TOWN WARRANT
2013
The State of New Hampshire

THE POLLS WILL BE OPENING FROM 8:00 A.M. TO 8:00 P.M.

To the inhabitants of the Town of Newton, N.H. in the County of Rockingham, in said State, qualified to vote in Town Affairs; you are hereby notified to meet for the first session of the annual meeting, which shall be for the explanation, discussion and debate of each warrant article and the transaction of all business other than voting by official ballot to be held at the **Newton Town Hall on Saturday, February 2, 2013 at 1:00 PM;** the **second session to be held at the Newton Town Hall**, in said Newton, **on Tuesday, the twelfth day of March next, at eight o'clock in the forenoon, to choose all necessary Town officers** for the ensuing year by official ballot, and to vote on all issues before the Town of Newton on the official ballot; the polls to be open at eight o'clock in the forenoon and to close not earlier than eight o'clock in the evening.

1. To elect all necessary Town Officers for the ensuing year.

2. Are you in favor of the adoption of **Amendment No. 1** as proposed by Planning Board for the Town of Newton Zoning Ordinance as follows?

Delete from Section XXVIII Aquifer-Watershed Protection Ordinance:

d. Conditional Uses (Amended March 2004)

1. The Planning Board may grant approval for those uses listed above in d, 1 (previous Section d, 1 deleted by March 2004 vote) only after it is determined that all of the following conditions have been met:

   a. the use will not detrimentally affect groundwater quality, nor cause a significant long term reduction in the volume of water contained in the aquifer or in the storage capacity of the aquifer;

   b. the use will discharge no wastewater on-site other than that typically discharged by domestic wastewater disposal systems;

   c. the proposed use complies with all other applicable provisions of this Section.

   d. the land owner must prove that the standard of 4.d, 2(a) (Section 4.d, 2(a) renumbered 4.d 1(a) by March 2004 vote) will be met and that provisions for continuous perpetual compliance are in place to insure protection of the aquifer and recharge area through substantial and credible evidence submitted to the Planning

Board and reviewed in accordance with Site Plan Review process, including review of submitted materials by a qualified hydro geologist, environmental engineer or other professional consultant.

2. All conditional uses shall be subject to inspections by the Building Inspector or other agent designated by the Selectmen. The purpose of these inspections is to ensure continued compliance with the conditions under which approvals were granted. Failure to insure and maintain constant compliance with this ordinance will result in revocation of the Conditional Use Permit in accordance with RSA 676:4-a.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE 6-0

3. Are you in favor of the adoption of **Amendment No. 2** as proposed by the Planning Board for the Town of Newton Zoning Ordinance as follows?

Amend Section XV Residential A Zone Area Regulations and Section XVII Residential B Zone Area Regulations with changes in **BOLD** as follows:

3. Location on Lot: No building **or structure, with exception to both tanks and leaching beds of a septic system, which is subject to the permitting requirements set forth in the current State of New Hampshire Building Code,** shall be within 65 feet of the centerline of the street. If the lot is a corner lot, the 65-foot distance will be calculated from the numbered side of the house. (Amended March 1995) Side and rear setbacks shall be 25 feet from lot lines. Side and rear setbacks may be reduced to not less than five feet (5 ft.) for one (1) accessory storage structure less than 120 square feet in size. (Amended March 2000) **Other accessory buildings and structures (i.e. decks of all sizes, storage sheds larger than 120 square feet in size, playhouses, carports, swimming pools, or similar type of construction) shall meet the above mentioned setback requirements.**

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE 6-0

4. Are you in favor of the adoption of **Amendment No. 3** as proposed by the Planning Board for the Town of Newton Zoning Ordinance as follows?

Amend Section XXV Light Industrial/Commercial Zone Area Regulations with changes in **BOLD** and ~~struck out~~ as follows:

1. Location on Lot:

a. Side yard 200 **foot** structural setback with a minimum 50 foot undisturbed natural buffer **when abutting any other zone.** ~~and~~ Any additional buffer that may be required by the Planning Board up to but not exceeding 1,500 feet ~~on any side that abuts any other Zone~~ **for a side yard that abuts any other zone.**

b. Rear yard 200 **foot** structural setback with a minimum 50 foot undisturbed natural buffer **when abutting any other zone.** ~~and~~ Any additional buffer that may be required by the Planning Board up to but not exceeding 1,500 feet ~~where it abuts any other Zone~~ **for a rear yard that abuts any other zone**, plus adequate provision for off-street parking as determined by the Planning Board.

c. No building shall be set within 75 feet of the centerline of the street ~~and~~ **nor** within 50 feet of any lot line **within the Light Industrial/Commercial Zone.**

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE 6-0

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5. "Shall the Town of Newton raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **$2,903,310.00**? Should this article be defeated, the default budget shall be $2,936,389.00, which is the same as last year, with certain adjustments required by previous action of the Town of Newton or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only." **If warrant article 18 passes, the operating budget will be reduced by $23,400.00.** *This proposed article will result in a decrease on the tax rate by $0.07 cents per thousand.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

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6. To see if the Town will vote annually, pursuant to RSA 80:80 to authorize the Board of Selectmen to transfer tax liens within the two (2) year redemption period, and further authorize the Board of Selectmen to transfer title to any real estate taken by Tax Collector Deed; and in addition to statutory methods of sale, the Selectmen are authorized to dispose of a lien or town-owned tax deed property as justice may require.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

7. To see if the Town will vote to **establish a Revolving Fund** pursuant to RSA 31:95-h, for the purpose of providing **Cable Access for public, educational or governmental use.** The amount of revenues received, as stated in the cable contract for cable access, including Franchise Fees will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's unassigned fund balance. Further to raise and appropriate **$2,429.00** from the unassigned fund balance created from the discontinued Expendable Trust Fund in warrant article 8. The Town Treasurer shall have custody of all moneys in the fund and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created. If warrant article 8 fails, no funds will be raised and appropriated into this fund from the Unassigned Fund Balance. **If this warrant article passes, warrant article 9 is null and void.** *This proposed article will result in no increase in the amount to be raised in taxes.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

8. To see if the Town will vote to discontinue the **Newton Cable Equipment Expendable Trust Fund created in 2001.** Said funds, with accumulated interest to date of withdrawal, are to be transferred to the municipality's general fund. *(As of 12/31/12, account has $2,428.77)* **If warrant article 7 fails, this article is null and void.** *This proposed article will result in no increase in the amount to be raised in taxes.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

9. To see if the Town will vote to raise and appropriate **$31,787.00** to be deposited into the **Newton Cable Equipment Expendable Trust Fund created in 2001,** with such sum to come from the Unassigned Fund Balance from cable revenues received in 2012. **If warrant article 7 passes, this article is null and void.** *This proposed article will result in no increase in the amount to be raised in taxes.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

10. On a petition of 25 or more legal voters of the Town of Newton "Are you in favor of **increasing the Board of Selectmen to 5 members"?** (RSA 41:8-b)

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 2-1

11. To see if the Town will vote to raise and appropriate **$90,842.00 for the repair and maintenance of town roads to be offset by the NH Highway Block Grant**. This is a non-lapsing appropriation and will not lapse until the completion of the project or until December 31, 2018, whichever is sooner. *This proposed article will result in no increase in the amount to be raised in taxes.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

12. To see if the Town will vote to **change the position of the Highway Foreman** from a permanent part-time position to a full-time position effective April 1, 2013 and further to raise and appropriate **$8,100.00** for the additional costs in salary and benefits. If approved, this appropriation will be included in the operating budget in coming years. *This proposed article will result in an increase on the tax rate by $0.02 cents per thousand.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 2-1

13. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **$60,000.00** to be paid toward the **2013 SOLID WASTE DISPOSAL BUDGET as an offset to the disposal costs** and to authorize the withdrawal of $60,000.00 from the Transfer Station/Recycling Special Revenue Fund created in 2003 for this purpose. *(As of 12/31/12, account has $307,627.33.) This proposed article will result in no increase in the amount to be raised in taxes.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

14. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **$35,000.00** to hold a **HAZARDOUS WASTE DAY for Newton Residents only** and to authorize the withdrawal of $35,000.00 from the Transfer Station / Recycling Special Revenue Fund created in 2003 for this purpose. *This proposed article will result in no increase in the amount to be raised in taxes.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

15. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **$52,500.00** to **install a Security Fence at the Transfer Station** in an effort to make the facility safe and protect the Town from liability; and to further authorize the withdrawal of $52,500.00 from the Transfer Station/Recycling Special Revenue Fund created in 2003 for this purpose. *This proposed article will result in no increase in the amount to be raised in taxes.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

16. To see if the Town will vote to raise and appropriate the sum of **$29,920.00** for the following **Community Services**:
This proposed article will result in an increase on the tax rate by $0.06 cents per thousand.

A SAFE PLACE	$ 2,000.00
AREA HOMECARE & FAMILY SERVICES	3,800.00
CHILD ADVOCACY CENTER	2,000.00
DRUGS ARE DANGEROUS	2,000.00
FAMILY MEDIATION	5,947.00
LAMPREY HEALTH CARE	1,800.00
NHSPCA	750.00
ROCKINGHAM COUNTY COMMUNITY ACTION	5,000.00
ROCKINGHAM NUTRITION MEALS ON WHEELS	1,373.00
SEACARE HEALTH SERVICES	2,000.00
SEXUAL ASSAULT SUPPORT SERVICES (SASS)	550.00
VIC GEARY CENTER	2,700.00
	$ 29,920.00

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

17. To see if the Town will vote to raise and appropriate, as proposed by the Recreation Commission the sum of **$3,500.00 for Recreational Programs and Trips for Senior Citizens.** *This proposed article will result in an increase on the tax rate by $0.007 cents per thousand.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

18. To see if the Town will vote to authorize the Board of Selectmen to enter into a three (3) year lease / purchase agreement for $70,000.00 for the purpose of leasing a new, 4 x 4, 1 Ton, **Dump Truck** with a sander and plow for the Highway Department, and to raise and appropriate the sum of **$23,400.00** for the first year's payment. This lease agreement contains an escape clause. **If this article passes, the operating budget will be reduced by $23,400.00.** *This proposed article will result in an increase on the tax rate by $0.05 cents per thousand.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

19. To see if the Town will vote to **change the position of Director of the Gale Library** from part-time to full-time effective April 1, 2013 and further to raise and appropriate **$9,146.00** for the additional costs in salary and benefits. If approved, the appropriation will be included in the operating budget in coming years. *This proposed article will result in an increase on the tax rate by $0.02 cents per thousand.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

20. To see if the Town will vote to raise and appropriate, as proposed by the Board of Selectmen and the Fire Chief, the sum of **$35,000.00** to be placed in the existing **Fire Sprinkler Capital Reserve Fund** created in 1997 for the Town Hall Building Sprinkler System. *This proposed article will result in an increase on the tax rate by $0.07 cents per thousand.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

21. To see if the Town will vote to **modify the Elderly Exemptions** from property tax in the Town of Newton, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 74 years of age **$65,000**; for a person 75 years of age up to 79 years of age **$85,000**; for a person 80 years of age or older **$110,000**. To qualify, the applicant must have resided in this state 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 for at least 5 years. In addition, the taxpayer must have a net income of not more than **$25,000** or, if married, a combined net income of less than **$35,000**; and own net assets not in excess of **$65,000** excluding the value of the person's residence.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

22. To see if the town will vote to authorize the Selectmen to enter into a long term lease/purchase agreement to purchase a **Tank Truck** for the Fire Department at a cost of $330,000.00 and further to raise and appropriate **$246,000.00** and authorize the withdrawal of **$246,000.00** from the Fire Apparatus & Equipment Capital Reserve Fund for a down payment to lower the agreement amount to $84,000.00 payable over a term of 5 years at a rate of $16,800.00 annually and further to raise and appropriate **$16,800.00** for the first year's payment. This agreement does not contain an escape clause. (3/5 majority vote required for passage) *This proposed article will result in an increase on the tax rate by $0.04 cents per thousand.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 2-1

23. To see if the town will vote to raise and appropriate the sum of **$1.00** for the purpose of additional maintenance, repair or installation of the town-owned fire wells, dry hydrants and cisterns. *This proposed article will result in no increase in the amount to be raised in taxes.*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

24. To see if the Town will vote to **establish** an **Expendable Trust Fund** pursuant to RSA 31:19a, **for the purpose of the Emergency Operating Center**. The funds will be used for emergency operations, including but not limited to equipment, office supplies, and payroll for emergency services as a result of unusual or weather related events and further to name the Board of Selectmen as agents to expend from this fund.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

25. To see if the Town will vote to authorize the Board of Selectmen to apply the proceeds from the sale of the former Police Station at 2 Amesbury Road, as an offset, to the 10-year, 0% interest mortgage and promissory note for the present Police Station at 8 Merrimac Road voted in 2012?

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

Given under our hands and seal this 15th day of January in the year of our Lord Two Thousand and Thirteen.

Trisha J. McCarthy, Chairman Raymond D. Thayer Charles R. Melvin, Sr.
BOARD OF SELECTMEN

(Note: This warrant was amended at the Deliberative Session on February 2, 2013)