

RECORDS OF TOWN MEETING
DELIBERATIVE SESSION MINUTES
FEBRUARY 4, 2017
NEWTON TOWN HALL

Whereas the Town Moderator, Robert Dezmelyk, was unable to attend the Deliberative Session, Ms. Anne Collyer was appointed as Moderator Pro-tem for this purpose. Introductions were not made, but for the record, those in attendance in an official capacity were the members of the Select Board, Chairman James Doggett, Vice-Chairman Matthew Burrill, Robert Donovan Jr., Lawrence Foote, and Lisa Gonyer. Also in attendance was Nancy Wrigley, Town Administrator and Cheryl Saunders, Deputy Town Clerk. The meeting was attended by 40 residents in addition to the officials mentioned.

Ms. Collyer opened the meeting with the Pledge of Allegiance, and proceeded to read the warrant as follows:

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 4, 2017 at 9:00 AM**; the **second session to be held at the Newton Town Hall**, in said Newton, **on Tuesday, the fourteenth 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 the Planning Board for the Town of Newton Zoning Ordinance as follows?

To amend the Accessory Apartment Ordinance (Section XII) to comply with changes to the state Accessory Dwelling Unit law (Senate Bill 146) and to prohibit new detached accessory dwelling units.

BOLD – language to be added,
~~BOLD and Strikethrough~~ – language to be removed

SECTION XIII ACCESSORY APARTMENTS (Added March 2001, amended March 2012 **and March 2017**)

Pursuant to RSA 674:~~21-71~~ - **674:73**, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for accessory apartments ~~within the Residential A Zone~~ in accordance with the restrictions and requirements of this section. To increase housing alternatives while maintaining neighborhood aesthetics and quality, an accessory apartment **shall**

be permitted within a detached all single family dwelling units. shall be permitted in the Residential A Zone. Maximum of one (1) accessory apartment per property.

1. The property owner must occupy one (1) of the two (2) units.

2. ~~Only one (1) bedroom is~~ **No more than two (2) bedrooms** are permitted in the accessory apartment.

3. Not more than ~~four (4)~~ **two (2)** people shall occupy said apartment.

4. Off street parking sufficient for both units must be provided (space for a minimum of four (4) vehicles).

~~5. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single family dwelling.~~

~~5. 6.~~ The septic system shall be adequate for both units, per New Hampshire Water Supply and Pollution Control Standards.

~~6. 7.~~ The accessory apartment must be attached to the primary dwelling unit. Accessory apartments are not permitted in detached accessory structures on the same lot. ~~(for exceptions see #16)~~

~~7. 8.~~ The accessory apartment shall have convenient and direct access to the primary dwelling unit (a connecting inside door) AND its own separate entrance/exit.

~~8. 9.~~ Appearance shall remain that of a single-family residence. New entrances **for the accessory apartment** shall be located on the side or rear of the building.

~~9. 10.~~ The size of the accessory apartment shall be a maximum of 800 square feet. ~~SF, or 1/3 of the total gross floor area, whichever is smaller. (Amended March 2007)~~

~~10. 11.~~ The primary dwelling unit and the accessory apartment shall share common utilities including well, septic system, heating, and electrical service.

~~11. 12.~~ Design of the accessory apartment shall be such that it would be readily adaptable to conversion into part of the primary dwelling.

~~13. Design, construction and all necessary permits for the accessory apartment shall be in accordance with the Town of Newton Building Code and Safety Ordinance.~~

~~14. An accessory apartment occupancy permit will have to be obtained and shall be revoked if all of these conditions are not maintained.~~

~~15. Any appeal of this ordinance shall be made to the Superior Court.~~

~~16. Accessory apartments shall be allowed in a detached accessory structure which is in existence prior to the adoption of this ordinance provided the following conditions are found to exist:~~

~~A. The existing detached accessory structure consists of at least 500 square feet of floor space;~~

~~B. No net increase in building footprint or floor space shall be allowed; and~~

~~C. Minimal structural modifications of the accessory structure are required to facilitate residential occupancy as determined by the Building Inspector.~~

~~Existing accessory structures are exempt from conditions 8, 9 and 13 provided all other conditions are met.~~

~~17. In accordance with RSA 676:17, a fine of \$275.00 per day shall be assessed for violations of this ordinance.~~

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE 6-1

3. To see if the Town will vote to raise and appropriate the sum of **One Million, Six Hundred Ninety-One Thousand, Eight Hundred Eighty Dollars (\$1,691,880)** (gross budget) as recommended by the Newton Fire Station Building Committee **to pay costs of design, engineering, site preparation, building construction and renovation, equipment and furnishing for a new Fire and Rescue Station to be located at 8 Merrimac Road**, and to authorize the issuance of not more than **\$1,691,880** of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes, to determine the date, maturities, denominations, interest rates, or discount rate in the case of notes, place of payment, form and other details of such bonds or notes and to enter into such agreements as are necessary to accomplish the financing and completion of such Fire and Rescue Station. (3/5 ballot vote required)

Based on information provided by the New Hampshire Municipal Bond Bank as of January 10, 2017, it is estimated that payment of the first year's debt service on the bond authorized by this article would require a \$0.23 increase per \$1,000.00 of assessed value to be raised by taxes in 2018.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

Resident and FSBC Chair Dennis Moran gave a power point presentation and fielded questions regarding the current Fire Station building condition and needs. Road Agent Mike Pivero, who is also a FSBC member, also spoke on this issue addressing the how the new building design will remedy the current building conditions, among other things. Fire Chief John Alcaldinho also spoke to the residents about the importance and the need of this building.

ARTICLE #3 SHALL APPEAR ON THE BALLOT AS WRITTEN

4. "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 **\$3,165,537.00**? Should this article be defeated, the default budget shall be \$3,168,716.00, 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."

The budget increase from the 2016 ACTUAL budget to the 2017 PROPOSED budget represents a tax impact increase of \$0.11 per \$1,000.00 of assessed value.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

ARTICLE #4 SHALL APPEAR ON THE BALLOT AS WRITTEN

5. To see if the Town will vote to raise and appropriate the sum of **\$12,000.00** to be deposited into the **Engineering and Renovation Capital Reserve Fund** created in 2015; said funds to come from the unassigned fund balance. This represents rental fees received at 8 Merrimac Road.

This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

ARTICLE #5 SHALL APPEAR ON THE BALLOT AS WRITTEN

6. 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 article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

ARTICLE #6 SHALL APPEAR ON THE BALLOT AS WRITTEN

7. To see if the Town will vote to raise and appropriate the sum of **\$31,547.00** for the following **Community Services**:

AREA HOMECARE & FAMILY SERVICES	\$ 3,800.00
CHILD ADVOCACY CENTER	2,000.00
CHILD AND FAMILY SERVICES	2,000.00
DRUGS ARE DANGEROUS	2,500.00
FAMILY MEDIATION	5,947.00
HAVEN	3,050.00
LAMPREY HEALTH CARE	1,600.00

NHSPCA	750.00
ROCKINGHAM COUNTY COMMUNITY ACTION	5,000.00
ROCKINGHAM NUTRITION MEALS ON WHEELS	2,200.00
VIC GEARY CENTER	<u>2,700.00</u>
	\$31,547.00

This article would result in a \$0.06 increase per \$1,000.00 of assessed value to be raised by taxes.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

ARTICLE #7 SHALL APPEAR ON THE BALLOT AS WRITTEN

8. To see if the Town will vote to raise and appropriate, as proposed by the Recreation Commission the sum of **\$4,200.00 for Recreational Programs and Trips for Newton Senior Citizens.**

This article would result in a \$0.01 increase per \$1,000.00 of assessed value to be raised by taxes.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

ARTICLE #8 SHALL APPEAR ON THE BALLOT AS WRITTEN

9. To see if the Town will vote to raise and appropriate, as proposed by the Recreation Commission, the sum of **\$7,000.00** for the purpose of **sponsoring a Newton Olde Home Day** to bring the community together with free entertainment and events for families, similar to the event last held in town on October 3, 2015.

This article would result in a \$0.01 increase per \$1,000.00 of assessed value to be raised by taxes.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

ARTICLE #9 SHALL APPEAR ON THE BALLOT AS WRITTEN

10. 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 the person 65 years of age up to 74 years of age **\$85,000**; for a person 75 years of age up to 79 years of age **\$95,000**; 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 a person's spouse, they must have been married for at least 5 years. In addition, the tax payer must have a net income of not more than **\$35,000** or, if married, a combined net income of less than **\$45,000**, and own net assets not in excess of **\$65,000** excluding the value of the person's residence.

This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

Jack Kozec offered an amendment to raise the net income of \$35,000.00 to 40,000.00 and the combined income amount from \$45,000.00 to \$55,000.00. Second by Larry Foote. Discussion and hand count vote followed. The amendment failed to pass with only 3 yes votes. The moderator called for a voice vote on the original article.

ARTICLE #10 SHALL APPEAR ON THE BALLOT AS WRITTEN

11. Shall the Town of Newton vote to **adopt the provisions of RSA 72:61-64 inclusively**, which provide for an optional property tax exemption from the property's assessed value, for 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 the amount equal to \$20,000.00 of the assessed value of qualifying solar energy system equipment under these statutes.

This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

Jameson Fitzpatrick made a motion to amend the dollar amount to "\$1.00", seconded by Jack Kozec. Discussion and voice vote, followed up with a hand count vote. The amendment carries 19-16. Moderator called to move the warrant article to the ballot as amended.

ARTICLE #11 SHALL APPEAR ON THE BALLOT AS AMENDED

12. Shall the Town of Newton vote to **adopt the provisions of RSA 72:28-b, All Veterans' Tax Credit?** 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 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 \$500, the same amount as the standard or optional veterans' tax credit voted by the Town of Newton under RSA 72:28.

This article would result in no increase in the amount to be raised by taxes.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 5-0

ARTICLE #12 SHALL APPEAR ON THE BALLOT AS WRITTEN

13. To see if the Town will vote to authorize the Board of Selectmen to develop and implement policies which would allow and regulate private trash haulers wishing to offer, for a fee, Newton residents curb-side pick-up and unloading it at the Newton Transfer Station.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-2

Jameson Fitzpatrick made a motion to add the following at the end of the article: A no vote would prevent commercial trash deposits at the Transfer Station. Second by Larry Foote. Discussion and voice vote. Amendment fails with only 7 yes votes.

Lynne Camp made a motion to add the following at the end of the article: A yes vote means you are authorizing the Board to study the issue and to decide whether to implement the policy. Seconded by someone. Amendment fails with only a few yes votes.

Selectmen Robert Donovan offer the following amendment which would change the words "policies which would" allow to "options to" allow. Larry Foote seconded. Discussion. Jim Doggett stated that the develops 'policy' and the word 'option' is not an option. He then offered a friendly amendment to change the words from "to develop and implement policies" to "to study, possibly develop and implement policies. Discussion was then cut off as the questions was moved. The motion was carried by voice vote. The moderator called to move the amendment, seconded and carried by voice vote.

ARTICLE #13 WILL APPEAR ON THE WARRANT AS AMENDED.

Selectman James Doggett made a motion to adjourn until March 14th at 8:00 in the forenoon, seconded and pass by voice vote.

Cheryl Saunders
Respectfully submitted,
Cheryl A. Saunders, Deputy Town Clerk