

RECORDS OF TOWN MEETING

DELIBERATIVE SESSION MINUTES

FEBRUARY 2, 2013

NEWTON TOWN HALL

The 264th Newton Town Meeting was opened by Moderator Robert Dezmelyk at 1:00 p.m., starting with the Pledge of Allegiance. Mr. Dezmelyk informed the body that the town was founded in 1749 when it split off from South Hampton, and was named Newtown, and then changed to Newton. He added that we carry on a tradition that goes way back, and he encouraged people that were not present, but possibly watching on TV, to join in, in person, because this is an important aspect of our town governance in which townspeople should be involved.

Introductions followed: those in attendance in an official capacity were members of the Board of Selectmen; Tricia McCarthy, Raymond Thayer and Charles Melvin Sr., Town Administrator Nancy Wrigley, Office Manager Mary Winglass, Town Clerk/Tax Collector Mary-Jo McCullough, and her Deputy, Cheryl Saunders. Also in attendance: Supervisors of the Checklist, Lisa Fortin and Barbara White, and Cable Committee Member Diane Morin. There were an additional 25 residents in attendance when the meeting opened.

Mr. Dezmelyk then read the warrant.

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

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.**

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

ARTICLE #5 SHALL APPEAR ON BALLOT AS AMENDED PER AMENDMENT OF ARTICLE #11.

6. To see if the Town will vote, 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 indefinitely until rescinded.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

James Doggett made a motion to strike the words, "indefinitely until rescinded", which was seconded and discussed. During the discussion, Barbara White offered an additional amendment to add the word "annually" after "To see if the Town will vote", to clarify the intent of RSA 80:80. That motion was seconded by James Doggett, agreeing to add it as a friendly amendment to his original motion. Voice vote carried the amendments.

ARTICLE #6 SHALL APPEAR ON THE BALLOT AS AMENDED

Moderator Dezmelyk recommended taking the next 3 articles at once, considering they are all consequential of each other. The body agreed.

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. (Majority vote required for passage)

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*) (Majority vote required for passage) If warrant article 7 fails, this article is null and void.

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. (Majority vote required for passage)

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

James Doggett commented that ALL warrant articles need a majority to pass and that the parenthetical statement "Majority vote required for passage", is unnecessary and could be confused with the super-majority rule. He made the amendment to strike those words on Articles 7, 8, and 9, and for any other article that contains that phrase. Second and passed by voice vote.

ARTICLE #'S 7, 8, & 9 SHALL APPEAR ON BALLOT AS AMENDED

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

ARTICLE #10 SHALL APPEAR ON BALLOT AS WRITTEN

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.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

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

James Doggett raised the question as to whether the "intent" line would be on the ballot, as the law now allows for tax impacts to be on the ballot. Much discussion followed as to what can go on the ballot, how an article is to be worded, if the BOS needs to vote on how it's worded, if DRA needs to approve the wording of an article if impacts are added. The drawn conclusion was that, yes, the impact statement can be included in the warrant article, but it must be on ALL money articles.

Mary Allen made a motion to have the BOS address all articles now, as to the tax impact in order to include the statement in the warrant article. Motion was seconded, and passed by voice vote. Mr. Dezmelyk advised that since we had proper wording and the impact of all money articles that we might want to address the issue as a whole, making an amendment for ALL applicable articles.

Roger Hamel questioned whether certain articles pass or fail, if that would affect the tax impact on the articles. The moderator explained that the tax dollar impact is only in direct calculations, and impacts can certainly change on different tiers depending what happens in the future, and this is only to give the taxpayers and voters a general idea of the tax impact if something should pass. He then called for a motion; motion was made by James Doggett and seconded. The motion carried by voice vote.

*The proper wording for the articles was given by Mr. Doggett. A question was raised if the wording will state "an increase, no increase, or a decrease" or will it actually contain the cents/dollar amount per thousand. A friendly amendment to accept the latter to the amendment on the floor was made by Tricia McCarthy and accepted by Mr. Doggett, because the impact amounts were available on an informational flyer. The motion on the floor is now to amend all applicable warrant articles to include the words, **"This proposed article will result in no increase in the amount to be raised by taxes"**, or **"This proposed article will result in an increase on the tax rate by 'whatever amount' per thousand"**, or **"This proposed article will result in a decrease on the tax rate by 'whatever amount' per thousand"**. Seconded and carried by voice vote.*

ARTICLE #11 SHALL APPEAR ON BALLOT AS AMENDED.

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.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 2-1

ARTICLE #12 SHALL APPEAR ON BALLOT AS AMENDED PER AMENDMENT OF ARTICLE #11.

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)

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0
[Intent: This proposed article will result in no increase in the amount to be raised in taxes]

ARTICLE #13 SHALL APPEAR ON BALLOT AS AMENDED PER AMENDMENT OF ARTICLE #11.

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. *(Per Selectmen's Bid Policy)*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0
[Intent: This proposed article will result in no increase in the amount to be raised in taxes]

A motion was made by Mary Riordan to strike the words "per selectmen's bid policy", because it has nothing to do with raising and appropriating the \$35,000.00; seconded and passed by voice vote.

ARTICLE #14 SHALL APPEAR ON BALLOT AS AMENDED

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. *(Per Selectmen's Bid Policy)*

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0
[Intent: This proposed article will result in no increase in the amount to be raised in taxes]

The Moderator stated that because of actions taken pertaining to Article #14, that the parenthetical statement, (Per Selectmen's Bid Policy), should also be stricken, and then motioned to do so. Seconded and passed by voice vote.

ARTICLE #15 SHALL APPEAR ON BALLOT AS AMENDED

16. To see if the Town will vote to raise and appropriate the sum of **\$29,920.00** for the following **Community Services:**

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	<u>2,700.00</u>
	\$ 29,920.00

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

ARTICLE #16 SHALL APPEAR ON BALLOT AS AMENDED PER AMENDMENT OF ARTICLE #11.

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.**

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

ARTICLE #17 SHALL APPEAR ON BALLOT AS AMENDED PER AMENDMENT OF ARTICLE #11.

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. (Majority vote required for passage) If this article passes, the operating budget will be reduced by \$23,400.00.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

ARTICLE #18 SHALL APPEAR ON BALLOT AMENDED PER AMENDMENT OF ARTICLE #11.

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.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

ARTICLE #19 SHALL APPEAR ON BALLOT AS AMENDED PER AMENDMENT OF ARTICLE #11.

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.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

ARTICLE #20 SHALL APPEAR ON BALLOT AS AMENDED PER AMENDMENT OF ARTICLE #11.

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

ARTICLE #21 SHALL APPEAR ON BALLOT AS WRITTEN

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)

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 2-1

ARTICLE #22 SHALL APPEAR ON BALLOT AS AMENDED PER AMENDMENT OF ARTICLE #11.

23. To see if the town will vote to raise and appropriate the sum of **\$4,500.00** for the purpose of maintenance, repair or installation of the town-owned fire wells, dry hydrants and cisterns.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

Fire Chief Bill Ingalls made a motion to change the amount of the appropriation to \$1.00 because he was told there was money elsewhere for this. Motion was seconded. Town Administrator Nancy Wrigley explained that if the amount was changed to a dollar, and it passes, this will allow for a line item to be created for this purpose. However if the article stays as is, and it fails, they would not be able to touch the cisterns, etc., which is not good because of the safety issue.

James Doggett asked to add to the amendment the word "additional" between the words "of" and "maintenance". That motion was seconded, and carried by voice vote.

ARTICLE #23 SHALL APPEAR ON BALLOT AS AMENDED

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. (Majority vote required for passage)

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

The moderator offered a friendly amendment to strike the parenthetical phrase "Majority vote required for passage", as was discussed and done with prior articles, seconded and carried by voice vote.

ARTICLE #24 SHALL APPEAR ON BALLOT AS AMENDED

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

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 3-0

The moderator stated that while those in attendance may know what is at 2 Amesbury Road and at 8 Merrimac Road, but there are probably a lot of people that do not, so he made a motion to add the words "former police station at" before "2 Amesbury Road" and the words "present police station at" before "8 Merrimac Road". The motion was seconded and carried by voice vote.

ARTICLE #25 SHALL APPEAR ON BALLOT AS AMENDED

Fire Chief Bill Ingalls offered a motion for consideration that if the Town decides to continue to hold Deliberative Session on a Saturday that the time is changed to 9:00 A.M. It was quickly seconded and the Moderator asked for a vote. The body was in unanimous agreement.

Selectman Charlie Melvin inquired as to whether or not the parenthetical statement "Majority vote required for passage" remains in Article #18. It was agreed upon by many that the phrase is to be removed from all articles.

James Doggett reminded the body that the Sanborn Regional School District Deliberative Session would be held on the upcoming Wednesday at 7:30 at the High School Auditorium, and pointed out that while our Town Budget was slightly less than \$3 million, the school budget was 31 plus.

The moderator thanked everyone for attending then called to suspend the meeting until Election Day.

A true copy attest:
Mary-Jo McCullough
Town Clerk