

Warner Town Clerk

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Office Hours
Monday: 8-4
Tuesday: 8-6
Wednesday: 9-4
Thursday: 8-4

Michele Courser, *Town Clerk*
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Annual Town Meeting Warner Town Hall 5 East Main St Warner, NH Tuesday, March 12, 2024

Almoners of the Foster & Currier Fund	1 For 3 Year(s)	Jere Henley	614
Budget Committee	2 For 3 Year(s)	*Richard Bixby, Jr.	344
		*Alfred Hanson, Jr.	400
		James F. Sherman	335
Budget Committee	1 For 2 Year(s)	Bill Hanson	538
Chandler Reservation Committee	1 For 4 Year(s)	Stephan Hall	586
Moderator	1 For 2 Year(s)	Benjamin D. Frost	576
Select Board	1 For 3 Year(s)	Michael J. Smith	499
Select Board	1 For 1 Year(s)	*Faith Minton	370
		Karen Coyne	330
Supervisor of the Checklist	1 For 6 Year(s)	Mary T. Pelkey	580
Tax Collector	1 For 3 Year(s)	Kimberley Edelmann	559
Town Clerk	1 For 3 Year(s)	Michele L. Courser	658
Town Treasurer	1 For 3 Year(s)	Ginger L. Marsh	628
Trustee of Pillsbury Free Library	3 For 3 Year(s)	Glen Kerkian	435
		Dana Myskowski	519
		Michael S. Simon	531
Trustee of Town Cemetery	2 For 3 Year(s)	Penny Sue Courser	619
		Gerald B. Courser	604
Trustee of Trust Fund	1 For 3 Year(s)	Daniel Watts	570

*Winner by majority vote

QUESTION 2: "Are you in favor of increasing the Board of Selectmen to 5 members?"

YES [] 249 NO [X] 286

Article 3

QUESTION 3: "Are you in favor of the adoption of the following amendment to the Warner Zoning Ordinance Article XV Non-Conforming Use by replacing the existing language with: A. Non-Conforming Lot and B. Non-Conforming Structures and C. Non-Conforming Uses? The purpose is to expand the definition of different types of legal non-conforming entities to include lots, structures and uses. To provide better clarity of the types of non-conforming entities. To align Article XV frontage and setbacks more closely with regulations present in multiple districts. Recommended by the Planning Board by a vote of 4 to 2.

YES [X] 432 NO [] 242

2024 proposed changes to Warner Zoning Ordinance

ARTICLE XV

Non-Conforming Use

~~A. When a non-conforming use (existing) of land or buildings has been discontinued for a year, the land or buildings shall be used thereafter only in conformity to this ordinance.~~

~~B. A non-conforming lot may be built upon, for residential purposes only, if, at the time of the enactment of this Ordinance (or any amendment thereto if it is such amendment that renders the lot non-conforming), (a) the owner or owners of the lot owned no contiguous land, and (b) it has a frontage of at least fifty (50) feet, and (c) the lot is able to sustain a state approved waste disposal system or connect to municipal sewage.~~

In accordance with Article IV, General Provisions, F., no permit for the erection, exterior alteration, moving or repair of any building shall be issued until an application has been made for the certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance.

A. Non-Conforming Lots:

1. Any lot with less buildable area or frontage than required in the district, which is lawfully established, recorded, and taxed as a Lot of Record before the enactment or amendment of this ordinance, shall be deemed a non-conforming lot.
2. Such lots may only be built on, for residential purposes, if (a) the owner of the lot owns no contiguous land, (b) it has at least 80% of the required frontage for the district, (c) the lot is able to sustain a state-approved waste disposal system or connect to municipal sewage and (d) any proposed construction is able to meet the district's applicable setback requirements.

B. Non-Conforming Structures:

1. Non-conforming structures may be altered, expanded, repaired, or replaced provided that it does not become more non-conforming within the terms of this ordinance and provided that all other standards of the district are met.

C. Non-Conforming Uses:

1. Any non-conforming active use that was established before the enactment or amendment of this ordinance shall be deemed a non-conforming use, and may continue indefinitely in their present use.
2. When a non-conforming use of land or structures has been discontinued for one year, then the land or structures shall be used thereafter only in conformity with this ordinance.
3. A non-conforming use shall not be changed to another non-conforming use. A nonconforming use shall not be expanded.
4. If a non-conforming use is superseded by a conforming use, then it shall thereafter conform to Table 1 of this ordinance, and the non-conforming use may not thereafter be resumed.
5. Nothing herein shall prevent the restoration, reconstruction, and/or replacement commenced within 3 years of a structure containing a non-conforming use destroyed in whole or in part by fire or other disaster so long as this use does not result in a new or expanded non-conforming use.

ADJOURNED TO WEDNESDAY MARCH 13, 2024 AT 6:00 PM AT THE TOWN HALL

Ray Martin, the Moderator, called the meeting to Order. Ray asked the audience to stand and say the Pledge of Allegiance.

Rebecca Courser gave a presentation on Warner's 250th Birthday Celebration. She listed all the events that would take place during the year. The Audience sang Happy Birthday. Ian Rogers talked on the Housing Advisory Committee project, stating there were surveys that could be taken and encouraged residents to participate. Ray Martin read the results of the Town Elected Officials, School and Zoning Ballots.

Harry Seidel spoke on the State of Warner, recognizing the Town Employees with a round of applause. He also saluted the people that ran for offices and were unsuccessful, stating they should not get discouraged and contact the Select Board's office because there are always committees that could use their energy. He thanked Faith Minton and Allan Brown for stepping up and serving the Town of Warner with their thoughtful and expertise judgment. Faith Minton presented proclamations for 2 Town Employees, Marianne Howlette (43 Years as Tax Collector) and Ray Martin (34 Years as Town Moderator/Assistant Town Moderator) who are retiring from the Town of Warner. Harry also introduced our Town Administrator, Kathy Frenette. Ray then explained the rules for the meeting.

Article 4 – Passed

Shall the Town vote to raise and appropriate the sum of \$4,563,087 (Four Million, Five Hundred Sixty-Three Thousand, Eighty Seven Dollars) as the 2024 Operating Budget for the general municipal operations? This amount does not include appropriations contained in special or individual articles addressed separately. (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 4. Motion made to Move Article. Seconded. Michael Cutting gave presentation on Operating budget. Discussion followed.

Mike asked Tim Allen to explain why there was an increase in the Transfer Station line, Tim stated that he would like to bring on a couple people and get them trained before employees that are there now retire. Mike then asked Jonathan France about the increase in the Fire Department line, and Jonathan stated that the calls are more medical and the people responding need more money and to entice more people to join the Department. Mike asked Harry about increase in Select Board's department. Harry stated that more hours and money are needed for building permits.

Mike said the projected taxes for 2024 is \$11.07, which is a 7.68% increase over last year. Rebecca Courser asked what the impact of the Bonds for the Infrastructure on the Roads and Fire Department Station, does that show up on the figures you are showing us tonight? Mike said it does, because we are paying the loans as part of our operating budget. Mike said that we are very conservative with the numbers, Department of Revenue will look at numbers in the Fall and adjust the tax rate at that time.

Alfred Hanson questioned the \$600,000 we will be getting from the Lease on the Cell Tower on North Road. Mike said we are in negotiations, and this cannot be considered revenue, it is unanticipated revenue. We know the contract has been signed by the Select board and by the Company that wants the Cell Tower, and the Lawyers are doing their due diligence to make sure everything is done correctly. By October, we will know if we have that \$600,000 and the Select board can use this money. Alfred

said that he hopes that when we get that \$600,000, that the Select board will use this money to help out the Residents of Warner and used the right way.

Bill Balsam asked if there was anyway to cut down on General Government, it is our largest single expenditure, according to the Department of Revenue MS-737.

Mike asked for a Motion to Move the question.

No further discussion, Martha moved the question. Seconded.

Moderator stated the Article has been moved and seconded. Moderator read Article 4. Request for paper ballot.

John Leavitt called point of order, stating there was no discussion on the motion, only questions to the person giving the presentation. Ray stated that all the questions were discussion. John had a statement to make on the motion, not on the presentation. Ray asked Martha if she would retract that she moved the question for discussion. Martha did not, she wanted the people to vote to move the question.

Moderator asked for a voice vote to move the question. Voice Voice. Passed. Questioned Moved.

John Leavitt made another point of order, stating Mike Cutting is not the Chair and does not have the authority to ask to move the question. The Moderator said he asked for the question to be moved.

Moderator read Article 4. Paper Ballot. Yes – 205, No-103

Article 5 – Failed

“Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year’s actual amount of local taxes raised, by more than 4%?” (Not Recommended by the Budget Committee, 7-0; Not Recommended by Select Board, 3-0). 3/5 majority vote required. Required Ballot Vote.

Moderator read Article 5. Motion made to Move Article. Seconded.

James Gaffney gave presentation on Article. This article will limit the amount of revenue asked from taxation by 4% annual increase. It is not capping your personal tax rate or the budget, the Select board is free to spend as long as the taxation does not exceed over 4% year after year. It is within the last 2-3 years that we are increasing the tax rate by double digits. This will put some guardrails on the budgeting process. It will require the Select Board and Budget committee to come forward with all of the warrant articles that pertain to the municipal tax rate and limit the increase for taxation to 4%. If the town decides they need more money, we can come to town meeting and make an amendment. There is no risk to this. This strictly applies to the Municipal Budget.

Andy Bodnarik asked the Moderator if the previous Article 4 was subject to an amendment, would we have voted on said amendment. At any Town Meeting, an amendment can be made to the Budget and is to be voted on. The Moderator said we are now on Article 5.

David Bates asked Mike Cutting what the thought of the Budget Committee was on this Article. Mike stated their concern was if you get into a year with high escalating costs, sometimes it is not possible to stay within the 4%.

**Motion was made to Move Question. Seconded. Voice Vote. Passed.
Requires Paper Ballot on Article 5, open for 1 hour. Yes-120, No-173**

Rebecca Courser made a motion to Restrict Reconsideration of Article 4. Seconded. Voice Vote. Passed.

Article 6 – Failed

“Shall the Town of Warner vote to suspend construction of the Concord Lake Sunapee Rail Trail in Warner until the Warner Conservation Commission has had sufficient time to study and evaluate the likely environmental impact of the trail on the Warner River ecosystem and inform Warner residents about the projected ecological consequences of the trail and make recommendation to avoid harm: in particular as it concerns rare, vulnerable and endangered species?” (Not Recommended by Select Board, 3-0).

Moderator read Article 6. Motion made to Move Article. Seconded.

Barbara Marty spoke on article. Barbara said this petition is not related to Multi Use Path on Main Street that was voted down last year. Barbara talked about the history of how the Rails Trail came to be. There are many wonderful people associated with the Rail Trail Organization and many wonderful places for the Rail Trail to go. An exhaustive examination should be conducted before more trails are constructed to determine what the impact it will have on the Warner River. There are two local Organizations who will look at the project in its entirety. The Conservation Commission and The Warner River Local Advisory Committee. Barbara made an amendment to Article 6 because the Conservation Commission does not have the funds or the talent to conduct study.

Article 6 as Amended – Failed

Shall the Town of Warner vote to suspend construction of the Concord Lake Sunapee Rail Trail (CLSRT) in Warner until the CLSRT completes an Environmental Impact Statement encompassing the entire length of the final proposed project within Warner, in order to evaluate the likely environmental impact of the trail and its uses on the Warner River ecosystem and inform Warner residents of the projected ecological consequences, in particular as it concerns rare, vulnerable and endangered species?

Moderator made a Motion to Move Amended Article. Seconded. Discussion Followed.

Moderator closed Ballot Box on Article 5.

Question was moved. Voice Vote. Question was moved Passed.

Moderator read Article 6 as Amended. Voice Vote. Voice Vote too close to call.

Andy Bodnarik requested Paper Ballot. Voice Vote. Passed. Paper Ballot on Article 6 as Amended Failed. Yes -101 No -168. We are back to Original Article 6.

Rebecca Courser made a Motion to Restrict Reconsideration on Article 5. Seconded. Voice Vote. Passed.

Nancy Martin spoke on the Original Citizen petition regarding the study and evaluation by the Warner Conservation Commission of the environmental impact of the Rail Trail. The Warner Conservation Commission has not taken a position for or against the development of the Rail Trail. It does recommend voting against Article 6 for the following reasons: The Warner Conservation Commission is an Advisory Body and does not have the authority to deny or permit the Rail Trail. If this Warrant Article petition passes, the Warner Conservation Commission would have to hire an environmental consultant, because we are not funded, nor staffed to manage the comprehensive ecological assessment of the river for the study or evaluate the ecological consequences of the Rail Trail.

James Gaffney Moved the Question. Seconded. Voice Vote. Passed.

Moderator read Article 6 as originally submitted. Request for Paper Ballot. Yes-73 No-184. Article 6 Failed.

Article 7 – Passed

“To see if the town will vote to allow Warner Connects NH (Warner Area Food Pantry and Family Closet) to conduct their nonprofit (EIN 85-4243224) operation rent free. This action would commence at the end of their current lease and would continue, in their current space, as long as they are servicing the people of our community.” (Not Recommended by the Budget Committee, 7-0; Not Recommended by the Select Board, 3-0).

Moderator read Article 7. Motion made to Move Article. Seconded.

April Blood spoke on Article. Discussion followed.

James Gaffney moved the Article. Seconded. Discussion Continued. Voice Vote. Passed.

Moderator reread Article 7. Voice Vote. Passed.

Rebecca Courser Made A Motion to Restrict Reconsideration on Article 6, Amendment to Article 6 and Article 7. Voice Vote. Passed.

Article 8

To see if the town will vote to require the Select board, Planning Board, Zoning Board, and Budget Committee to post a zoom video, and/or audio recording, on the Town Website as soon as possible, following each of their public meetings. Each posting to have a separate and unique link under the menu “Residents/Meeting recordings” which shall remain on the town website for at least six months. (Recommended by the Select Board, 3-0)

Moderator read Article 8. Motion made to Move Article. Seconded.

John Leavitt spoke on Article 8 with an amendment to take out the word zoom.

Moderator asked for a second on amendment. Seconded. No further discussion. Voice Vote. Passed.

Matthew Essenwine then spoke and also wanted to amend the article by taking out the words “as soon as possible” and replace with “within 2 weeks.” Seconded. Discussion followed.

Moderator asked for a Voice Vote on second Amendment. Voice Vote. Passed.

Article 8 as Amended Passed

To see if the town will vote to require the Select board, Planning Board, Zoning Board, and Budget Committee to post a video, and/or audio recording, on the Town Website within 2 weeks, following each of their public meetings. Each posting to have a separate and unique link under the menu "Residents/Meeting recordings" which shall remain on the town website for at least six months. (Recommended by the Select Board, 3-0)

Moderator read Article 8 as Amended. Voice Vote. Passed.

Article 9 – Passed

Shall the Town vote to raise and appropriate the sum of \$20,000 (Twenty Thousand Dollars) to be placed in the previously established Capital Reserve Fund for the Preservation of Records? (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 9. Motion made to move Article. Seconded. Michele Courser spoke on Article 9. **Discussion followed. Voice Vote. Article 9 Passed.**

Article 10 – Passed

Shall the Town vote to raise and appropriate the sum of \$25,000 (Twenty Five Thousand Dollars) to be placed in the previously established Police Department Vehicle Capital Reserve Fund? (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 10. Motion made to Move Article. Seconded. Bill Chandler spoke on Article 10. **James Gaffney Moved the Question. Seconded. Voice Vote. Article 10 Passed.**

Article 11 – Passed

Shall the Town vote to appropriate the sum of \$47,070.40 (Forty-Seven Thousand Seventy Dollars and Forty Cents) to be added to the previously established Bridge Repair/Replacement Capital Reserve Fund? This sum is to come from unanticipated Highway Block Grant Funds. (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 11. Motion made to Move Article. Seconded. Tim Allen spoke on Article 11. **James Gaffney moved the question. Seconded. Voice Vote. Article 11 Passed.**

Article 12 – Passed

Shall the Town vote to raise and appropriate the sum of \$100,000 (One Hundred Thousand Dollars) to be added to the previously established Highway Equipment Capital Reserve Fund? (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 12. Motion made to Move Article. Seconded. Tim Allen spoke on Article 12. **Discussion followed. James Gaffney moved the Questioned. Seconded. Voice Vote. Article 12 Passed.**

Article 13 – Passed

Shall the Town vote to appropriate the sum of \$36,659 (Thirty Six Thousand Six Hundred Fifty Nine Dollars) to be added to the previously established Highway Equipment Capital Reserve Fund? This

sum is to come from unanticipated Highway Block Grant Funds? (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 13. Motion made to Move Article. Seconded. Tim Allen talked on Article. **Voice Vote. Article 13 Passed.**

Article 14 – Passed

Shall the Town vote to raise and appropriate the sum of \$50,000 (Fifty Thousand Dollars) to be placed in the previously established Transfer Station Facility Project Capital Reserve Fund? (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 14. Motion made to Move Article. Seconded. Tim Allen spoke on Article 14. **Voice Vote. Article 14 Passed.**

James Gaffney made a motion to Restrict Reconsideration on Article 8, 9, 10, 11, 12, 13, 14. Voice Vote. Passed.

Article 15 – Passed

Shall the Town vote to raise and appropriate the sum of \$37,000 (Thirty Seven Thousand Dollars) to be added to the previously established Fire Fighter Equipment Capital Reserve Fund? (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0)

Moderator read Article 15. Motion made to Move Article. Seconded. Jonathan France spoke on Article 15. **Voice Vote. Article 15 Passed.**

Article 16 – Passed

Shall the Town vote to raise and appropriate the sum of \$125,000 (One Hundred and Twenty Five Thousand Dollars) to be placed in the previously established Fire & Rescue Vehicles Capital Reserve Fund? (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 16. Motion made to Move Article. Seconded. Jonathan France spoke on Article 16. **Voice Vote. Article 16 Passed.**

Article 17 – Passed

Shall the Town vote to appropriate the sum of \$115,000 (One Hundred and Fifteen Thousand Dollars) to be placed in the previously established Property Revaluation Capital Reserve Fund, and further to offset \$115,000 coming from unassigned fund balance. (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.)

Moderator read Article 17. Motion made to Move Article. Seconded. Harry Seidel spoke on Article 17. **Discussion followed. Rebecca Courser Moved the question. Seconded. Voice Vote. Article 17 Passed.**

Article 18 – Passed

Shall the Town adopt the provisions of RSA 72:61-64 inclusively, which provides for an optional property tax exemption from the property's assessed value, for the property tax purposes, for persons owning real property, which is equipped with solar energy systems intended for use at the immediate site. Such property tax exemption shall be in an amount equal at 100% of the assessed value of the qualifying solar energy system equipment qualifying solar energy system equipment under these statutes. (Recommended by the Budget Committee, 7-0; Recommended by Select Board, 3-0)

Moderator read Article 18. Motion made to Move Article. Seconded. Harry Seidel spoke on Article 18. **Discussion followed. Penny Courser moved the question. Seconded. Voice Vote. Article 18 Passed.**

Article 19 – Passed

Shall the town vote to establish a contingency fund for the current year for unanticipated expenses that may arise and further to raise and appropriate the amount of \$10,000 (Ten Thousand Dollars) to be placed into the fund? This sum is to come from Unassigned fund balance. Any appropriation left in the fund at the end of the year will lapse to the General Fund. (Recommended by Budget Committee, 6-1; Recommended by Select Board, 3-0)

Moderator read Article 19. Motion made to Move Article. Seconded. Discussion followed. Martha Mical moved the question. Seconded. Voice Vote. Article 19 Passed.

Article 20

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

Hearing no further business, Moderator asked for a Motion to Adjourn the 2024 Annual Town Meeting of Warner. Meeting adjourned at 11:00 PM.

Respectfully Submitted,

Michele L Courser
Warner Town Clerk

