Town Hall was addressed and water was diverted away from the building when the Town took advantage of doing the work prior to the State re-paving Route 103/Main Street. He added that they have discussed alternative options to carpet. Ms. Buono added that carpet is the least expensive option.

Andrew Bodnarick asked if the \$9,142 includes removal of the old carpet and was told “Yes”. His second question asked if he was correct in remembering that the flooding in the basement was caused by a boiler problem, not a drainage problem. Ms. Buono answered “Yes”. Mr. Bodnarick then said it was great that the drainage problem around the exterior of the building was resolved but what happens if there is another boiler flood problem inside the building? Selectman David Karrick said the Town has flood insurance and the Moderator added that the Insurance is what covered the last flood.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 23. Ayes in the Majority. Article 23 PASSED.

ARTICLE 24 PASSED

Shall the Town raise and appropriate the sum of \$29,302.14 (Twenty Nine Thousand Three Hundred Two Dollars and Fourteen Cents) for the purpose of Library Operations. Of that sum, \$29,302.14 (Twenty Nine Thousand Three Hundred Two Dollars and Fourteen Cents) to come from one or more of the following funds: Lloyd and Annie Cogswell Fund, Library Operating Account, Eleanor Cutting Fund and the Mary Martin Children’s Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion

The Moderator recognized Warner’s Pillsbury Free Library’s Librarian, Nancy Ladd to speak on behalf of the Library Treasurer, Tina Schirmer who was unable to attend due to illness. Ms. Ladd summarized the reason for Article 24 by saying that the Library Trustees manage the library funds and because they are elected officials of the Town they need to be authorized by the voters to expend money from those funds. She explained that the \$29,302.14 being asked for would come from the one or more of the established funds listed in Article 24.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 24. Ayes in the Majority. Article 24 PASSED.

ARTICLE 25 PASSED

Shall the Town raise and appropriate the amount of \$20,000.00 (Twenty Thousand Dollars) to be added to the already established Exit 9 Improvements Capital Reserve Fund? Of that sum, \$10,000.00 (Ten Thousand Dollars) to come from the General Fund Balance and \$10,000.00 (Ten Thousand Dollars) to be raised by taxation. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion.

The Moderator said the current balance of the fund is \$10,107.

Chairman of the Planning Board Paul Violette explained that the Exit 9 Improvements CRF is intended for traffic control solutions in the Route 103 portion of Warner near Exit 9 from Rt 89. He said this has been an on going process because Route 103 is a state highway and the Town must coordinate with NH Department of Transportation (DOT). Mr. Violette said Warner is on the list to receive state funds and will stay there if they do the things needed to comply. He said state funds, expected to be available in 2014 to 2016, would cover 2/3 of the project cost but the Town needs the CRF to pay for the engineering study necessary to put the project together so it can be put out to bid.

Mr. Violette continued, saying the Town's financial portion of the project can come from various sources and as businesses expand and are added in the Exit 9 area, they will be asked to participate in the development and cost of a traffic control solution. He said the project is more than a "set of lights" especially as the area grows.

James Gaffney said he knows the voters keep revisiting this issue and understands there is no quick solution. He asked what the accident statistics were. Police Chief William Chandler replied that the Police Department has been working with the Warner Traffic Committee and has provided them with accident statistics. Chief Chandler added that there have been a few serious accidents but the statistics do not account for the "near misses."

Mr. Violette answered questions responding that the committee does receive the traffic counts and when it is time, the Town will have a "strong voice" in deciding the final solution.

Jennifer Ohler said a request at last year's meeting asked that accident statistics for the Exit 9 area be available for this year's meeting. Chief Chandler said he does not recall that request but statistics are available and have been provided to the Traffic Committee.

John Leavitt asked and was answered by Mr. Violette that the money the Town spends in the interim will be included in the cost of the project total that is used to calculate the Town's 1/3 portion.

Fred Creed said this is a waste of money.

Linda Mueller asked if Market Basket had provided money towards the project. Mr. Violette said the beginning of the road into Market Basket parking lot is a private driveway owned by McDonalds. He said both businesses have good records working with the community.

Timothy Scott asked and was answered by Mr. Violette that a traffic light is not the only option being looked at.

Andrew Bodnarick said page 72 of the 2011 Town report stated there were 36 accidents in 2010 versus 37 in 2011. He said he realizes the numbers are for the whole town but they have remained flat.

Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 25. Ayes in the Majority. Article 25 PASSED.

ARTICLE 26 FAILED

Shall the Town vote to authorize the Board of Selectmen to sell a 5.5 acre parcel of land known as Map 21 Lot 9, which is a portion of the Town Forest. Sale of such property will be done with a deed restriction limiting its use to forestry and/or agriculture with the proceeds of such sale to be added to the Town's Conservation Fund?

Read by the Moderator. Question Moved and Seconded for Discussion.

James McLaughlin, Conservation Commission member, explained that Article 26 was recommended to the Board of Selectmen by the Conservation Commission. He said in 1989 the Town acquired 940 acres of land, 6 parcels that were owned by Carriage Trail Acres and at the 1994 Town Meeting a vote passed that put the land into a Town Forrest. Mr. McLaughlin referred the audience to maps posted around the hall of the lots under discussion. (Map on file with this report) He said the parcels vary in size with this 5.5 acre parcel being the smallest, located at the end of Gore Road, abutting the town of Sutton. He said it's a parcel thought to get very little attention so the Conservation Commission approached the Selectmen with the idea of selling it with deed restrictions and having the proceeds go into Conservation Funds.

Timothy Scott asked if the Conservation Commission wants a deed restriction on the land, did they know what the worth to the Town was as a tax base. Mr. McLaughlin said the property is assessed by the Town for \$63,750.

Fred Creed asked if the owner of the property abutting this parcel being discussed was Robert Bower and was told, "Yes."

Martha Mical asked why a Conservation Easement was not being put on the parcel before selling it rather than paying someone for it later on.

Martha Bodnarick said the Conservation Commission is sending a mixed message to the Town by selling this land - if we own it, why sell it?

Alice Chamberlain said she would like to add to what Martha Mical had asked: selling the land without an easement eliminates access to public land.

James Gaffney asked about the development status of the land surrounding this parcel. Mr. McLaughlin said that Sutton has some developed land and the other abutter is Gore Farm.

Fred Hill asked what the reason was behind selling the land and what the thought process was by the Board of Selectmen that made selling it a good idea. Mr. McLaughlin said the land does not need to sold, selling it was a recommendation the Conservation Commission made to the Selectmen because the parcel is remote from the rest of the State Forest.

Andrew Bodnarick asked if selling the land would break any "linkage" to other forest land.

**Andrew Bodnarick made a Motion to Amend Article 26:
To strike "and/or agriculture" and have the land be maintained as forestry.
No Second.
Moderator declared the Amendment FAILED.**

Timothy Blogden asked if any of the abutters have already expressed interest in purchasing the land. Mr. McLaughlin replied, "Yes."

**Martha Mical made a Motion to Amend Article 26:
To strike the words, “deed restriction” and insert “conservation easement, limiting the
use to forestry and/or agriculture and public access.” Second**

Phil Stockwell asked what the cost to the Town would be to put a Conservation Easement on the land and was told the Town would pay for the legal costs.

James Gaffney said that putting restrictions on land of how people can use it for a resource limits the benefits to those selling the land and asked the Selectmen how they planned to sell the land: auction, through an agency. Chairman Clyde Carson answered that the Board had not definitively discussed the process but most likely it would be sold by sealed bids which would be reviewed by the Selectmen.

Cathy Creed commented that she wondered who would buy the land with all the restrictions on it.

Alfred Hanson said that a new owner of the property could come to the Town and ask the Town to buy a conservation easement on the land. He said if the Town agreed to do that, the Conservation Commission would end up spending the money it received when it sold the land. Mr. McLaughlin said an easement goes with the land and said he was not in favor of the proposed amendment and preferred a deed restriction.

Hearing no further discussion, Moderator called the question on the Amendment.

**Voice Vote on the Amendment to Article 26. Majority Against.
Amendment FAILED.**

**James Gaffney made a Motion to Amend Article 26:
To remove “deed restriction” and the limiting language that follows it.
Second.**

Jennifer Ohler said when the Town acquired the land, the intention was for it to be conservation land. She said the amendment does not follow the spirit of Article 26 as proposed. Martha Bodnarick said she felt the amendment also goes against the spirit of the Conservation Commission.

Nancy Ladd asked if she was correct in the fact that the parcel of land is on a section of Gore Road that can not be built on. She was told, “Yes.”

Mr. Gaffney explained that he proposed his amendment because if the Town’s intention of owning the land was to have it available for public use, then it should remain owned by the Town and available for public use. He said he doesn’t see any benefit to selling the land and said the Town can not have “it’s cake and eat it too.”

John Leavitt said if a person feels the way that was just stated, then they should vote “No” to the original Article and no amendment was needed. The Moderator agreed but said there is an Amendment on the floor that needs to be voted on.

Hearing no further discussion, the Moderator called the Question on the Amendment to Article 26.

**Voice Vote on the Amendment to Article 26. Majority Against.
Amendment to Article 26 FAILED.**

The Moderator said the Question was moved on Article 26 but he recognized one speaker before the voting.

Mr. Leavitt said he was confused: the Town spends a lot of money buying conservation land every year and asked why they are selling town owned land to buy conservation land, although he understands Parcel A could be better than Parcel B. He said he was now concerned about all town owned property because if the

town buys land to protect it but it can be sold then it sounded like there was no protection even from the “Town Fathers.”

The Moderator said the Question was Moved on Article 26 as originally submitted.

Voice Vote on Article 26. Majority Against. Article 26 FAILED.

Martha Mical made a Motion:

To Restrict Reconsideration on Articles 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26. Second.

The Moderator explained that if the Motion Passed, Articles 10 - 26 may not be brought up for discussion at the present meeting but could be brought up at another meeting but no sooner than 7 days from the date of tonight’s meeting. He said Restricting Reconsideration prevents a change in the voting results.

Voice Vote on the Motion to Restrict Reconsideration. Ayes in Favor. Motion PASSED.

ARTICLE 27 PASSED

Shall the Town vote to ratify the purchase of a parcel of land located at 136 East Main Street in Warner, NH a/k/a Warner Tax Map 29 Lot 1 consisting of 3.13 +/- acres?

Read by the Moderator. Question Moved and Seconded for Discussion.

Chairman Clyde Carson said the land referred to in Article 27 the Town purchased for the future Fire Station. He said truthfully, this is an “oooppsie” because the Town has never been asked to vote to approve RSA 41:14-a, which will be up for vote in Article 28, that gives Selectman permission to purchase and sell land. He said the Town has bought land over the past years but if the Fire Station is to be bonded, the Bond Bank would like the Town to approve RSA 41:14-a.

Gerry Marsh asked if Article 27 was asking the Townspeople to give the Selectmen permission for something they had already done. Chairman Carson answered, “Yes.”

Michael Amaral asked if the land was in the Flood Plain. Chairman Carson answered, “Yes.”

Howard Kirshner asked what it cost to buy the land. Chairman Carson replied, “\$76,000.”

Martha Mical asked if Article 28 should be voted on before Article 27. The Moderator ruled that the Town is voting on Article 27 to “ratify” the Selectmen’s action of buying the land and satisfying the Bond Bank requirement if the Town gets to the point where they need to bond the new Fire Station. He said Article 28 refers to future purchases.

Fred Hill asked what would happen if the Town voted “No”: would the purchase be null and void? Town Administrator Laura Buono said there is nothing that can be done, and the purchases made in the past, like the gravel pit, can not be given back. The Moderator clarified to Ms. Buono that Mr. Hill had asked about the land purchase in Article 27. Mr. Hill said Town purchases like the gravel pit and the Transfer Station land were always brought before the townspeople at Town Meeting to be voted on before the purchase was made. Ms. Buono said this land purchase was the same as the gravel pit and transfer station purchases – the money was voted for and put away with the intention of buying a gravel pit and transfer station. She said voters approved money for a Fire Station and as a project that would include a building and purchasing land. She said one would think that was all that was needed from the townspeople.

Marianne Howlett said old Town Reports document the Town's process of starting a Transfer Station and the purchase of land that was found to be unacceptable was subsequently sold. She said that if people are not comfortable with the purchase of the land for the Fire Station project, they should vote "No" to Article 27 because there is precedence in past Town history that the Townspeople have changed their minds and sold land after it was purchased.

Ms. Howlett said that when the townspeople voted on the gravel pit and building the transfer station, they were told specific locations when discussing spending the money.

Hearing no further discussion, Moderator called the Question.

Voice Vote on Article 27. Ayes in Favor. Article 27 PASSED.

ARTICLE 28 PASSED

Shall the Town vote to adopt the provisions of RSA 41:14-a: "Acquisition or Sale of Land, Buildings, or both"?

Read by the Moderator. Question Moved and Seconded for Discussion.

Chairman Clyde Carson said approving Article 28 would enable the Selectmen to buy and sell land in a Purchase and Sales agreement according to the RSA. He said this would allow flexibility to buy land when it is available.

James Gaffney said he thinks another option needs to be considered: if tax dollars are spent on capital purchases then he did not see the purchase and sale of property as "fundamentally any different" and should also be voted on by the taxpayers. He said he thinks the analogy of waiting for the Town Meeting or giving the Selectmen the authority to make capital purchases is not quite accurate because a public hearing can be held to allow public involvement in the decision.

The Moderator said that by way of explanation, he believed RSA 41:14-a required that prior to the purchase or sale of land or building by the Selectmen, 2 Public Hearings will be held. The Moderator was told that under RSA 41:14-a, after 2 Public Hearings were held and not necessarily a Special Town Meeting, the Selectmen could make the decision to buy or sell land or a building. Chairman Carson said that is the process the Board followed regarding the purchase of land for the Fire Station.

Mr. Gaffney said by approving RSA 41:14-a the townspeople are not only giving authority to the current Board to buy and sell land but also to future Selectmen as well. He said he feels strongly that acquisitions or sales should be treated as any other capital purchase and the citizens and tax payers of the Town should be allowed to decide and to vote on it.

Martha Mical said another option to consider before buying or selling land would be to hold a Special Town Meeting during the year instead of waiting for the March Town Meeting and have the discussion and vote with the townspeople. She said Special Town Meetings have been held in the past.

Michael Franklin asked if Passing Article 28 brings the Town into compliance and was told "Yes."

Fred Creed commented that Passing Article 28 also gives the Selectmen the authority to sell the land they just bought. The Moderator replied that it did but only after holding 2 Public Hearings and hopefully they would take that "by instruction." Mr. Creed said he understood that but the Selectmen can also ignore what the public says in those Public Hearings.

**James Gaffney made a Motion to Amend Article 28:
Strike the words, "adopt the provisions of RSA 41:14-a "Acquisition or Sale of Land,
Buildings, or both" and replace with "hold a Special Town Meeting." Second.**

The Moderator asked and Mr. Gaffney confirmed that he understood his Amendment meant that instead of the Selectmen “required” to hold 2 Public Hearings (RSA41:14-a), they would be required to hold a Special Town Meeting and they “may or may not” hold Public Hearings.

Martha Bodnarick said she may not always agree with the Selectmen, however, they are there to do “our daily Town business for us” and that includes buying and selling land or highway equipment or a Police Cruiser. She said the Selectmen need to be trusted or people shouldn’t vote for them. She said every decision the Selectmen make should not be “micro-managed.”

Russell St. Pierre asked if supporting the Amendment was essentially voting against Article 28 as originally presented. The Moderator said it was.

Andrew Bodnarick asked what it cost to hold a Town Meeting. The Moderator answered saying he was not sure but it included paying wages, cost of Public Notices and time.

Penney Sue Courser Called the Question on the Amendment.

Seeing one hand prior to Ms. Courser’s motion, the Moderator recognized Mr. Gaffney who said his comment was a question: If citizens are granting the Selectmen all the authority then why vote on any warrant articles at all?

Moderator said the Question had been called on the Amendment and he called for a Vote.

Voice Vote on the Amendment to Article 28. Majority Against. Amendment to Article 28 FAILED.

Hearing no further discussion, Moderator called the Question on Article 28 as originally presented.

Voice Vote on Article 28. Ayes in Favor. Article 28 PASSED.

ARTICLE 29 FAILED

Shall the Town vote to authorize the deposit of any monies earned from the 2012/2013 logging of the Carriage Trail Forest to be deposited into the General Fund?

Read by the Moderator. Question Moved and Seconded for Discussion

Selectman David Karrick explained the request for Article 29.

Selectman Karrick answered William Gould that the years 2012/2013 were used because the Town would have the information they needed by April 1, 2013. Then he replied, “No” to James Gaffney asked he asked if there were bids and “Yes” to Gerald Marsh when he asked if the Town had a Forrester who would calculate the number of board feet.

Penny Sue Courser Called the Question.

Recognizing one hand up, the Moderator called on Gerald Courser who commented that he believed there are maintenance costs associated with the Forest, like survey fees and some money should be set aside to cover those expenses.

Hearing no further discussion, Moderator called the Question on Article 29.

Voice Vote on Article 29. Majority Against. Article 29 FAILED.

ARTICLE 30 PASSED

Shall the Town vote to discontinue completely and absolutely and return to the abutters a section of Old Road described as: beginning at a point of Davis Road and running between Map 8 Lot 13-1; Map 8 Lot 11 and Map 8 Lot 12 proceeding toward and ending at the intersection of Collins Road?

Read by the Moderator. Question Moved and Seconded for Discussion

Selectman David Hartman explained that the Town was being asked to discontinue a section of Old Road, about 250 feet long and about a ½ acre. He said the Town was approached last year by people interested in buying Town land and the Town sold it to the high bidder through a sealed bid process. Selectman Hartman said the Old Road land has a road right-of-way over it that has not been discontinued and voters are asked to Pass Article 30 to accomplish that. He referenced the 2011 Town Meeting when voters were asked and did approve the discontinuation of a portion of Newmarket Road.

Fred Creed asked if the section of land is recorded in someone's deed. Selectman Hartman said it is a "Town right-of-way" and called "Old Road."

Alice Chamberlain said she was not familiar with the location of this piece of land and asked if it was the only piece of public land. Referring to a map projected onto the screen at the back of the hall stage, Selectman Hartman pointed to Davis Road, a class VI highway. He pointed along another road saying that Davis Road was rerouted and a section of the road was eliminated. He said that section is known as "Old Road" but it was never officially discontinued so that it may revert to the current land owners.

Question called on Article 30. Second.

Hearing no further discussion, Moderator called for a Vote on Article 30.

Voice Vote on Article 30. Ayes in Favor. Article 30 PASSED.

The Moderator explained that Articles 31, 32 and 33 were asking to close Capital Reserve Funds but there needed to be a vote on each one.

ARTICLE 31 PASSED

Shall the Town vote to discontinue the Capital Reserve Fund known as the Town Hall Roof Repair CRF and to deposit any money which may be remaining in that fund into the General Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion

The Moderator said the CRF balance was zero.

Hearing no discussion, Moderator called for a Vote on Article 31.

Voice Vote on Article 31. Ayes in Favor. Article 31 PASSED.

ARTICLE 32 PASSED

Shall the Town vote to discontinue the Capital Reserve Fund known as the Traffic Control Signal at Exit 9 CRF and to deposit any money which may be remaining in that fund into the General Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion

The Moderator said the CRF balance was \$587.48.

Hearing no discussion, Moderator called for a Vote on Article 32.

Voice Vote on Article 32. Ayes in Favor. Article 32 PASSED.

ARTICLE 33 PASSED

Shall the Town vote to discontinue the Capital Reserve Fund known as the East Roby Road Construction CRF and to deposit any money which may be remaining in that fund into the General Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Read by the Moderator. Question Moved and Seconded for Discussion
The Moderator said the CRF balance was zero.

Hearing no discussion, Moderator called for a Vote on Article 33.

Voice Vote on Article 33. Ayes in Favor. Article 33 PASSED.

ARTICLE 34 FAILED

To see if the town of Warner , New Hampshire will vote to adopt the following resolution and upon adoption have our Select Board members notify in writing our Congressional delegates of said resolution and vote:

RESOLUTION:

Whereas, the Thirteenth Amendment to the United States Constitution makes it clear that no person may be owned by another person;

Whereas, a corporation lacks the limitations of a person, cannot be held accountable in the same fashion as a person and is commonly owned by a person or persons, a corporation is therefore not a person;

Whereas, the First Amendment to the United States Constitution was designed to protect the free speech rights of people and not the ability of corporations to buy political influence;

Whereas, the U.S. Supreme Court’s 5:4 ruling in Citizens United v. the Federal Election Commission, equating financial influence on the electoral process by corporations with free speech by individuals, constitutes a serious and direct threat to our democracy in that it removes the last legal limits on corporate influence in politics;

Whereas, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government;

NOW THEREFORE, BE IT RESOLVED that the town of Warner, New Hampshire does not recognize corporate personhood or that corporations are entitled to the protections or “rights” of Natural Human Beings and calls on our elected representatives, Republican and Democrat alike, in both state and federal government to amend the United States and New Hampshire Constitutions to declare that corporations are not entitled to protections or “rights” of human beings and to declare that the expenditure of corporate money is not a form of constitutionally protected speech.

BE IT FURTHER RESOLVED, that the town of Warner New Hampshire calls on other communities and jurisdictions to join this effort by passing similar Resolutions, applauds actions consistent with this resolution being taken in congress and elsewhere and stands in solidarity with other individuals and communities across the nation currently engaged in this effort. (By Petition)

The Moderator read the first paragraph of Article 34 and waived reading the lengthy Petition Article in its entirety. Question Moved and Seconded for Discussion.

James Gaffney's comment included saying that he understood the intent of the submitters of Article 34 was to protect people and their rights.

Michael Franklin said that in principle understanding the intent is fine but he would like to see the Article pass because it is not anti-corporation and not "anti-actual human."

Martha Bodnarick said she did not understand the request of this for the town of Warner. The Moderator explained it was "advisory only and instructing the Selectmen to record our vote and notify our Congressional Delegation in writing."

John Leavitt asked if Article 34 was "non-binding" and the Moderator replied "Yes." Mr. Franklin responded that it is a "statement of position with no enforcement."

Mr. Leavitt said he had a problem with the Town making a statement on this based on the fact that most people have probably not even read this or any of the Town Warrant because the Town Report was not mailed out to residents this year like in the past. He said he did not feel the issues stated in Article 34 should be taken lightly and it was not appropriate to have the small group in attendance for this Town Meeting speaking for the whole Town. Mr. Leavitt said he agreed with the resident who earlier in the evening expressed disappointment in tonight's low attendance versus greater attendance in years past. He said he felt it was due to the fact that residents did not receive their Town Report in the mail and were expected to pick it up or know that it was on-line.

Mr. Gaffney said he agreed that asking the Town to adopt something that a minority of citizens was voting on was "foolish."

Request to Move the Question. Hearing no further discussion, the Moderator called the Question.

Voice Vote on Article 34. Majority Against. Article 34 DEFEATED

ARTICLE 35 TABLED

Shall the Town of Warner vote to adopt a Food Bill of Rights and Community Self-Government Ordinance. A rights based ordinance to protect the health, safety, and welfare of residents and ecosystems of Warner, New Hampshire by establishing a food bill of rights; by prohibiting practices that would violate those rights by enforcing penalties for violations and by removing legal powers from corporations engaged in prohibited practices? A complete version of this petitioned ordinance is available on the Town of Warner website as well as posted at the Town Hall, Library and Transfer Station. (By Petition)

Read by the Moderator.

The Moderator reminded voters that at the start of the meeting voters were informed that Article 35 was determined to be "void, illegal and unenforceable" by legal opinion for the Town but someone could Move the Question for discussion.

**Martha Mical made a Motion:
To Table Article 35. Second.**

To Sherry Gould's Point of Order that a Petition had been brought forward as an Article on the Warrant, the Moderator replied that a Motion can be made to Table any Article and the Vote that is taken determines if the Motion succeeds.

The Moderator called for a Vote on the Motion.

Voice Vote on the Motion. Majority Against. Motion DEFEATED

The Moderator said Article 35 was open for discussion.

A request was made for a Vote by Show of Hands and for an explanation of voting "Yes" or "No."

The Moderator said: Voting "Yes" means "In Favor" of the Motion to Table Article 35, it would not be discussed at tonight's meeting but may be brought up at a future meeting. He said Voting "No" means "Against" the Motion to Table Article 35 and want to discuss it tonight.

**Results of Hand Vote: YES - 45
NO - 30**

Motion to Table Article 35 PASSED.

ARTICLE 36

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

Hearing no further discussion, the Moderator asked for a Motion to Adjourn.

Motion to Adjourn. Second.

Voice Vote on the Motion. Majority In Favor. Motion PASSED.

Meeting Adjourned at 10:05 PM.

Respectfully Submitted,

Judith A. Newman-Rogers
Warner Town Clerk