

**TOWN OF HOLDERNESS  
NEW HAMPSHIRE  
ANNUAL TOWN MEETING WARRANT  
MARCH 11 & 12, 2003**

At the annual Town Meeting of the Town of Holderness held on March 11 and 12, 2003 the following business was transacted.

At 8:00 a.m. on Tuesday March 11, 2003 at the Holderness Town Hall, the Moderator Ross Deachman convened the meeting and started the reading of the warrant. After reading Articles 1 and 2, the Moderator declared the polls open. At 7:00 p.m. the polls were closed and the ballots counted. Results were announced and the Moderator declared the winners.

At 7:00 p.m. on Wednesday, March 12, 2003 at the Holderness Central School the Meeting resumed. Moderator Ross Deachman opened the meeting with the Pledge of Allegiance led by Malcolm "Tink" Taylor and a moment of silence for those residents that had passed away during the year of 2002.

Moderator Ross Deachman announced the results of Articles 1 and declared the winners. The Moderator declared that Article 2 the Zoning Amendments had all passed. The Moderator asked for a motion that we dispense with the reading of the remainder of the Warrant and take up the articles one at a time. Moved by Malcolm "Tink" Taylor and seconded by Peg Winton. A voice vote was taken and the motion carried.

**Article 1:** To choose all Town Officers by official ballot:

**Selectman for 3 Years:**

Samuel L. Laverack	231
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**Moderator for 2 Years:**

Ross Deachman	247
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**Town Treasure for 1 Year:**

Michael O'Leary	247
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**Trustee of Trust Funds for 3 Years:**

Anthony J. Raymond	256
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**Library Trustee for 3 Years: (Vote for Two)**

Frances "Kay" Hanson	168
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Alan F. Mather	86
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Laurence J. Webster	186
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**Fire Ward for 3 Years:**

David F. Dupuis	245
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**Article 2:** To vote by official ballot on the amendments to the existing Zoning Ordinance as proposed by the Planning Board and posted with this warrant.

1. "Are you in favor of the adoption of Amendment No.1 as proposed by the Planning Board for the Town of Holderness Zoning Ordinance as follows:"

Art. IV General Provisions, B. Removal of Natural Material #3 (page. 8)

**ADD** (underlined language)

In the event development is proposed which will disturb soil on slopes that exceed 15 percent grade within 100 feet of any public highway, stream, roadway or waterway an Erosion Control Plan prepared by a New Hampshire licensed Professional Engineer shall be submitted which provides both temporary and permanent measures designed to minimize erosion and sedimentation and which indicates how a protective cover will be established and maintained on all exposed lands. Vegetation is preferred as a protective cover. Non-vegetative cover such as mulch or gravel may be used.

(This is recommended by the Planning Board)

YES 212      NO 56

2. “Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town of Holderness Zoning Ordinance as follows:”

Art. VI. Nonconforming Uses Structures or Lots, B. Structures, 1. (page 23)

**ADD** "e. Adding a pitched roof will not be considered an expansion provided it does not increase any living or storage space."

(This is recommended by the Planning Board)

YES 250 NO 21

3. “Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Town of Holderness Zoning Ordinance as follows:”

Art. III, Zoning District Regulations, 2. Rural Residential, d. Frontage (page 4)

**ADD** "4. Pursuant to RSA 674: 41, III, the erection of buildings and other structures on islands with no road access to the mainland, shall not be prohibited solely on the lack of frontage on a public or private road."

(This is recommended by the Planning Board)

YES 212 NO 56

4. “Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Town of Holderness Zoning Ordinance as follows:”

Art. IX, Administration and Enforcement, B. Issuing Permits, 4. (Page 28)

**REMOVE** "There is a twenty (20) day appeal period after the issuance of a permit except in the case of a permit for the repair or replacement of a well or a septic system, in which case the permit shall become effective upon its issuance.”

(This is recommended by the Planning Board)

YES 230 NO 34

5. "Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Town of Holderness Zoning Ordinance as follows:"

Art. III, D. Zoning District Regulations, 6. Lot Area (page 8)

**ADD** "3. Land under a street, public or private, may not be used in calculating lot area for any requirements in this ordinance."

(This is recommended by the Planning Board)

YES 217 NO 46

Moderator Ross Deachman asked for a motion to take Article 3 & 5 out of order. He stated that Article 5 deals with the appropriations of monies and purchase of land that would be used for the new transfer station facility. Article 3 deals in part with the design and construction of the new transfer station which would be located on the property if purchased in Article 5. Moved by Malcolm "Tink" Taylor and seconded by Earl Hansen. A voice vote was taken and the motion carried.

**Article 5:** To see if the Town will vote to authorize the purchase of 12.56 acres of land from Margaret and Wilson Earl, being a portion of a parcel of land off East Holderness Road, Tax Map 252, Lot 16, said land to be used for a transfer station and recycling center, and to raise and appropriate \$97,500. for said purchase, due at the time of closing (note: a non-refundable \$2,500. deposit has been placed on the parcel).

**Recommended by the Selectmen and Budget Committee**

Moved by Steve Huss and seconded by Earl Hansen. The Moderator recognized Steve Huss, Chairman of the Board of Selectmen, who explained why this article was on the warrant. Mr. Huss explained that in 2001 the Town received an administrative order from the State of New Hampshire ordering the closure of the Transfer Station by October 1, 2003.

This order required the town to relocate the transfer station. Two committees were involved in the search for a new transfer station site, and both committees recommended the Wilson Earl property to the Board of Selectmen. Christopher Devine, Chairman of Transfer Station Site Committee, presented a summary of the work done by the committee, the criteria guidelines used to evaluate various sites, and the recommendation from the committee on the best site for the transfer station. The Relocation Committee initially located 15 potential sites for consideration. Ten sites were eliminated because they did not meet the criteria guideline, there were covenant restrictions or the property owners were not interested in selling their property. The five sites left and for further evaluation were subject to a scoring system. The five parcels identified were the Wilson Earl property, the Zimmer property, the Town Garage, the Greene property and the Chabot property. The Earl property received the highest score. The Town garage was evaluated but received a lower score. The Earl property is a 12 ½ acre parcel located on East Holderness Road which is a portion of a 20 acre parcel that will be subdivided and sold to the Town of Holderness at a cost of \$ 100,000.00. The Committee considered the Earl property the number one site, and a deposit of \$ 2,500.00 has been placed on this property. The balance on the purchase price is \$ 97,500.00 as stated in this Warrant article. An environmental assessment was done on the property, which showed no significant concerns. A boundary and topographic survey has been completed on this property. Devine explained that removing the Earl property from the tax rolls will decrease the tax revenue by \$ 400.00 per year, and explained that defeat of Article 5 would not result in locating the transfer station at the Town Garage. It would mean that the town would need to start the process of looking for a new site again and that until that time the town could contract with a neighboring town to dispose of trash. Moderator Deachman announced that 10 registered voters requested a secret ballot vote on this article. Gary Cripps asked if this article passed would the Selectmen still purchase the Earl property if article 3 fails. Steve Huss replied that the Board of Selectmen has not made a decision what action they would take. Richard Miller asked if there was an alternative plan if Article 3 fails. Steve Huss replied that the town could ask the State for an extension on the closure deadline, or the Town could contract with the Town of Ashland to use their facility, which would increase the cost of waste disposal to the town by a rate of 7-10%. Richard Miller asked the Board of Selectmen if they unanimously support this article as well as the alternative plans if the article failed. Barbara Carrier expressed concerns about safety issues associated with the location of the Wilson Earl property.

She expressed gratitude to the Committees but voiced her opinion that the town should find a temporary location and seek a more central location. Alden "Skip" Van Sicle asked the Board of Selectmen if they would consider using the town garage facility if the voters requested until a final site is located. Steve Huss responded that the Board would have an open mind. Peter Webster, a member of the Budget Committee, spoke in favor of this article. Dean Hodge spoke against this article citing safety issues relating to access on and off East Holderness Rd. Steve Huss responded that the town would address this safety issue. Stanley Hall asked why consideration of servicing the facility was not addressed and stated it would be expensive to the town for town vehicles to travel the distance back and forth from the Highway Garage. Randy Currier asked if Timothy Fisher, who owns the sand pit on Route 113, or the owners of the Westberg property on Tadadump Road had been approached. Steve Huss replied they both had been asked but there was no interest to sell. Randy Currier asked if the town owned any property that could be considered. Steve Huss said none qualified and a minimum of 3 acres was needed. A ballot vote was taken; 124 votes in favor and 97 votes against and the article PASSED. Peter Francesco moved that Article 5 not be reconsidered. The motion was seconded and carried by a voice vote.

Moderator Ross Deachman asked to take up Article 4 while waiting the results from the ballot vote of Article 5. Moved by Earl Hansen seconded Peg Winton.

**Article 4:** To see if the Town will vote to accept the reports of all Town Officers and Committees

Moved by Earl Hansen seconded by Peg Winton. There was no discussion on this article. A voice vote was taken and the article PASSED.

**Article 3:** To see if the Town will vote to raise and appropriate the sum of \$600,000. for the design and construction phases of both the capping of the Town's landfill and a new transfer station that will qualify the Town for Federal and State funds, such sum to be raised by the issuance of serial bonds or notes not to exceed \$600,000. under and in compliance with provisions of the Municipal Finance Act (RSA 33:1 et. seq., as amended) and to authorize the Selectmen to issue and negotiate such bonds or notes, to determine the rate of interest thereon, and to take such

actions as may be necessary to effect the issuance, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Holderness; and additionally to participate in the State Revolving Fund (SRF) RSA 486.14 established for this purpose, and to allow the Selectmen to expend such monies as become available from the Federal and State governments and pass any vote relating thereto. Any income derived from the temporary investment of the bond proceeds shall be returned to the General Fund.

**Recommended by the Selectmen and Budget Committee**

(Note: This article must be acted upon by written ballot, the polls must be open for one hour, and to pass the article must receive a two-thirds majority of those voting.)

Moved by Earl Hanson seconded by Peg Winton. A motion by Steve Huss seconded by Earl Hansen to amend Article 3 by inserting the words, “ for some or all of this borrowing.” The article will read: ...“for this purpose for some or all this borrowing, and to allow the Selectmen to expend such monies as become available from the Federal and State governments and pass any vote relating thereto”. Steve Huss explained that this amendment would allow the town to privately finance the construction of the new transfer station. A voice vote was taken and the amendment PASSED. William Webb moved to amend Article 3 by inserting the words, “up to” after “ appropriate” on the first line of the article. The Moderator stated this was a universal concurrence and declared the amendment PASSED. Lynn Johnson, Chairman of Transfer Station Relocation Committee, recognized fellow members of the Committee and reviewed the specifics on the closure and capping of the transfer station. She discussed the monetary cost and spoke in favor of this article. Robert Snelling, Chairman of the Transfer Station Design Committee, explained the proposed design of the facility. The Design Committee recommends we continue the present recycling activities and provide accommodation for expansion in the future. The polls opened for a secret ballot at 8:37 p.m. and closed at 9:37 p.m. A ballot vote was taken on the amended article: 164 votes in favor and 43 votes against and the article PASSED as amended.

**Article 6:** To see if the Town will vote per RSA 669:17 & 17-b to authorize the position of Tax Collector to be appointed rather than elected, effective at the 2004 Town Meeting.

Moved by Earl Hansen seconded by Peg Winton. Paul Montour asked why the Selectmen wanted to change the position from elected to appointed. Steve Huss replied that Board of Selectmen want to make sure that the person is qualified to do the job, tax collections now exceeds six million dollars. Martha Richards assumed if it stayed an elected position, the person who ran for the office of tax collector would know if they had the qualifications for that position. Amanda Loud made a motion to amend the article to read, “ appointed by the Selectmen for a one year term”, so that if the person appointed in the position as tax collector is not performing sufficiently they could be terminated. Moderator Ross Deachman asked the Board of Selectmen if RSA 669:17 & 17-b allows a one year appointment? The Board of Selectmen did not know the answer to the question. Peter Francesco asked the Moderator if the person who was appointed would they become a town employee? Moderator Ross Deachman stated that the person would likely be an employee and be subject to termination for good cause. The amendment was not seconded. Dean Hodge asked if the person appointed is required to be a resident of Holderness. Paul Weston, Town Administrator stated that it is not a requirement. Lyle Thompson made a motion to close debate, seconded by Kathy Huss. A voice vote was taken and the motion carried. A voice vote was taken on the main article and the article PASSED.

**Article 7:** To see if the Town will vote to approve paying to the Conservation Fund previously established under RSA 36-A: 5, 50% of all land use change tax receipts up to an annual limit of \$5,000., and to deposit all other land use change tax receipts into a land use change tax fund adopted under the provisions of RSA 79-A: 25-a to account for revenues received from the land use change tax in a fund separate from the general fund. Any surplus remaining in the land use change tax fund shall not be a part of the general fund until such time as the legislative body shall have had the opportunity at an annual meeting to vote to

appropriate a specific amount from the land use change tax fund for any purpose not prohibited by the laws or by the constitution of this state. After an annual meeting any unappropriated balance of the land use change tax revenue received during the prior fiscal year shall be recognized as general fund revenue for the current fiscal year.

**Recommended by the Selectmen and Budget Committee**

Moved by Earl Hansen and seconded by Peg Winton. Lynn Johnson, member of the Conservation Commission, explained that the intent of this article is to allow 50% of the money collected through the land use change tax will be placed into a conservation reserve fund with an annual limit of \$ 5,000.00. Withdrawal will have to be approved at a subsequent Town meeting. This fund will allow the town to purchase conservation properties or conservation easements and allow the Town to match state funds for such purchases. Richard Miller spoke against this article. Paul Montour stated currently the capital reserve fund has a balance of \$ 16,000.00, and asked for an explanation on the intent of this fund. Steve Huss explained that the Conservation Commission would like to build up this fund so if opportunities become available there would be funds to draw from. An idea that the Conservation Commission has discussed is to buy easements between Holderness Central School and the Town Forest to create trails for students to use. Jack Barbera spoke in favor of this article. A voice vote was taken and the article PASSED.

**Article 8:** To see if the Town will vote to discontinue the Recreation Path Reserve Fund and transfer said funds to the General Fund (Note: balance on hand on 12/31/02 was \$45,671.)

**Recommended by the Selectmen and Budget Committee**

Moved by Earl Hansen seconded by Alden "Skip" Van Sickle. Martha Richards asked what the purpose of the article is. Steve Huss explained that the Town had grants to extend the recreation path but this was voted down a few years ago. There are no plans to extend the recreation path at this time. Huss explained that this reserve fund is not for maintenance but for design and construction of new recreation paths, which was proposed to match State and Federal monies.

The Town has no interest in continuing the recreation paths thus; the money should be transferred into the general fund to lower taxes. George DeAngelis asked about the condition and maintenance of the bike path. Steve Huss replied that the Selectmen have requested the State resurface the recreation path with an acceptable material so bikes are able to ride on it. The town has \$ 20,000.00 designated as a maintenance fund for the recreation path. A voice vote was taken and the article PASSED.

**Article 9:** To see if the Town will vote to establish a Police Cruiser Reserve Fund to be used for funding the acquisition of future police vehicles, and to raise and appropriate the sum of \$13,500. to be deposited in that fund.

**Recommended by the Selectmen and Budget Committee**

Moved by Peg Winton seconded by Earl Hansen. Anthony Raymond asked if this article is to re-establish the Police Cruiser Capital Reserve Fund, which at present has no money in it. Steve Huss replied that last year this fund was eliminated because the town was leasing cruisers, but the four-wheel drive vehicle needs to be replaced this year. A new schedule to appropriate \$ 21,500.00 annually for the next five years has been developed to provide the Police Department with good quality vehicles. A voice vote was taken and the article PASSED.

**Article 10:** To see if the Town will vote to authorize the Selectmen to enter into a four year lease/purchase agreement for a new police cruiser, and to raise and appropriate \$7,500. for the payment of the first year's lease cost. (Note: The proposed lease will be four payments of \$7,410.20 each, cruiser to cost \$27,121. and interest payments to cost \$2,519.80. The lease will contain a non-appropriation clause).

**Recommended by the Selectmen and Budget Committee**

Moved by Earl Hansen seconded by Lyle Thompson. George DeAngelis asked about the last statement in the article.

Steve Huss explained that this clause allows the Town to end the municipal lease if the town meeting votes down next year's lease. Mr. Huss explained that this article is intended for the lease/purchase of a four-wheel drive cruiser. A voice vote was taken and the article PASSED.

**Article 11:** To see if the Town will vote to raise and appropriate the sum of \$195,000. to be placed in the following Capital Reserve Funds:

Fire Trucks	\$30,000.
Road Reconstruction	90,000.
Town Hall	13,000.
Library	5,000.
Revaluation	39,000.
Fire Equipment	2,000.
Village Sidewalks	5,000.
White Oak Pond Dam	1,000.
Master Plan	5,000.
Conservation Commission	<u>5,000.</u>
	\$195,000.

#### **Recommended by the Selectmen and Budget Committee**

Moved by Earl Hansen seconded by Peg Winton. George DeAngelis asked if the \$ 5,000.00 listed for Conservation Commission is the same money as in Article 7. Steve Huss replied no, the \$ 5,000.00 here in Article 11 is being placed in the Conservation Fund because Article 7 is not allowed to collect the money until the year 2004. A voice vote was taken and the article PASSED.

**Article 12:** To see if the Town will vote to appropriate the sum of \$392,681 for the following capital projects and to fund this appropriation by authorizing the Selectmen to withdraw the sums indicated from the following designated Capital Reserve Funds for these purposes:

Town Hall	\$20,000.
Road Reconstruction	150,000.
Public Works Vehicles	93,000.

Library	12,000.
Revaluation	62,500.
Dump Closing	29,403.
Master Plan	19,278.
Fire Equipment	<u>6,500.</u>
	\$392,681

Recommended by the Selectmen and Budget Committee

Moved by Peg Winton seconded by Earl Hansen. Richard Miller questioned the \$ 39,000.00, listed on Article 11 for revaluation, and the \$ 62,500.00 that is listed on Article 12 for revaluation. Moderator Ross Deachman explained that Article 11 represents raising the funds for revaluation to be placed in the Reserve Fund and Article 12 is allowing the withdrawal of the funds. Eugene Ross asked what the \$ 20,000.00 for Town Hall would be spent on. Paul Weston, Town Administrator, responded that this money would be used primarily to paint the exterior of the Town Hall. Peg Winton further explained this money would also be used for repairs before painting. Gary Cripps asked what the Public Works is purchasing for a vehicle. Peter Furmanick, Public Works Director, stated he would purchase a new six-wheeler dump truck. Gary Cripps asked what the \$ 12,000.00 for Library will be spent on. Laurence Webster, Trustee of the Library, stated the money would be used for building maintenance and handicap access. Dorothy Thompson asked what the \$ 29,403.00 for Dump Closing would be used for. Steve Huss explained that this money would be transferred to Article 3 if passed. Jackie Jewell asked what the \$ 19,000.00 for Master Plan is for. Earl Hansen, Chairman of Planning Board, stated the Master Plan needs to be updated and will start this year. The money will be used for consultants and printing costs. A voice vote was taken and the article PASSED.

**Article 13:** To see if the Town will vote to raise and appropriate the sum of one million nine hundred eighty five thousand, two hundred and sixty dollars (\$1,985,260.) which represents the operating budget for the Town. Said sum does not include special or individual articles elsewhere within this warrant.

**Recommended by the Selectmen and Budget Committee**

Moved by Earl Hansen seconded by Malcolm “Tink” Taylor. No discussion followed. A voice vote was taken and the article passed.

**Article 14:** To see if the Town will vote to approve the following resolution:

Whereas, New Hampshire residents pay the 12<sup>th</sup> highest cost of insurance in the country; and

Whereas, the cost of health insurance premiums for families has increased by 45% over the past three years; and

Whereas, 100,000 New Hampshire residents have no health coverage and 77% of them have a full-time worker at home; and

Whereas, due to these rising costs almost half of New Hampshire’s small business cannot afford health coverage for their employees, therefore be it resolved:

That we, the citizens of Holderness, New Hampshire, call on our elected officials from all levels of government, and those seeking office, to work with consumers, businesses, and health care providers to ensure that:

- Everyone, including the self-employed, unemployed, un – and underinsured, and small business owners have access to an affordable basic health plan similar to what federal employees receive;
- Everyone, including employers, consumers, and the state, local and federal government makes a responsible and fair contribution to finance the health care system;
- Everyone receives high quality care that is cost efficient and medically effective; and
- That these efforts help control the skyrocketing cost of health care.

Moved by Earl Hansen seconded by Alden “Skip” VanSickle. Evelyn Stiller spoke in support of this article, and stated this article is to send a strong message to Concord so our representatives will address the health care problems and make it affordable for everyone. New Hampshire for Health, sponsors of this resolution, is a coalition of groups and individuals, such as the State Employees Association, the Mt. Washington Valley Chamber of Commerce, the Greater Peterborough Chamber of Commerce and the Medicare Rights Coalition, who are trying to make health care affordable for everyone. Eric West asked if there is a legal issue if the town approves this article. Moderator Ross Deachman stated that if this resolution is passed, it only will communicate the sentiment of those present at the meeting. Michael O’Leary spoke against this article because he felt it was an endorsement for national healthcare. Jackie Jewell spoke in favor of the article. Patricia Driscoll stated that it cost \$ 750.00 for the self-employed to cover a family of five for health insurance and it is important to raise awareness of the cost of health insurance. Jonathan Siek spoke in favor of the article. A voice was taken and the article PASSED.

**Article 15:** To transact any other business that can legally come before the meeting.

George DeAngelis recognized and thanked Ernest Brown and his two assistants for the superb work at the Transfer Station, as well as Peter Furmanick and his crew.

Moderator Ross Deachman and Malcolm “Tink” Taylor asked for any information that anyone has on the old stove located in the Town Hall and asked that such information be forwarded to Historical Society.

Steve Huss recognized and thanked Chief Doug Salmon who will retire June 30<sup>th</sup>, for his service to our community.

Steve Huss thanked all the people involved in the landfill closures- the site search committee and the design committee. He also thanked all those people serving on other Town committees for all of their time and effort.

Earl Hansen made a motion for a 7½ minute recess seconded by Malcolm “Tink” Taylor. A voice vote was taken the motion carried.

During the recess Malcolm “Tink” Taylor discussed several suggestions for patriotic purposes the town may want to consider. Peg Winton suggested that Memorial Day be observed in our Town and that the Board of Selectmen forms a committee to organize this observance.

At 9:37 pm, Moderator Ross Deachman declared the polls closed and announced the results of Article 3.

Steve Huss reminded everyone that the State will be making its recommendations on the recreation path, and the Board of Selectmen would appreciate any comments or suggestions about whether the recreation path should be paved or resurfaced with new stone dust.

Earl Hansen moved to adjourn the meeting. Seconded by Harold Maybeck. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Ellen King  
Town Clerk, Holderness