

RECORDS OF TOWN MEETING

Deliberative Session Minutes - February 5, 2008 SANBORN REGIONAL MIDDLE SCHOOL

Moderator Robert Dezmelyk opened the meeting at 7:10 p.m. He noted that this was the 259th Annual Town Meeting of Newton NH, give or take a few years. Mr. Dezmelyk introduced the town officials in attendance: the Board of Selectmen, Chairman John Ulcickas, Robert S. Donovan Jr., and Tricia J. McCarthy, Town Administrator Nancy J. Wrigley, Town Clerk Mary-Jo McCullough, Deputy Town Clerk Cheryl Saunders, Supervisors of the Checklist Lisa Fortin and Myrtle Rogers, and the Cable Committee. There were 46 people, including officials, in attendance.

Mr. Dezmelyk then led the body in the Pledge of Allegiance. He then went on to thank Myrtle Rogers for her many, many years of service to the town, noting that, among other things, she was the first State Representative from the Town of Newton. Mr. Dezmelyk commented that she would not be running for re-election as Supervisor of the Checklist for the first time since he could remember, and again thanked her for all the help and assistance that she had given him and others over the years. The attending body gave Mrs. Rogers a warm round of applause.

Mr. Dezmelyk then went over some procedural items, one being that there would be a non-resident addressing one of the warrant articles and then took a voice vote of the body for approval to allow him and any other non-residents to speak if needed. The body approved, and Mr. Dezmelyk added that they could rescind their decision at any time through another motion and vote.

The Moderator read the warrant and reminded the people of the actual election to be held on March 11, 2008, at the Memorial School in Newton Junction, between the hours of 8:00 a.m. and 8:00 p.m.

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

Before moving on to the zoning articles, Mr. Dezmelyk reminded everyone that the articles could be discussed, and questions could be asked, but no amendments may be made to the article.

2. Are you in favor of the adoption of **Amendment No. 1** as proposed by petition of 25 or more legal voters in the Town of Newton to amend the Newton Zoning Ordinance as follows?

We the undersigned, being registered voters in Newton, New Hampshire, request that the following change to the zoning articles be adopted. To amend by eliminating the first paragraph of Section XXX (Elderly Housing), Part II (General Standards), paragraph B which states: The total number of elderly housing units in the Town of Newton shall not exceed ten percent of the total dwelling units then existing in the Town of Newton. The number of existing elderly housing units shall not be included in the calculation of this ten percent.

Removing this paragraph will help to create more housing opportunities and choices for our older citizens and also leave more open space while doing so.

THE PLANNING BOARD DOES NOT RECOMMEND THIS ARTICLE

3. Are you in favor of the adoption of **Amendment No. 2** as proposed by petition of 25 or more legal voters in the Town of Newton to amend the Newton Zoning Ordinance as follows?

We the undersigned, being registered voters in Newton, New Hampshire, request that the following change to the zoning articles be adopted. To change the zoning of parcel, noted as map 000006 lot 000005, (belonging to Keith Hart), from Residential to Commercial/Residential. This would allow this parcel to be used in better harmony with the property directly behind it, which is already commercial, and abuts the railroad tracks.

THE PLANNING BOARD DOES NOT RECOMMEND THIS ARTICLE

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?

Add to Definitions:

Motor Vehicle: Any self-propelled vehicle, including boats.

Amend Section XVIII (General Provisions) as follows:

1. No junkyard or place for the storage of discarded machinery, vehicles, junk, or other scrap materials shall be maintained in any zone. Violations of this ordinance shall be subject to fines and penalties as outlined in RSA 676:17.

4. No occupant or owner of land shall have or shall cause to have on their property or permit more than one (1) motor vehicle which is not registered or inspected, unless such vehicle is stored in a legally permitted structure. This shall include vehicles or appurtenances no longer intended for legal use on the highways, or used parts or materials from which, taken together, include in bulk one or more vehicles. Violations of this ordinance shall be subject to fines and penalties as outlined in RSA 676:17.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE

5. Are you in favor of the adoption of **Amendment No. 4** as proposed by the Department of Building Safety for the Town of Newton Zoning Ordinance as follows?

To adopt the new building codes:

- a) 2006 International Residential Building Code,
- b) 2006 International Plumbing Code,
- c) 2006 International Mechanical Code,
- d) 2006 National Electrical Code (IEC) (NFPA 70),
- e) 2006 National Fuel Gas Code (NFPA 54) All interior gas piping shall be black iron pipe
- d) 2006 International Energy Code

- e) All construction, demolition, or work covered by the scope and purpose of these codes that is performed without permits shall be subject to a \$100.00 stop work order plus the permit fee. If the work is completed, then the \$100.00 shall be a non-compliance penalty, plus the permit fee.
- f) Continued use of properties or structures that are not in compliance with the zoning ordinance and are not considered to be "grandfathered", are subject to fines of \$30.00 per day per violation.

THE PLANNING BOARD DOES NOT RECOMMEND THIS ARTICLE

6. Are you in favor of the adoption of **Amendment No. 5** as proposed by the Department of Building Safety for the Town of Newton Zoning Ordinance as follows?

- a) All domestic potable hot water supplied to all plumbing fixtures and equipment shall not exceed 130 degrees F, a master thermostatic mixing valve complying with ASSE 1017 shall be installed at the energy source.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE

With regard to the above warrant articles, several residents approached the microphone with questions and concerns, and although there were a few Planning Board members in the audience, none came forward to address the residents' queries.

- 7. "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 \$2,766,624.00?

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

Should this article above be defeated, the default budget shall be \$2,687,025.00, 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."

NOTE: This operating budget warrant article does not include appropriations contained in ANY other warrant articles.

MOVED AND SECONDED, ARTICLE 7 WILL APPEAR ON THE BALLOT AS WRITTEN.

- 8. "Shall the Town vote pursuant to RSA 41:25 & RSA 41:33 to authorize the Board of Selectmen to establish the rate and amount of compensation, to be paid to the Town Clerk/Tax Collector for his/her services?

NOTE: *If this article passes, this will allow the way the Town Clerk/Tax Collector is compensated, which will be established by a vote of the registered voters at the 2009 Town Meeting.* The Town Clerk/Tax Collector DOES RECOMMEND this article.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 8 WILL APPEAR ON THE BALLOT AS WRITTEN.

9. To see if the Town will vote to raise and appropriate, as proposed by the Board of Selectmen, the sum of \$9,824 for the purpose of hiring a part-time secretary to assist with the clerical duties for the Board of Selectmen, Assessor, Department of Building Safety and any other duties, as needed.

(If this article is approved, this position will become part of the next years operating budget)

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 9 WILL APPEAR ON THE BALLOT AS WRITTEN

10. 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 \$50,000 to be placed in the existing Capital Reserve Fund called the "FIRE APPARATUS AND EQUIPMENT FUND" created in 2005.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 10 WILL APPEAR ON THE BALLOT AS WRITTEN

11. To see if the Town will vote to raise and appropriate, as proposed by the Gale Library Board of Trustees, the sum of \$10,000 to be placed in the existing Capital Reserve Fund called the "GALE LIBRARY BUILDING FUND" created in 1982.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 11 WILL APPEAR ON THE BALLOT AS WRITTEN

12. To see if the Town will vote to raise and appropriate, as proposed by the Board of Selectmen, the sum of \$25,000 to be placed in the existing Capital Reserve Fund known as the "TOWN BUILDINGS FUND" created in 2006.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 12 WILL APPEAR ON THE BALLOT AS WRITTEN

13. To see if the Town will vote to raise and appropriate, as proposed by the Board of Selectmen and the Road Agent, the sum of **\$25,000** to be placed in the existing Capital Reserve Fund called **"ROAD SYSTEMS IMPROVEMENT FUND"** created in 2001 for the purpose of maintenance, repairs and construction.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 12 WILL APPEAR ON THE BALLOT AS WRITTEN

14. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **\$20,000** to be **paid toward the 2008 SOLID WASTE DISPOSAL BUDGET** and to authorize the withdrawal of \$20,000 from the Transfer Station/Recycling Fund created in 2003 for this purpose.

[Intent: This proposed article will result in no increase in the amount to be raised by taxes.]

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 14 WILL APPEAR ON THE BALLOT AS WRITTEN

15. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **\$20,000** for **"Site Improvements"** at the **Newton Transfer Station**, in an effort to help with the layout and operation of the facility, and to authorize the withdrawal of \$20,000 from the Transfer Station/Recycling Fund created in 2003 for this purpose.

[Intent: This proposed article will result in no increase in the amount to be raised by taxes.]

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 15 WILL APPEAR ON THE BALLOT AS WRITTEN

16. To see if the Town will vote, as proposed by the Police Chief, to raise and appropriate the sum of **\$49,000** which includes benefits, for a new **position of a Full-Time Police Officer**. The approval of this article would bring the total number of Full-Time Police Officers to six (6).

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 16 WILL APPEAR ON THE BALLOT AS WRITTEN

17. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **\$10,000** to begin to develop a set of **Digital Parcel Maps** that will assist in a more accurate property assessment process and will be compatible with the Town's Assessing software.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

The Board of Selectmen requested that Tim Fountain, Project Manager for Cartiographics Associates speak. After Mr. Fountain explained about the digital maps and how they would benefit the town, a few residents spoke on the need to have these maps. **A motion was made Joseph Simone to increase the amount to be raised and appropriated to \$25,000.00.** The motion was seconded and there was no discussion on the amendment. A voice vote carried the motion.

MOVED AND SECONDED, THE ARTICLE WILL APPEAR ON THE BALLOT AS AMENDED

18. To see if the Town will vote to raise and appropriate the sum of \$38,873.00 for the following Community Services:

A SAFE PLACE	\$ 1,250.00
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	1,200.00
NHSPCA	550.00
ROCKINGHAM COUNTY COMMUNITY ACTION	6,748.00
RVNA-HOSPICE	5,678.00
THE SAD CAFÉ	5,000.00
SEACARE HEALTH SERVICES	2,000.00
VIC GEARY CENTER	<u>2,700.00</u>
	\$ 38,873.00

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

MOVED AND SECONDED, ARTICLE 18 WILL APPEAR ON THE BALLOT AS WRITTEN

19. To see if the Town will adopt the provisions of the 2006 NFPA Life Safety Code 24.3.5.1 which states: "All new, one and two family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with Code 24.3.5.2". The system shall be installed in accordance to NFPA 13R, (Sprinkler Systems in Residential Occupancies up to and including four stories in height), and / or NFPA 13D, (Sprinkler Systems in one and two family dwellings and manufactured homes), to be effective, immediately, on approval of this article.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

There was much discussion regarding the intent of this article as to whether this article would apply to existing dwellings if they were renovated, upgraded etc. Chief Bill Ingalls informed the residents that the intent pertains to NEW construction only. After kicking around ideas of words to make this clear to the people, Mary Allen made a motion to add the sentence **"This warrant article shall not apply to renovations, upgrades or additions to existing dwellings prior to the date**

of approval of this warrant article.” Several people seconded the motion. No discussion ensued, and a voice vote carried the amendment.

MOVED AND SECONDED, ARTICLE 19 WILL APPEAR ON THE BALLOT AS AMENDED

Before turning the microphone over to residents waiting to speak to the Board of Selectmen, Moderator Dezmelyk reminded the body of the election to be held on March 11, 2008, from 8 am – 8 pm at the Memorial School. He went on to thank the Supervisors of the Checklist and the Cable Committee.

Longtime resident and State Representative Mary Allen approached the microphone and addressed the Board of Selectmen. Mrs. Allen stated that, for the past 4 years, she has requested that a list of all town employees, their positions, and their salaries be listed in the Town Report. She also stated that residents and taxpayers are entitled to this information and questioned whether or not it would be included in this year’s town report. Chairman Ulcickas told her that it wouldn’t be in the report this year. Mrs. Allen’s response of “why not?” clearly indicated her displeasure. Chairman Ulcickas stated that this honestly is the first time of being aware of the request. Mrs. Allen reiterated that she requested this information for the past 4 years, and wanted to know if it would be included in next year’s report. Chairman Ulcickas responded that he didn’t know and it would have to be discussed. Mrs. Allen then requested that this be recorded in the minutes of the Deliberative Session.

Joseph Simone was next to speak. He wanted to thank everyone involved in running the Deliberative Session, and the few that were present to speak on the articles. However Mr. Simone wanted to address a “thorn in his side”, which is SB2. He was concerned because there was no one to speak for or against all articles, and that the people don’t know, or fully understand on what they are voting. He asked that a warrant article be considered next year to change back to Town Meeting.

Mr. Simone also had an issue with cellular phone coverage in the area. In several parts of the town, it is either non-existent or very poor reception. He has spoken with the carriers and was told there was nothing they could do about it. He suggested that the Board of Selectmen look into this issue and to get it resolved.

Next to address the Board of Selectmen was Eileen Patterson. She questioned why a warrant article pertaining to the Safety Complex was not on the ballot this year. Selectman Donovan explained that no one came to the Board with a warrant article this year. Discussion ensued about who is responsible for presenting the warrant article. Mrs. Patterson said the work was done and was presented to the selectmen and wanted to know why they didn’t do a warrant article. It was the Board of Selectmen’s opinion that the committee should have resubmitted the article again, and not just a list of new figures, that were submitted two days after the deadline.

Mr. Robert Bartlett then addressed the Board on the same subject. He stated that the communication between the committee and the Selectmen's office had "broke down". He said that meetings had been scheduled and posted, but there was little interest and no contact by the liaison. It was of his opinion that interest in the complex had died. Mr. Bartlett stated that the committee did the work, they did their job, and they did it thoroughly.

Chairman Ulcickas commented that the Safety Complex Committee assumed that the selectmen would do the warrant, and the selectmen assumed that the committee would do the warrant. He added that they would just have to agree to disagree on the matter.

Mr. Bartlett said he would work with the selectmen, if they wanted, to maintain contact with the builder and architect, but the bonding and warrant article would have to come from them.

Joseph Simone again spoke, this time as a proponent of the Safety Complex and said that he would like the Selectmen to recharge the committee to move forward and bring a warrant article for a Safety Complex next year.

Moderator Dezmelyk suggested that, traditionally at Town Meeting, this issue could be a non-binding resolution and that if Mr. Simone would like to propose this as a non-binding resolution, that he would certainly entertain the idea. Mr. Simone said he did, and a motion was made by him, and seconded by many. A voice vote carried the motion.

Mr. Dezmelyk told the Selectmen that they now know the opinion of the people present but there is no legally binding effect of a motion like that because it was not on the warrant.

Chairman Ulcickas extended his thanks to the town's people for coming out and to the town employees, department heads, and volunteers for all their hard work this past year. He stated that he and the board members would continue to work hard and do their best for the town. He reminded the people that Town Reports would not be mailed, but could be picked up at the Town Hall and the Gale Library, or if they would like them mailed, they could call the Selectmen's office.

Moderator Dezmelyk thanked the voters for coming out, and stated that we all have to work towards getting more people to come to the Deliberative Session.

A motion was made to recess the meeting until March 11, was seconded. The meeting will reconvene on March 11, 2008 at Newton Memorial School at 8:00 am to vote on the above warrant articles.

A true copy attest:
Mary-Jo McCullough
Town Clerk