RECORDS OF TOWN MEETING

Deliberative Session Minutes – February 4, 2009
SANBORN REGIONAL MIDDLE SCHOOL

Originally scheduled for February 3rd, 2009, the Deliberative Session was postponed because of a snowstorm. Because of the date change, Moderator Robert Dezmelyk was unable to preside over the meeting and appointed Elliot Estey as Moderator Pro-Tem for the evening. Town Clerk Mary-Jo McCullough swore in Mr. Estey before the meeting began. Mr. Estey then introduced himself to the body, informing them that he is known to most in town as "Peachy".

Moderator Pro-Tem, Elliot Estey opened the 260th (give or take a year or two) Annual Town Meeting at 7:00 pm. Town officials in attendance were the Board of Selectmen, Robert Donovan Jr., Trisha McCarthy and Raymond Thayer, Town Clerk Mary Jo McCullough, Deputy Town Clerk Cheryl Saunders, and Supervisors of the Checklist, Lisa Fortin and Collette Ferrandi. There were 73 people in attendance, including town officials.

After the Pledge of Allegiance, Mr. Estey explained procedures of the Deliberative Session, noting that zoning articles may be discussed, but not amended.

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

Mr. Estey reminded the residence that the election of Town Officers would be held on March 10, 2009 at the Memorial School, and then moved on to the next question.

2. Shall the Town permit the public library to retain all money it receives from its income generating equipment to be used for general repairs and upgrading and for the purchase of books, supplies and income generating equipment? RSA 202-A: 11-b, I, (d)

Moved, seconded, and carried, Article 2 shall appear on the ballot as written.

3. 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, Section XIII Light Industrial/Commercial Zone Area Regulations to read,

1. Location on Lot: Side yard 200 feet/structural setback with a minimum 50 foot undisturbed natural buffer 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; rear yard 200 feet structural setback with a minimum 50 foot undisturbed natural buffer 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, plus adequate provision for off-street parking as determined by the Planning Board. No building shall be set within 75 feet of the **centerline of the** street and within ~~30~~ 50 feet of any lot line.

The Planning Board is empowered to reduce the buffer sizes, as justice may require, but may not reduce them below the lot-line set-backs as listed above.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE

4. 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?

SECTION XIII LIGHT INDUSTRIAL/COMMERCIAL ZONE AREA REGULATIONS

Section XIII Light Industrial/Commercial Zone Area Regulations to read, Location on Lot: Side yard 50 feet/structural setback with a minimum 25 foot undisturbed natural buffer and any additional buffer that may be required by the Planning Board on the side that abuts any other zone; rear yard 50 feet structural setback with a 25 foot undisturbed natural buffer and any additional buffer that may be required by the Planning Board where it abuts any other zone. Plus adequate provision for off-street parking as determined by the planning board. No building shall be set within 50 feet of the street and within 30 feet of any lot line.

THE PLANNING BOARD DOES NOT RECOMMEND THIS ARTICLE

5. 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 XVIII (General Provisions) as follows: Animal enclosures, pens or paddocks may not be located within the existing side, rear or front building setbacks.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE

Resident Barbara Gitlin had 5 questions pertaining to Article 5. Planning Board Chairperson Ann Miles explained the article and answered the questions.

6. Are you in favor of the adoption of **Amendment No. 4** 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 property located at One Deluxe Ave. (map 11 lot 15-1, behind the Gale Library), be granted an easement determined by the Planning Board in one of three possible locations:

1. 100 feet down old Peanut Trail (old Railroad Bed)
2. Behind Gale Library
3. Off Town Hall Road

This lot is a single lot of record without a clear easement to it. This action will clear this up without any expense to the Town.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE

7. Are you in favor of the adoption of **Amendment No. 5** as proposed by the Planning Board for the Town of Newton Zoning Ordinance as follows?

Amend Paragraph II (g) of Section XXX (Elderly Housing) as follows:

g. Dwelling units may be owner-occupied or rented. However, all permanent residents of all elderly housing units shall be at least 55 years of age.

The over 55 age restriction shall not apply to employed caretakers as defined in this ordinance as a person who stays overnight to provide nursing or physical assistance care to a unit resident in accordance with a medical evaluation that such care is necessary or to a family member who provides such care. No more than one caretaker whether a family member or an employee may stay with the permanent resident.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE

8. Are you in favor of the adoption of **Amendment No. 6** as proposed by the Planning Board for the Town of Newton Zoning Ordinance as follows?

Amend Section XXXIV Floodplain Development Ordinance as necessary to comply with requirements of the Nation Flood Insurance Program?

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE

9. Are you in favor of the adoption of **Amendment No. 7** as proposed by the Planning Board for the Town of Newton Zoning Ordinance as follows?

Proposed New Zoning Ordinance Section XXXVII as follows:

Small Wind Energy Systems Ordinance

A. Purpose:

This small wind energy systems ordinance is enacted in accordance with RSA 674:21, Innovative Land Use Controls, and the purposes outlined in RSA 672:1-III-a and RSA 674:13-I(j). The purpose of this ordinance is to accommodate distributed generation/small wind energy systems in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Definitions:

Fall zone: The potential fall area for the small wind energy system. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.

Flicker: The moving shadow created by the sun shining on the rotating blades of the wind turbine.

Meteorological tower (met tower): Includes the tower, base plate, anchors, guy wires and hardware, anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Net metering: The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system which is fed back into the electric distribution system over a billing period.

Power grid: The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

Shadow: The outline created on the surrounding area by the sun shining on the small wind energy system.

Small wind energy system: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of 60 kilowatts or less and will be used primarily for onsite consumption.

Tower: The monopole or guyed monopole structure that supports a wind turbine.

Total height: The vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

Tower height: The height above grade of the fixed portion of the tower, excluding the wind turbine.

Wind turbine: The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

C. Applicability:

1. Small Wind Energy System: Small wind energy systems shall be permitted under a conditional use permit as an innovative land use control pursuant to RSA 674:21 in all zoning districts where structures of any sort are allowed.

2. Approval: No small wind energy system shall be erected, constructed, installed or modified without first receiving a conditional use permit from the Planning Board, as outlined in section D. All small wind energy systems installed prior to the enactment of this ordinance are exempt from the conditions herein.

D. Procedure for Review:

1. Conditional Use Permit: In accordance with RSA 674:21, a small wind energy system shall be subject to receiving a conditional use permit prior to installation or modification thereof. The issuance of a conditional use permit shall abide with the following requirements:

   a. Building Permit: A building permit shall be required for the installation or modification of a small wind energy system.

   b. Site Plan Review: Prior to issuance of a building permit, a site plan shall be submitted to the Planning Board for review. The applicant shall follow the procedural requirements of the site plan review regulations, RSA 674:62- Regional Notification for Small Wind Energy Systems and RSA 676:4- Board's Procedures on Plats. The site plan shall include the following:

      i) Property lines and physical dimensions of the applicant's property.

      ii) Location, dimensions, and types of existing major structures on the property.

      iii) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment

      iv) Setback requirements as outlined in this ordinance.

      v) The right-of-way of any public road that is contiguous with the property.

      vi) Any overhead utility lines.

      vii) Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed).

      viii) If the small wind energy system will be connected to the power grid, documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a small wind energy system.

      ix) Tower foundation blueprints or drawings.

      x) Tower blueprint or drawings.

      xi) Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.

      xii) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (usually provided by the manufacturer).

xiii) Estimated costs of physically removing the small wind energy system to comply with surety standards.

xiv) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

xv) The site plan must be stamped by a professional engineer licensed to practice in the state of New Hampshire.

2. Meteorological (Met) Towers: The construction of a met tower for the purpose of collecting data to develop a small wind energy system, shall abide with the following requirements;

a. The construction, installation or modification of a met tower shall require a building permit and shall conform to all applicable sections of the state building code.

b. Met towers shall be permitted on a temporary basis not to exceed 3 years.

c. Met towers shall adhere to the small wind energy system standards.

d. A conditional use permit is not required to construct, install or modify a met tower. Prior to the issuance of a building permit, the building inspector shall ensure the met tower complies with the small wind energy system standards.

E. Conditional Use Permit Standards:

1. Through the conditional use permit review process, the small wind energy system shall be evaluated for compliance to the following standards;

a. Setbacks:

i) Small wind energy system shall be set back a distance equal to 110% of the total height from:

A) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.

B) Any overhead utility lines.

C) All property lines, unless the affected land owner provides written permission through a recorded easement allowing the small wind energy system's fall zone to overlap with the abutting property.

D) Any travel ways to include but not be limited to driveways, parking lots, nature trails or sidewalks.

ii) If an abutting landowner disapproves of the proposed small wind energy system, the said system shall be set back a distance equal to 220% of the total height from all property lines.

iii) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

iv) The setback shall be measured to the center of the tower's base.

v) Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

b. Tower:

i) Wind turbines may only be attached to freestanding or guy wired monopole towers. Lattice towers are explicitly prohibited.

ii) The tower height shall not exceed 150 feet.

iii) The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

c. Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe wind storms and utility outages.

d. Shadowing/Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

e. Signs:

i) All signs, both temporary and permanent, are prohibited on the small wind energy system, except as follows:

A) Manufacturer's or installer's identification on the wind turbine.

B) Appropriate warning signs and placards.

f. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

g. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424. Evidence of compliance or non-applicability shall be submitted with the application.

h. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the wind resources.

i) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.

ii) The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.

iii) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

i. Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

j. Access:

i) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

ii) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

k. Approved Wind Turbines: The manufacturer and model of the wind turbine to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

l. Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

F. Abandonment:

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

   a. Removal of the wind turbine and tower and related above grade structures.

   b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Building Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

4. If the owner fails to respond to the Notice of Abandonment or if after review by the Building Inspector it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind turbine and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the town shall have the authority to enter the subject property and physically remove the small wind energy system.

5. The Planning Board may require the applicant to provide a form of surety (i.e., post a bond, letter of credit or establish an escrow account or other) at the time of construction to cover costs of the removal in the event the town must remove the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.

G. Violation:

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in the site plan review issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

H. Penalties:

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676.

I. Waiver Provisions:

The Planning Board may waive any portion of this ordinance in such cases where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this ordinance.

THE PLANNING BOARD DOES RECOMMEND THIS ARTICLE

10. To see if the Town will vote to raise and appropriate, as proposed by the Newton Police Chief, the sum of **Nine Hundred, Twenty Four Thousand, Seven Hundred and Fifty Dollars ($924,750.00)** for the design, engineering, site preparation, building construction and renovation, equipment and furnishing of the Newton Police Department. Said construction, renovation and related references are proposed for the current Police Station location at 2 Amesbury Road, and to further authorize the issuance of not more than Nine Hundred, Twenty Four Thousand, Seven Hundred and Fifty Dollars ($924,750.00) in the form of bonds and/or notes under and in compliance with the provisions of the Municipal Finance Act, NH RSA 33 as amended. To authorize the Selectmen to apply for, obtain and accept federal, state or other aid, if any, which may be available for said project and to comply with all laws applicable to said project; and to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and/or notes, and to determine the rate of interest thereon and the maturity, and other terms thereof.
(3/5 ballot vote required)

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

Chief Lawrence Streeter addressed the article explaining conditions of the current Police Station, the need for a new one, and how he went about getting the land surveyed and marked, had plans and designs drawn up, all done pro-bono. He also had tax impact for the duration of the bond.

Ron Lafferty of Fulcrum Architects in Salisbury, MA also spoke on the article. He explained the layout of the building, the option of retaining a project manager and budgeting for this renovation.

Moved, seconded, and carried, Article 10 shall appear on the ballot as written.

11. "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 **$2,849,446.00**? Should this article above be defeated, the default budget shall be $2,761,410.00, 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, seconded, and carried, Article 11 shall 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 and the Town Clerk/Tax Collector, the sum of **$51,000** for 35 hours a week plus health and dental benefits as voted in warrant article #27 in 2000, as **compensation to the Town Clerk/Tax Collector instead of statutory fees.** All fees collected will revert back to the Town as revenue.

Moved, seconded, and carried, Article 12 shall appear on the ballot as written.

13. To see if the Town will vote, as proposed by the Newton Police Chief, to raise and appropriate the sum of **$25,195** 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 hiring would occur on approximately July 1, 2009.

Moved, seconded, and carried, Article 13 shall appear on the ballot as written.

14. 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, seconded, and carried, Article 14 shall appear on the ballot as written.

15. To see if the Town will vote to raise and appropriate, as proposed by the Fire Chief, the sum of **$2,650** to **replace the two overhead doors on Fire Station II** in Newton Junction.

Moved, seconded, and carried, Article 15 shall appear on the ballot as written.

16. To see if the Town will vote to create an Expendable Trust Fund under the provisions of RSA 31:19-a, to be known as the **EMERGENCY OPERATIONS CENTER EXPENDABLE TRUST FUND for the continuation of town services during an emergency** and to raise and appropriate **$10,000** for this fund. This sum is to come from the unreserved fund balance (surplus) and no amount to be raised from taxation and further to appoint the Board of Selectmen as Agents to expend.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

Moved, seconded, and carried, Article 16 shall appear on the ballot as written.

17. To see if the Town will vote to create an Expendable Trust Fund under the provisions of RSA 31:19-a, to be known as the **TOWN DISASTER MANAGEMENT EXPENDABLE TRUST FUND for the repair and maintenance of town property** and to raise and appropriate **$10,000** for this fund. This sum is to come from the unreserved fund balance (surplus) and no amount to be raised from taxation and further to name the Board of Selectmen as Agents to expend.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

Moved, seconded, and carried, Article 17 shall appear on the ballot as written.

18. To see if the Town will vote to **appoint the Selectmen as Agents** to expend from the **"ROAD SYSTEMS IMPROVEMENT FUND"** Capital Reserve Fund previously established in 2001.

Moved, seconded, and carried, Article 18 shall appear on the ballot as written.

19. 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 **$15,000** 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 and to appoint the Selectmen as agents to expend from the fund.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

Moved, seconded, and carried, Article 19 shall appear on the ballot as written.

20. To see if the Town will vote to raise and appropriate **$87,235 for the repair and maintenance of town roads** and to authorize the use of the NH Highway Block Grant in the amount of $87,235 to offset this appropriation. This is a non-lapsing warrant article and will not lapse until December 31, 2014 or until the project is completed, whichever comes first.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

Moved, seconded, and carried, Article 20 shall appear on the ballot as written.

21. To see if the Town will vote to raise and appropriate, as proposed by the Town Administrator, the sum of **$7,200** for the purpose of **hiring a Part-Time Secretary** for 20 hours a week to assist with the clerical duties in the Selectmen's Office.

Moved, seconded, and carried, Article 21 shall appear on the ballot as written.

22. To see if the Town will vote to raise and appropriate the sum not to exceed **$18,964.00**, to provide a **2½ percent Cost of Living Wage Increase** for non-elected employees of the Town of Newton; said increases to become effective April 1, 2009.

Moved, seconded, and carried, Article 22 shall appear on the ballot as written.

23. To see if the Town will vote to raise and appropriate, as proposed by the Board of Selectmen, the sum of **$5,000** to **revise the 1987 "Pay and Classification Study"** (MATRIX) for the Town of Newton employees.

Moved, seconded, and carried, Article 23 shall appear on the ballot as written.

24. Shall the Town pursuant to RSA 31:39-n, adopt the Town of Newton "**NOISE ORDINANCE**"? Copies of the Ordinance are available at the Selectmen's Office, Town Clerk's Office and Town Library and on the Town Website at www.newton-nh.gov.

Moved, seconded, and carried, Article 24 shall appear on the ballot as written.

25. Shall the Town vote to require that the **numeric tally of votes by the Board of Selectmen,** relative to recommending the operating budget and all warrant articles, be printed on the warrant next to the affected warrant articles?

Moved, seconded, and carried, Article 25 shall appear on the ballot as written.

26. 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 **$50,783** for **Phase II of the installation of a "SPRINKLER SYSTEM"** in the Newton Town Hall and to further withdraw $1,516 from the Sprinkler Capital Reserve Fund created in 1997. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the sprinkler system is completed or by December 31, 2014, whichever is sooner. *(Per Selectmen's Bid Policy)*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

*Resident Lisa Fortin offered an amendment, adding the word "**Fire**" in front of "Sprinkler System" for clarification.*

Moved, seconded, and carried, Article 26 shall appear on the ballot as amended.

27. 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, seconded, and carried, Article 27 shall appear on the ballot as written.

28. Shall the Town accept the provision of RSA 202-A: 4-c providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the **public library trustees to apply for, accept and expend,** without further action by the town meeting, **unanticipated money from a state, federal or other governmental unit or a private source** which becomes available during the fiscal year? RSA 202-A: 4-c, I, (a)

Moved, seconded, and carried, Article 28 shall appear on the ballot as written.

29. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **$15,000** for the purpose of a **"Fee Free Solid Waste Disposal Weekend" in 2009** and further to authorize the withdrawal of $15,000 from the Transfer Station/Recycling Special Revenue Fund created in 2003 for this purpose.

Moved, seconded, and carried, Article 29 shall appear on the ballot as written.

30. To see if the Town will vote, as proposed by the Board of Selectmen, to raise and appropriate the sum of **$20,000** for a **"10' High Fence"** at the Newton Transfer Station, in an effort to replace the existing fence, add new fencing along Dugway Road down to the Fire Pond and to include a gate at the Fire Pond Entrance, and to further authorize the withdrawal of $20,000 from the Transfer Station/Recycling Special Revenue Fund created in 2003 for this purpose.

Moved, seconded, and carried, Article 30 shall appear on the ballot as written.

31. 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 **2009 SOLID WASTE DISPOSAL BUDGET** as an offset to the disposal costs and to authorize the withdrawal of $20,000 from the Transfer Station/Recycling Special Revenue Fund created in 2003 for this purpose.

Moved, seconded, and carried, Article 31 shall appear on the ballot as written.

32. To see if the Town will vote to raise and appropriate, as proposed by the Newton Cemetery Trustees, the sum of **$2,000** to **fill and resurface 300 linear feet of roadway in Highland Cemetery** with a gravel and recycled hot top product mix.

Moved, seconded, and carried, Article 32 shall appear on the ballot as written.

33. To see if the Town will vote to raise and appropriate, as proposed by the Recreation Commission and the Board of Selectmen, the sum of **$5,000** for **recreational programs and trips for senior citizens.**

Moved, seconded, and carried, Article 33 shall appear on the ballot as written.

34. To see if the Town will vote to raise and appropriate the sum of **$39,677.00** for the following **Community Services:**

A SAFE PLACE	$ 1,500.00
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	750.00
ROCKINGHAM COUNTY COMMUNITY ACTION	7,102.00
RVNA-HOSPICE	5,678.00
THE SAD CAFÉ	5,000.00
SEACARE HEALTH SERVICES	2,000.00
VIC GEARY CENTER	2,700.00
	$ 39,677.00

Moved, seconded, and carried, Article 34 shall appear on the ballot as written.

35. To see if the Town would prefer to vote on the above Community Service articles individually.

Mr. Estey asked for some clarification to the article as it was confusing to him. Selectman Donovan explained that if the article passed, residents would be voting for each service separately rather than as a whole package. The article was moved, seconded and carried, but there seemed to be confusion as to when this would take affect. It appeared that the community services in Article 34 would now be revisited and addressed, even though the intent was for this to be on the 2010 ballot. Bill Landry suggested an amendment to do have it read properly. The moderator stated that the Article had been moved and carried, but that he would entertain a motion to reopen Article 35 for discussion and/or amendment. It was so moved, and seconded, and reopened.

*Selectman Bob Donovan asked that the words "**beginning 2010**", be added.*

Moved, seconded and carried, Article 35 shall appear on the ballot as amended.

36. On a petition of twenty-five or more legal voters of the Town of Newton, to see if the Town will vote to raise and appropriate the sum of **$1,000** to **support Rockingham Nutrition and Meals on Wheels Programs** service providing meals for older, homebound and disabled Newton residents.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE

Moved, seconded, and carried, Article 36 shall appear on the ballot as written.

37. To see if the Town will vote to establish, as proposed by the Conservation Commission, the entire Town of Newton as a Water District and authorize the Board of Selectmen, pursuant to New Hampshire RSA Chapter 38, to establish a municipal water utility, to accept future dedications of water utility infrastructure and to acquire those portions of existing water utility infrastructure, plant and property which the Selectmen judge to be suitable for establishing a municipal water utility, with the further understanding that any agreement to accept or acquire such plant or infrastructure shall either be paid for from monies appropriated for general government purposes, or alternately, in the Selectmen's discretion, any agreement to acquire or a determination of acquisition price shall be presented to a future Newton Town Meeting for approval and ratification prior to final acquisition of water utility property?
(2/3 Vote Required)

Moved, seconded, and carried, Article 37 shall appear on the ballot as written.

38. On a petition of twenty five or more legal voters of the town, to see if the town will vote to **modify the provisions of RSA 72:28 for an Optional Veteran's Tax Credit**, to increase the amount of the credit to the maximum allowed by the State of New Hampshire.

*Town Administrator, Nancy Wrigley stated that she felt that the way the article was written, the residents wouldn't know what the tax impact would be, and with a recommendation from the Department of Revenue, the article should read, "...to increase the amount of the credit **from $200.00 to $500.00, the** maximum allowed...".*

Moved, seconded, and carried, Article 38 shall appear on the ballot as amended.

39. On a petition of 25 or more legal voters of the Town of Newton, to see if the Town will direct the Board of Selectmen to convey to Robert L. White, owner of property located at One Deluxe Avenue (Map 11-15-1, behind the Gale Library) and 20 foot wide right-of-way over the abandoned railroad right-of-way known as the "Peanut Trail" from Main Street to and onto Mr. White's property.

Resident Bill Landry questioned why there was a similar article submitted by the Planning Board.

Proponent Robert White responded that he wasn't sure who had the power to deal with this matter, so he submitted it to both the Planning Board and the Board of Selectmen.

Planning Board Chair Ann Miles stated that the board did not want the authority to grant right of ways, and felt that the Selectmen should be looking at this problem, and what the Planning Board article offers options that the Selectmen can look at.

Resident Mary Marshall then offered an amendment to have the article read, "...to see if the town will ***grant Robert L. White, owner of the property described by tax map 11-7-15-1, backland off the Peanut Trail, an easement for the right to pass and repass for the ingress and egress over a 20 foot strip of land running over the town owned land known as the Peanut Trail on the east side of South Main Street provided that the Planning Board and the Zoning Board of Appeals determine that said lot described by tax map 11-7-15-1 is a buildable lot".***

After a few questions, and some comments and opinions, Mr. Estey called for a vote on the amendment, stating that it was a "dead horse".

Moved, seconded, and carried, Article 39 shall appear on the ballot as amended.

40. On a petition of 25 or more registered voters to see if the Town will vote to amend the Selectmen's article #14 of 2005 to read as follows: **"That any and all new commercial buildings will comply to the State of NH's fire code and NFPA 13".**

Moved, seconded, and carried, Article 40 shall appear on the ballot as written.

Before closing the meeting, the moderator asked if there was any more business to address. Mary Marshall stated that even though it was deemed a "dead horse", more discussion should have been called for after the amendment was carried. Mr. Estey asked what she would like to discuss. Mrs. Marshall replied that she wanted to point out the previous legal issues the town had with that section of the Peanut Trail and the heavy cost to the town as a result of damages done to the Nicol Farm and that the town could not risk exposure by allowing access by motorized vehicles.

Mr. White once again asked for a yes vote on his articles.

The moderator then declared the meeting closed at 9:10 p.m.

A True Copy Attest:
Mary-Jo McCullough
Town Clerk