

# Warner Town Clerk

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Monday: 8-4  
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## Annual Town Meeting Warner Town Hall 5 East Main St Warner, NH Tuesday, March 11, 2025

Almoners of the Foster & Currier Fund	1 For 3 Year(s)	Kim Nolan	484
Budget Committee	2 For 3 Year(s)	*Michael Cutting	347
		*Kelly Lombardi	288
		James F. Sherman	211
Chandler Reservation Committee	1 For 4 Year(s)	Anthony Caruso	151
		*Jonathan France	289
Select Board	1 For 3 Year(s)	*Alfred Hanson	387
		Derek Narducci	185
Trustee of Pillsbury Free Library	3 For 3 Year(s)	Michael K Brown	416
		Teresa Hathaway	423
		Hannah Leigh-Brown	434
Trustee of Pillsbury Free Library	1 For 2 Year(s)	Holly Holmes	460
Trustee of Pillsbury Free Library	1 For 1 Year(s)	Cassey Greene	471
Trustee of Town Cemetery	2 For 3 Year(s)	Thomas Boudette	423
		Ronald F Piroso, Jr.	450
Trustee of Trust Fund	1 For 3 Year(s)	Robert E Blake	451

\*Winner by majority vote

### Article 2 - Failed

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

**YES [243] NO [327]**

### Article 3 - Failed

**QUESTION 3:** Are you in favor of combining the offices of Town Clerk and Tax Collector to create a new office of Town Clerk/Tax Collector and to have the term of office be three years? If approved, an article shall be placed on the ballot at the next annual meeting to choose a Town Clerk/Tax Collector.

**YES [188] NO [386]**

### Article 4 - Passed

**Article 4:** Are you in favor of the adoption of the following amendment to the Town’s Floodplain Development Ordinance: Amendments to Item I Definitions, Item IV Permit Required, Item VI Development Standards, and Item VII Flood Elevation Determination, Flood-proofing Standards? This Amendment is proposed by the Planning Board and was unanimously approved 7-0. It is necessary to comply with requirements of the National Flood Insurance Program.

**YES [502] NO [77]**

## 2025 proposed changes to Warner Zoning Ordinance

(~~strikethrough text~~ means delete text, **highlighted text** means add text).

### Town of Warner, NH Floodplain Development Ordinance

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Warner Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Warner Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Merrimack, NH" dated April 19, 2010, or as amended, together with the associated Flood Insurance Rate Maps dated April 19, 2010 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

#### **Item I Definitions:**

The following definitions shall apply only to this Floodplain Development Ordinance and shall not be affected by the provisions of any other ordinance of the Town of Warner.

"Area of Special Flood Hazard" is the land in the floodplain within the Town of Warner subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zone A or AE. The Area of Special Flood Hazard can include the area that is commonly known as the floodplain and/or floodway.

"Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

**"Base Flood Elevation" (BFE) means the elevation of surface water resulting from the "base flood."**

**"Basement" means any area of a building having its floor subgrade on all sides.**

"Building" - see "structure".

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

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, and (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Elevation Study" means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood - related erosion hazards.

"Flood Insurance Rate Map" (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Warner.

~~"Flood Insurance Study" - see "Flood elevation study".~~

Flood Opening means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

"Floodway" - see "Regulatory Floodway".

~~"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.~~

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

(a.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d.) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

i. By an approved state program as determined by the Secretary of the Interior, or

ii. Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

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

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

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

~~"100-year flood" -- see "Base Flood"~~

"Recreational Vehicle" is defined as: (a.) built on a single chassis;

(b.) 400 square feet or less when measured at the largest horizontal projection;

(c.) designed to be self-propelled or permanently towable by a light duty truck; and

(d.) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. These areas are designated as floodways on the Flood Insurance Map.

"Special flood hazard area" ~~means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on a FIRM as zone A or AE. The Special Flood Hazard Area can include the area that is commonly known as the floodplain and/or floodway.~~ (See - "Area of Special Flood Hazard ")

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings piers, or foundations or the erection of temporary- forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied dwelling units or part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" **means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred**

“substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.” ~~means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure”.~~

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

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

## **Item II Construction Standards:**

The Code Enforcement Officer/Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

(a) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- (b) be constructed with materials resistant to flood damage;
- (c) be constructed by methods and practices that minimize flood damages; and
- (d) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### **Item III Water and Sewer Systems:**

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Code Enforcement Officer/Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

### **Item IV Permit Required:**

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

- (a) The name and address of the applicant;
- (b) An address or a map indicating the location of the construction site;
- (c) A site plan showing location of existing and proposed structure(s), sewage disposal facilities, water supply facilities, areas to be cut and filled, and the dimensions of the lot;
- (d) A statement of the intended use of the structure(s);
- (e) A statement as to the type of sewage system proposed;
- (f) Dimensions of the proposed structure(s);
- (g) The as-built elevation (in relation to **mean sea level NGVD**) of the lowest floor (including basement);
- (h) If the structure has been flood-proofed, the as-built elevation (in relation to **mean sea level NGVD**) to which the structure was flood-proofed;
- (i) Any certification of flood-proofing; and

(j) A description of the extent to which any water course will be altered or relocated as a result of the proposed development.

The Code Enforcement Officer/Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

#### **Item V Other Approvals Required:**

The Code Enforcement Officer/Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

#### **Item VI Development Standards:**

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands **Bureau Board** of the New Hampshire Environmental Services Department and submit copies of such notification to the Code Enforcement Officer/Building Inspector, in addition to the copies required by RSA 482A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands **Bureau Board**.

2. The applicant shall submit to the Code Enforcement Officer/Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

3. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge. In zone A the Code Enforcement Officer/Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that development meet the floodway requirements of this section.

4. Along watercourses that have not had a Regulatory Floodway designated within Zone AE on the FIRM, any new construction, substantial improvements, or other development (including fill) must meet the following conditions:

(a.) No application for a Flood Hazard Development Permit shall be approved or denied without a public hearing held by the Planning Board.

i. The Board shall notify the abutters and the applicant by certified mail of the date of the hearing, at least ten (10) days prior to the hearing. Notice of the hearing shall be posted in at least two (2) public places.

ii. The applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing.



(b.) The application shall be approved if it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(c.) The Board shall issue a written decision of its action to approve or disapprove the application. If the application is not approved, the Board shall provide the applicant with written reasons for disapproval.

## **Item VII Flood Elevation Determination, Flood-proofing Standards:**

1. In special flood hazard areas the Code Enforcement Officer/Building Inspector shall determine the **base flood elevation** ~~100-year flood elevation~~ in the following order of precedence according to the data available:

(a.) In zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

(b.) In A zones the Code Enforcement Officer/Building Inspector shall obtain, review, and reasonably utilize any **base flood elevation** ~~100-year flood elevation~~ data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals). **Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.**

2. The Code Enforcement Officer/Building Inspector's **base flood elevation** ~~100-year flood elevation~~ determination will be used as criteria for requiring in zones A and AE that:

(a.) All new construction or substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~100-year flood elevation~~;

(b.) That all new construction or substantial improvements of non—residential structures have the lowest floor (including basement) elevated to or above the **base flood elevation** ~~100-year flood elevation~~; or together with attendant utility and sanitary facilities, shall:

- i. be flood-proofed so that below the **base flood elevation** ~~100-year flood elevation~~ the structure is watertight with walls substantially impermeable to the passage of water;
- ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- iii. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;

(c.) All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

(d.) All recreational vehicles placed on sites within Zones A and AE shall either:

- i. be on the site for fewer than 180 consecutive days;
- ii. be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions and ready for highway use; or
- iii. meet all standards of this ordinance Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in this ordinance Paragraph (c) (6) of Section 60.3.

(e.) For all new Construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

- i. the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
- ii. the area is not a basement;
- iii. shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

### **Item VIII Variances and Appeals:**

1. Any order, requirement, decision or determination of the Code Enforcement Officer/Building Inspector or Planning Board made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(~~b~~), the applicant shall have the burden of showing in addition to the usual variance standards under state law:

(a.) that the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, or conflicts with existing local ordinances.

(b.) that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

(c.) that the variance is the minimum necessary, considering the flood hazard, to afford relief. In making its determination, the Board shall consider:

- i. the danger to life and property due to increased flood heights or velocities caused by encroachment;
- ii. the danger that materials may be swept onto other lands or downstream to the injury of others;
- iii. the proposed water supply and sanitary systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- iv. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on individual owners;
- v. the importance of the services provided by the proposed facility to the community;
- vi. the requirement of the facility for a waterfront location;
- vii. the availability of alternate locations not subject to flooding for the proposed use;
- viii. the compatibility of the proposed use with existing development anticipated in the foreseeable future;
- ix. the relationship of the proposed use with the comprehensive plan and floodplain management program for the area;
- x. the safety of access to the property in time of flood of ordinary and emergency vehicles;
- xi. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- xii. such other factors which are relevant to the purposes of this Ordinance.

3. The Zoning Board of Adjustment shall notify the applicant in writing that:

(a.) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(b.) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

**Item IX Non-Conforming Uses:**

1. A structure or the use of a structure on premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued.
2. No such use shall be expanded, changed, enlarged, or altered without a permit from the Building Inspector.
3. No such use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
4. No structural alteration, addition, or repair to any non-conforming structure shall exceed 25% of its replacement value at the time of the alteration, addition or repairs.
5. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance.
6. If any non-conforming use or structure is destroyed by any means, including flood(s), to an extent of 50% or more of its value, it shall not be reconstructed except in the conformity with the provisions of this Ordinance.

**Item X Enforcement:**

Any person who violates any provision of this ordinance shall be subject to penalties in accordance with RSA 676.17.

ADJOURNED TO WEDNESDAY MARCH 12, 2025 AT 6:00 PM AT THE TOWN HALL

Benjamin Frost, the Moderator, called the meeting to Order. The Moderator asked the audience to stand and say the Pledge of Allegiance. The results were announced of the election from Tuesday, March 11, 2025. All successful candidates were asked to go to the Town Clerk's office to get sworn in.

Faith Minton gave a presentation for Ronald Piroso, Sr. on his Dedication in the Town Report.

Harry Seidel thanked Faith Minton for her Service as Select Board Member and all the Residents that volunteer for Committees, Police, and Fire.

The Moderator then went through the rules of the meeting. The Moderator will introduce the matter, ask for a motion and a second to get it on the floor for discussion. On most Warrant articles there will be a presentation by a member of the Select Board or a Department Head. When a comment is made, keep the conversation to the matter at hand. When your turn is up, you may speak again, after all other people that want to speak have had their first chance. If you want a secret ballot, you need 5 people to agree with you. A motion will have to be made for a secret ballot before the question is voted on. The

Moderator also noted that usually the last warrant is “any other business that may legally come before the meeting”, but this was not noticed on the warrant. The Moderator stated we would have that question as the last question, but no decision under that question would be legally binding, because it was not noticed in the warrant.

#### **Article 5 - Passed**

Shall the Town vote to raise and appropriate the sum of \$4,603,185 (Four Million, Six Hundred Three Thousand, One Hundred Eighty-Five Dollars) as the 2025 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 5. Motion made to Move Article. Seconded. Michael Cutting gave presentation on Operating budget. Discussion follows.**

**John Leavitt made a motion to reduce the number to \$4,400,716.63. Seconded. Discussion followed on the Amendment.**

John stated that if this year’s proposed budget is approved, it will result in the Town’s overall operating budget increasing by 25.5% in just 3 years. The total expenditure in 2024 was \$4,359,921. There was a \$203,166 surplus at the close of the year. The Highway budget was reduced by \$90,000. The \$90,000 was subsequently added to the Capital Budget by the Select Board. The result is the operating budget was decreased without reducing the overall expense to the town. When comparing this year’s to last year’s operating budget please note the \$90,000, was not removed from last year’s operating budget. For a fair and accurate comparison only, the \$90,000 should be added to this year’s operating budget. Furthermore, the proposed budget should be compared to what was actually spent in 2024. Doing this reveals the actual increase over last year’s expenditures to be 7.65%. This proposed amendment was determined by adding 3% to the 2024 expenditures then reducing that result by the same \$90,000 that the Budget Committee removed from their own budget proposal. The result reduces Article 5 by \$202,469.37, coincidentally this is almost exactly the same as the 2024 surplus. Should we follow the lead of our elected officials who honestly think they are working in our best interest or should we mandate a new direction to them? Can we afford to have time to say enough is enough? In the past several years Warner has consistently had the top 10 highest tax rates out of the more than 260 towns in New Hampshire. Isn’t this a distinction that discourages development in our Town which claims an increase in revenue is desperately needed?

Andrew Bodnarik asked if the ARPA funds had been all used? Michael Smith said that there was no money left from the ARPA funds.

**Seth Henley moved the question.**

**James Gaffney requested paper ballot. Seconded. Voice Vote. Passed.**

#### **Article 5- Amendment Failed**

Shall the Town vote to raise and appropriate the sum of \$4,400,716.63 (Four Million, Four Hundred Thousand, Seven Hundred Sixteen Dollars and 63 cents) as the 2025 Operating Budget for the general municipal operations?

**Moderator read amendment to Article 5. Seconded. Paper Ballot. Amendment to Article 5 Failed. Yes – 101 No – 108.**

Hearing no further discussion.

**Moderator read Article 5 as Originally proposed. Voice Vote. Article 5 Passed.**

**Moderator Moved Article 26 forward.**

#### **Article 26 - Passed**

Shall the Town MODIFY the provisions of RSA 72:39-a for elderly exemption from property tax in the TOWN of WARNER, based on assessed value for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, \$128,400; for a person 75 years of age up to 80 years, \$179,760; for a person 80 years of age or older, \$239,680. To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income of not more than \$50,000 or, if married, a combined net income of less than \$65,000; and own net assets not in excess of \$170,000 excluding the value of the person's residence.

**Moderator read Article 26. Motion made to Move Article. Seconded.**

Harry Seidel spoke on this article. This article qualifies people of certain ages to help with taxes. The last time this was changed was in 2006. The median house price value for 2024 is \$428,000. The Elderly will still pay taxes, they will get a reduction if they qualify.

**Voice Vote. Article 26 Passed.**

**Ed Mical made a Motion to Move to Restrict Reconsideration on Articles 5 and 26. Seconded. Voice Vote. Passed.**

#### **Article 6 - Passed**

By Petition: Shall the Town of Warner modify the Veteran's Tax Credit in accordance with RSA 72:28, II form its current tax credit of \$500 per year to \$750? (Recommended by the Budget Committee 6-1; Recommended by the Select Board 3-0). (Majority Vote Required)

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

Charles Towbridge, Commander of the American Legion Post, spoke on article, asking the Residents to support the Veterans in town. This article also supports the spouse of the Veteran.

**Voice Vote. Article 6 Passed.**

#### **Article 7 - Passed**

By Petition: Shall the Town of Warner vote to modify the provisions of RSA 72:28-b, all Veterans' tax credits amount from \$500 to \$750? If adopted, the credit will be available to any resident, or the spouse or surviving spouse of any resident, who (1) served not less than 90 days on active service in the

armed forces of the United States and (2) was honorably discharged or an officer honorably separated from services and is not eligible for or receiving a credit under RSA 72:28 or RSA 72:35. If adopted, the credit granted will be \$750, the same amount as the standard or optional veterans' tax credit previously voted by the Town under RSA 72:28. (Recommended by the Budget Committee 5-2; Recommended by the Select Board 3-0). (Majority Vote Required)

**Moderator read Article 7. Motion to Move Article. Seconded. Voice Vote. Article 7 Passed.**

#### **Article 8 - Passed**

By Petition: Shall the Town vote to dissolve the Transportation Improvement Grant Capital Reserve Fund estimated to be \$20,243.87 and transfer fund balance with accumulated interest to date to Warner's General Fund. (Recommended by the Budget Committee 5-2; Not Recommended by the Select Board 3-0). (Majority Vote Required).

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

James Gaffney stated that for the past 2 years, this Capital Reserve has been voted down. It is time to put the money back into the General Fund, and if this passes, James would come before the town next year to use this amount to make a one time payment on one of our loans.

**Voice Vote. Article 8 Passed**

**Andrew Bodnarik made a Motion to Restrict Reconsideration on Articles 6, 7, and 8. Seconded. Voice Vote. Passed.**

#### **Article 9- Failed**

By Petition: "Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body (or Budget Committee) 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 3.8%? (Not Recommended by the Budget Committee 6-2; Not Recommended by Select Board 3-0). (3/5 Majority Vote Required).

**Moderator read Article 9. Motion made to Move Article. Seconded.**

James Gaffney spoke on this article, stating that what this cap is, the amount of money that is permitted to be raised via taxation. This is calculated by operating budget and capital expenses, based on what is passed and what isn't. You take the amount that was expended, you subtract revenue from that, what is left is the amount of money that has to be raised via taxation. It requires the Select Board and Budget Committee to bring forth to this body in the town warrant expenditures that do not exceed the year over year, increase of 3.8% raised via taxation. The Town needs to focus on the needs and not the wants. This can be looked at as a tool to use when working on the budget. We need to look at sustainability. If there is a year where more money is needed, this can be done by a simple majority vote at Town Meeting.

**Paper Ballot required by law to be open for 1 hour.**

### **Article 10 - Failed**

By Petition: Shall the Town vote to revise the previously approved warrant article which diverts 100% of the land use tax to the Conservation Fund by reducing the amount diverted to 20%. The remaining 80% too be put in the Warner General Fund Balance. (Not Recommended by the Budget Committee 4-2, 1 abstained; Not Recommended by the Select Board 3-0). (Majority Vote Required).

**Moderator read Article 10. Motion made to Move Article. Seconded.**

James Gaffney spoke on this article. There was a time when we could afford this, and that time has come and gone. In the future, when things improve, we can go back to giving 100% to the Conservation Commission.

Nancy Martin, the Chair of the Conservation Commission, explained that this fund comes from when land is taken out of Current Use, you pay a tax on the portion you take out. This money is not used for the Conservation Commission budget, it is used for conservation projects. It is important that the Conservation fund have money in hand readily available, so that we can make rapid decisions when we need to. When money is used for expenditures, this requires approval from the Select Board, and a Public Hearing, so everyone has an opportunity to talk about a conservation project that they may object to.

**Voice Vote. Article 10 Failed.**

### **Article 11 - Passed**

By Petition: To see if the Town will vote to raise and appropriate the sum of \$16,148 (Sixteen Thousand, One Hundred Forty-Eight Dollars) consisting of additional wages of \$15,000 (Fifteen Thousand Dollars) and payroll taxes of \$1,148 (One Thousand, One Hundred Forty-Eight) for the purpose of additional compensation for the Tax Collector. The estimated tax impact would be an increase of 5 cents. (Not Recommended by the Budget Committee 7-0; Not Recommended by the Select Board 3-0). (Majority Vote Required).

**Moderator read Article 11. Motion made to Move Article. Seconded.**

Kimberley Edelmann, the Tax Collector spoke on this article. Kimberley stated she collects 10.5 million dollars in taxes. We do not have taxes online like other towns, so she handles every detail by phone, email or in person. A graph was presented that shows how many visitors, calls, and emails just from June to December. The job was changed from a normal wage to a stipend. What this means is when a cost of living is given, this job does not. She said she was doing the same exact job as the previous Tax Collector, and is making \$2,000 less than what she made in 2009. RSA 41:33 states the town will decide the wages for the tax collector.

**Voice Vote. Article 11 Passed.**

**Moderator closed the voting on Article 9. Paper Ballot. Article 9 Failed. YES [65] NO [127]**



**Article 12 - Passed**

Shall the Town vote to raise and appropriate the sum of \$10,000 (Ten 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.) (Majority Vote Required).

**Moderator read Article 12. Motion made to Move Article. Seconded.**

Michele Courser spoke on this article.

**Voice Vote. Article 12 Passed.**

**Andrew Bodnarik moved to Restrict Reconsideration on Articles 10, 11, and 12. Seconded. Voice Vote. Passed.**

**Article 13 - Passed**

Shall the Town vote to raise and appropriate the sum of \$20,000 (Twenty 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.) (Majority Vote Required).

**Moderator read Article 13. Motion made to Move Article. Seconded.**

Bill Chandler spoke on article.

**Voice Vote. Article 13 Passed.**

**Article 14 - Passed**

Shall the Town vote to appropriate the sum of \$50,000 (Fifty Thousand Dollars) to be added to the previously established Bride Repair/Replacement Capital Reserve Fund? (Recommended by the Budget Committee, 7-0; Recommended by the Select Board, 3-0.) (Majority Vote Required).

**Moderator read Article 14. Motion made to Move Article. Seconded.**

Tim Allen spoke on this article.

**Voice Vote. Article 14 Passed.**

**Article 15 - Passed**

Shall the Town authorize the Select Board to enter into a "lease to purchase" agreement, in the amount of \$315,500 (Three Hundred Fifteen Thousand, Five Hundred Dollars) payable over a term of seven (7) years for a new highway grader? And to raise and appropriate the sum of \$53,500 (Fifty-Three Thousand, Five Hundred Dollars) for the first annual (2025) payment for this lease agreement from the Highway Equipment Capital Reserve Fund? The annual lease payment for this seven (7) year lease will be \$53,500 (Fifty-Three Thousand, Five Hundred Dollars). Upon conclusion of this lease agreement the Town takes full ownership of the Grader for \$1(One Dollar). (Recommended by the Budget Committee 7-0; Recommended by the Select Board 3-0). (Majority Vote Required).

**Moderator read Article 15. Motion made to Move Article. Seconded.**

Tim Allen spoke on this article, stating that if we discipline ourselves to stay on board with rolling the machinery over after the 7- and 5-year period we get the maximum out of the equity. If we enter into another 7-year lease, the grader would have a comprehensive warranty front to rear, everything would be covered. The only thing we would pay for is general maintenance: meaning servicing, greasing, winter wipers, and tires. The cost of that is averaging \$9,000, not counting fuel. There are no hidden costs.

**Voice Vote. Article 15 Passed.**

#### **Article 16 - Passed**

Shall the Town authorize the Select Board to enter into a “lease to purchase” agreement, in the amount of \$129,900 (One Hundred Twenty-Nine Thousand Nine Hundred Dollars) payable over a term of five (5) years for a new highway loader/backhoe? And raise and appropriate the sum of \$29,500 (Twenty-Nine Thousand, Five Hundred Dollars) for the first annual (2025) payment for this lease agreement from the Highway Equipment Capital Reserve Fund? The annual lease payment for this five (5) year lease will be \$29,500 (Twenty- Nine Thousand, Five Hundred Dollars). Upon conclusion of this lease agreement the Town takes full ownership of the Loader/Backhoe for \$1 (One Dollar). (Recommended by the Budget Committee 7-1; Recommended by the Select Board 3-0). (Majority Vote Required).

**Moderator read Article 16. Motion made to Move Article. Seconded**

Tim Allen spoke on this article, stating this is the same thing, but only for 5 years.

**Voice Vote. Article 16 Passed.**

#### **Article 17 - Passed**

Shall the Town vote to raise and appropriate the sum of \$265,000 (Two Hundred Sixty Five 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.) (Majority Vote Required).

**Moderator read Article 17. Motion made to Move Article. Seconded.**

Tim Allen spoke on this article, stating they took \$90,000 from his operating budget to put in this warrant article to make it \$265,000. The Dump truck is a \$260,000 cost and the Pickup truck is a \$92,000 cost. So there will be 4 pieces of equipment bought this year.

**Voice Vote. Article 17 Passed.**

#### **Article 18 - Tabled**

Shall the Town vote to raise and appropriate the sum of \$25,000 (Twenty Five Thousand Dollars) to be placed in the previously established Transfer Station Facility Project Capital Reserve Fund? (Recommended by the Budget Committee, 4-3; Recommended by the Select Board, 3-0). (Majority Vote Required).

**Moderator read Article 18. Motion made to Move Article. Seconded.**

Michael Smith spoke on this article, there are a number of things that need to take place, one being relocating the compactor. Michael Smith, Tim Allen, and Varrick Proper had looked at the original plan that came before the town, the estimate was roughly around \$3,000,000.

Andrew Bodnarik asked where is the plan? Are we going to relocate a compactor? Will we be adding a second compactor if the 1<sup>st</sup> one fails? What is the \$25,000 going to be used for, if the plan eventually blows up?

Michael responded by saying that improvements to the Transfer Station are being done and they are trying not to spend \$3,000,000. Improvements are being done by relocating the trash compactor and building a different location for the parking lot so the existing building can be revitalized.

**James Gaffney made an amendment to reduce article 18 from \$25,000 to \$5,000. Seconded.**

#### **Article 18 – Amendment Failed**

Shall the Town vote to raise and appropriate the sum of \$5,000 ( Five Thousand Dollars) to be placed in the previously established Transfer Station Facility Project Capital Reserve Fund?

**Moderator read amendment to Article 18. Motion to Move Article. Seconded. Voice Vote. Amendment to Article 18 Failed.**

**Moderator read the original Article 18. Martha Mical made a Motion to Table Warrant Article 18. Seconded. Voice Vote. Article 18 Tabled.**

**James Gaffney made a Motion to Restrict Reconsideration on Articles 9, 13, 14, 15, 16, 17, and 18. Seconded. Voice Vote. Passed.**

#### **Article 19 - Passed**

Shall the Town vote to raise and appropriate \$25,000 (Twenty-Five Thousand Dollars) to be placed in the previously established Transfer Station Equipment Capital Reserve Fund? (Recommended by the Budget Committee 7-0; Recommended by the Select Board 3-0). (Majority Vote Required).

**Moderator read Article 19. Motion made to Move Article. Seconded. Voice Vote. Article 19 Passed.**

#### **Article 20 - Passed**

Shall the Town vote to raise and appropriate the sum of \$35,000 (Thirty-Five 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). (Majority Vote Required).

**Moderator read Article 20. Motion made to Move Article. Seconded.**

Jonathan France spoke on this article.

**Voice Vote. Article 20 Passed.**

**Article 21 - Passed**

Shall the Town vote to raise and appropriate the sum of \$100,000 (One Hundred 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). (Majority Vote Required).

**Moderator read Article 21. Motion made to Move Article. Seconded.**

Jonathan France spoke on this article.

**Voice Vote. Article 21 Passed.**

**Article 22 - Passed**

Shall the Town vote to appropriate the sum of \$40,000 (Forty Thousand Dollars) to be placed in the previously established Property Revaluation Capital Reserve Fund? (Recommended by the Budget Committee, 6-1; Recommended by the Select Board, 3-0). (Majority Vote Required).

**Moderator read Article 22. Motion made to Move Article. Seconded**

Michael Smith spoke on this article, stating every 5 years we have town wide evaluation. These funds are added so the year that the revaluation is done, we do not have to come up with the full amount at that time.

**Voice Vote. Article 22 Passed.**

**Article 23 – 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 \$20,000 (Twenty 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, 7-0; Recommended by Select Board, 3-0). (Majority Vote Required).

**Moderator read Article 23. Motion made to Move Article. Seconded.**

Michael Smith spoke on this article.

**Martha Mical made a motion to amend Article 23, to change the amount to \$10,000. Seconded. Voice Vote. Passed.**

**Article 23 Amendment - Failed**

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?

**Moderator read amendment to Article 23. Motion made to Move Article. Seconded. Voice Vote. Amendment to Article 23 Failed.**

**Moderator read Article 23 as originally brought forward. Voice Vote. Article 23 Passed.**

**Article 24 - Passed**

Shall the Town vote to raise and appropriate \$40,000 (Forty Thousand Dollars) to be placed in the previously established Employees Health Insurance Expendable Trust Fund? This fund is used to partially reimburse participating town employees for deductible health expenses. This sum is to come from the unassigned fund balance, not to be raised by taxation. (Recommend by the Budget Committee 4-3; Recommended by the Select Board 3-0). (Majority Vote Required).

**Moderator read Article 24. Motion made to Move Article. Seconded.**

Michael Smith spoke on this article.

**Voice Vote. Article 24 Passed.**

**Article 25 Failed**

Shall the Town vote to raise and appropriate \$20,000 (Twenty Thousand Dollars) to establish a Warner Community Center Capital Reserve Fund to use for matching funds for grants to address safety issues, energy efficiency, ADA compliant bathrooms, the handicap ramp, and other improvements to the Warner Community Center? Further, to name the Select Board as agents to expend from said fund? This sum is to come from the unassigned fund balance, not to be raised by taxation. (Not Recommended by the Budget Committee 4-3; Recommended by the Select Board 3-0). (Majority Vote Required).

**Moderator read Article 25. Motion made. Seconded.**

The Moderator recognized Ed Mical for Point of Order. Ed said that the Warrant Article that was posted in the Town Report did not say the Select Board are designated agents to expend the funds, and did not have any representative to expend. This is a matter of significance for this article. Moderator confirmed this.

Moderator set aside the motion to pass Article 25 stating that it was improper as the sentence designating the Board of Selectmen as agents to expend was not properly noticed to the public. He said that the article without that sentence, as printed in the Annual Report, could proceed. If passed, this would require any expenditure of the funds to be made by a future town meeting. When asked if the article could be amended to designate the Board of Selectmen as agents to expend, Moderator said no as such an amendment would be beyond the scope of the article as printed in the Annual Report.

**Article 25 as Written in the Annual Report Passed**

Shall the Town vote to raise and appropriate \$20,000 (Twenty Thousand Dollars) to establish a Warner Community Center Capital Reserve Fund to use for matching funds for grants to address safety issues, energy efficiency, ADA compliant bathrooms, the handicap ramp, and other improvements to the Warner Community Center? This sum is to come from the unassigned fund balance, not to be raised by taxation. (Not Recommended by the Budget Committee 4-3; Recommended by the Select Board 3-0). (Majority Vote Required).

**Moderator read Article 25 as written in the Annual Report. Motion made to Move Article. Seconded.**

Harry Seidel spoke on this article, stating that this building is 115 years old. It is a strongly built structure with historical significance. The building serves the Food Pantry, Boys and Girls Club, the Action Program which is Home Schoolers, and Welfare Department. While the investment costs are meant to bring the building into the 21<sup>st</sup> century, the sensible solution is to go after grants. When applying for a grant it shows the Town is committed to doing something in the building. Someone had asked if a motion could be made to add the Select Board as agents to expend. The Moderator stated that from his understanding of the law, it is beyond the subject matter of this article, as published, to name an agent to expend.

**Timothy Richter made a Motion to Overrule the Moderator's ruling that the article could not be amended to designate the Board of Selectmen as agents to expend. Seconded.**

Michael Simon said the Motion to Overrule is worth supporting, because it is only logical to establish a reserve fund with agents to expend. Someone said that if you make an amendment to assign a group of people to expend this fund, it has to go the State for approval specifically to the DRA, because you are changing the substance of the warrant article. You cannot just make that change here. All the Articles have to be approved by the standard of the DRA. Someone objected that the moderator went with one version of the article, but there were two out there. Which version was posted?

The Moderator expressed his opinion that it was not an appropriate motion to add an agent to expend because his recollection of the statute is that it says the town *may* designate an agent to expend, not *shall*. And if the town does not designate an agent to expend, it will go to the next town meeting in the following year. The Moderator then said he went with the Annual Report version because it advertises something that is of less substance. He explained that the state does not review these changes, but that someone with legal standing in the town could file suit in the superior court if he or she did not like the outcome of the vote because the question of whether to designate an agent to expend had not been properly noticed.

**The Moderator read the Motion to Override the Moderator's ruling on amending Article 25. Voice Vote. Motion to Override the Moderator Failed.**

**Moderator read Article 25 as written in the Annual Report. Voice Vote. Article 25 as written in the Annual Report Passed.**

Moderator asked if there is any other business that may legally come before the meeting. Hearing no further business, Moderator asked for a Motion to Adjourn the 2025 Annual Town Meeting of Warner.

**Motion Made. Seconded. Voice Vote. Meeting adjourned at 11:28 PM.**

Respectfully Submitted,

Michele L Courser  
Warner Town Clerk

