

**ANNUAL TOWN MEETING MINUTES
MARCH 14 AND MARCH 15, 2023**

At the annual Town Meeting of the Town of Holderness held on March 14 and 15, 2023 the following business was transacted.

At 10:00 a.m. on Tuesday, March 14, 2023, at the Holderness Town Hall, Moderator Rossner declared the polls opened.

At 7:00 p.m. Moderator Rossner declared the polls closed and the ballots were counted.

At 7:00 p.m. on Wednesday, March 15, 2023 at the Holderness Central School, the meeting resumed following the Holderness Central School Meeting. Moderator Rossner asked the Veterans to stand and be recognized and then lead the Pledge of Allegiance. The Moderator read the names of residents who passed away in 2022 followed by a moment of silence. The Moderator recognized the dedication of the *2022 Annual Town Report* to Larry Spencer for his years of service and his contributions to the Town and to the State of New Hampshire. Moderator Rossner then announced the results of Article 1, the ballot vote for Town Officers. He also declared Article 2, (the Zoning Ordinance Amendments) had all passed, and then announced the results of the Holderness Central School and Pemi-Baker District. The Moderator asked for a motion to allow Department Heads (that are not residents of Holderness) be able to comment and provide information on Articles that relate to their specific departments. Moved by John Jenkinson and seconded by Malcolm “Tink” Taylor. Moderator Rossner asked for a motion to dispense with the reading of the warrant in its entirety. Moved by Peg Winton and seconded by Malcolm “Tink” Taylor.

Article 1: To choose all Town Officers by Official Ballot.

Selectman for 3 Years: (Vote for Two)

Jill Mudgett White 100

Peter S. Francesco 99

write in

Alicia Abbott 1

Bill Nesheim 1

Town Clerk for 3 Years: (Vote for One)

Ellen King 110

Moderator for 2 Years: (Vote for One)

Daniel Rossner 108

write in

Katherine Lovett Weymouth 1

Trustee for Trust Funds for 3 Years: (Vote for One)

write ins:

Sam Laverack	3	Deanne Chrystal	1
Robert Maloney	2	Larry Spencer	1
Walter Johnson	2	Dan Rossner	1
Todd Elgin	2	Martha Richards	1
Sam Damion	2	Joanne Mitchell	1
Mo Lafreniere	2	Bonnie Hunt	1
Patricia O’Neill	1	Kristin Fuller	1
Joanne Pearce	1	Wesley Peoples	1
Deborah Holland	1	William Currier	1
Jo White	1	Dean Melanson	1
Bonni Acton	1	Ken Evans	1

Library Trustee for 3 Years: (Vote for One)

Larry Thomas Spencer 106

Fire Ward for 3 Years: (Vote for One)

David Dupuis 106

Article 2: 2023 Proposed Zoning Ordinance Changes: To see if the Town will vote by official ballot on the proposed amendments, as recommended by the Planning Board, to the Town of Holderness Zoning Ordinance as follows:

Amendment No. 1: “Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board, to the Town of Holderness Zoning Ordinance as follows: **Update and make corrections to Appendix A - District Boundaries and throughout the Zoning Ordinance, clarifying zoning district boundaries, updating references to property lines and structures and other administrative changes to reconcile the written description(s) with the town’s Zoning Map including changes in terminology and corresponding descriptions for internal consistency (Pemigewasset River Overlay, river overlay) and correction of typographical and similar errors, slight adjustment in language to clarify but not alter the meaning of a provision, and deleting obsolete references, definitions and language?”**

YES 102 NO 7

Amendment No. 2: “Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board, to the Town of Holderness Zoning Ordinance as follows: **Expand the Commercial District (CD) on the eastern side of NH Route 175 at the Campton Town Line to include Tax Map 210 Lot 005 as currently delineated in its entirety.**”

YES 88 NO 19

Amendment No. 3: “Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board, to the Town of Holderness Zoning Ordinance as follows: **To accept the Zoning Map entitled “Town of Holderness Zoning Map” dated March 2023 as the official zoning map for the town, incorporating the amended descriptions in Appendix A. All other town maps depicting zoning district boundaries are for reference only, any conflict in boundaries shall be settled by interpretation of the above-entitled map and the corresponding amended descriptions in Appendix A. In any instance where there is doubt as to the location of a zoning district boundary, the Board of Adjustment shall determine the location of such boundary, consistent with the intent of this Ordinance and the Zoning Map.**”

YES 98 NO 8

Amendment No. 4: “Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board, to the Town of Holderness Zoning Ordinance as follows: **To amend Article 300.4.6 – FEMA Special Flood Hazard Areas: as necessary to comply with the requirements of the National Flood Insurance Program?”**

YES 104 NO 6

Amendment No. 5: “Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board, to the Town of Holderness Zoning Ordinance as follows: **To amend Article 1300.2 – Floodplain Hazard District Definitions: as necessary to comply with the requirements of the National Flood Insurance Program?”**

YES 101 NO 7

Amendment No. 6: “Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board, to the Town of Holderness Floodplain Ordinance as follows: **To amend Item I – Definition of Terms, Item V, Item VIII, Item IX and Item X – Variances and Appeals as necessary to comply with the requirements of the National Flood Insurance Program?”**

YES 100 NO 8

Holderness Central School District Election Results

School Board Member for 3 Years: (Vote for One)

Sean Smarz 106

write in:

Liam O'Brien 1

School District Treasurer for 3 Years: (Vote for One)

Kathleen S. Whittemore 109

Article 3: To see if the Town will vote to accept the reports of all Town Officers and Committees.

Moved by Susan Francesco and seconded by William Nesheim. There was no discussion on this Article.

A voice vote was taken and the Article **PASSED**.

Article 4: To see if the Town will vote to raise and appropriate the Budget Committee's recommended sum of Three Million Two Hundred Thirteen Thousand Four Hundred Eighty-Eighty dollars (\$3,213,488) for general municipal operations. Said sum does not include special or individual articles elsewhere within this warrant. (Majority vote required)

Moved by Eleanor Mardin and seconded by Shelagh Connelly.

Moderator Rossner made a motion to amend Article 4, by increasing the operating budget by \$ 7,037.73, for a new total of \$ 3,220,525.73. This additional money will be put into the of Account #4210-391, Dispatch/Mutual Aid. The Moderator explained that the Town had been notified on February 27, 2023 of a \$ 7,037.73 increase in our annual fee for dispatch services from the Plymouth Police Department. Moved by Jill White and seconded by Susan Francesco. A voice vote was taken and the amendment **PASSED**.

The amended article now reads, *"To see if the Town will vote to raise and appropriate the Budget Committee's recommended sum as amended of Three Million Two Hundred Twenty Thousand Five Hundred Twenty-Five dollars and 73 cents (\$3,220,525.73)."* Moved by Susan Francesco and seconded by Carl Lehner.

A voice vote was taken and the Article **PASSED as amended**.

Article 5: To see if the Town will vote to raise and appropriate the sum of Four Hundred Forty-Nine Thousand Five Hundred Dollars (\$449,500) to be placed in the following Capital Reserve Funds: (Majority vote required)

WHITE OAK POND DAM	\$2,500
ROAD RECONSTRUCTION	\$200,000
MUNICIPAL BUILDINGS	\$30,000
LIBRARY BUILDING	\$5,000
REVALUATION	\$35,000
FIRE EQUIPMENT	\$10,000
PUBLIC WORKS VEHICLES	\$100,000
CONSERVATION	\$5,000
POLICE CRUISER	\$50,000
TRANSFER STATION EQUIPMENT	\$2,000
TOWN INFORMATION TECHNOLOG	<u>\$10,000</u>
	\$449,500

Moved by Linda Levy and seconded by Shelagh Connelly. There was no discussion on this Article.

A voice was taken and the Article **PASSED**.

Article 6: To see if the Town will vote to raise and appropriate the sum of Four Hundred Thirty Thousand Nine Hundred and Fifty Dollars (\$430,950) for the following Capital projects and to fund this appropriation by authorizing the Select Board to withdraw the sums indicated from existing Capital Reserve Funds as noted: No additional funds will be raised through taxation. (Majority vote required)

Road Reconstruction: \$200,000 (from the Road Reconstruction Capital Reserve Fund)

Paint Town Hall and Replace Shutters: \$30,500 (from the Municipal Buildings Capital Reserve Fund)

Plow, wing and sander body for a Chevrolet 6500 series or equivalent dump truck: \$90,750 (from the Public Works Vehicle Capital Reserve Fund)

Update of Property Values: \$40,000 (from Revaluation Capital Reserve Fund)

SUV for Police Department: \$55,000 (from the Police Cruiser Capital Reserve Fund)

Town IT Equipment: \$14,700 Replacement of Three Workstations and one Server: (from the Town Information Technology Capital Reserve Fund)

Moved by Brian O'Connell and seconded by William Nesheim. There was no discussion on the Article.

A voice vote was taken and the Article **PASSED**.

Article 7: To see if the Town will vote to raise and appropriate the sum of Eight Hundred Sixty-Seven Thousand Three Hundred Ninety-Six Dollars (\$867,396) for the purchase of a new Fire Engine and to further authorize Four Hundred Fifty Thousand Seven Hundred Ninety-Six Dollars (\$450,796) to come from Unassigned Fund Balance for that purpose. Four Hundred Sixteen Thousand Six Hundred Dollars (\$416,600) to come from the Fire/Rescue Vehicle Capital Reserve. No additional funds will be raised through taxation. (Majority vote required)

Moved by Carl Lehner and seconded by John Jenkinson. Shelagh Connelly asked for clarification on the purchase price of the new Fire Engine as read by the Moderator. The Moderator apologized and stated he had incorrectly read the amount.

A voice vote was taken and the Article **PASSED**.

Article 8: To see if the Town will vote to raise and appropriate the sum of Eight Thousand Seven Hundred Thirty-Two Dollars (\$8,732) for the purchase of two new radar speed signs for the Police Department and to further authorize the sum of Two Thousand One Hundred and Eighty-Three Dollars (\$2,183) to come from Unassigned Fund Balance for that purpose. Six Thousand Five Hundred Forty-Nine Dollars (\$6,549) to come from a Highway Safety Grant previously obtained by the Police Department. No additional Funds will be raised by taxation. (Majority vote required)

Moved by Shelagh Connelly and seconded by Walter Johnson. There was no discussion on this Article.

A voice vote was taken and the Article **PASSED**.

Article 9: To see if the Town will vote to readopt the optional veterans' property tax credit in accordance with RSA 72:28, II for an annual tax credit on residential property of \$500. (Majority vote required)

Moved by Walter Johnson and seconded by Tony Macomber. Kay Hanson thanked the veterans and asked how many veterans receive this credit? Michael Capone, Town Administrator answered approximately 90 veterans.

A voice vote was taken and the Article **PASSED**.

Article 10: To see if the Town will vote, consistent with the recommendation of the Holderness Conservation Commission, to convey Tax Map 245 Lot 67, consisting of 8.5 acres of land, most of which is part of the designated Lamb Brook Swamp Prime Wetland area, to the Squam Lakes Conservation Society, on the condition that it be managed in common with the abutting Haskell Preserve property as a wildlife reserve with public access but no physical improvements; and further authorize the Select Board to take any and all actions reasonably necessary to complete this transaction. (Majority vote required)

Moved by Kenneth Evans and seconded by Shelagh Connelly. Susan Francesco asked Roger Larochelle, Executive Director of the Squam Lakes Conservation Society why there couldn't be any improvements on this property? Mr. Larochelle explained that this property has been fallow for many years and the Squam Lakes Conservation Society owns the abutting 45 acres and contemplate no improvements will be made on this property. He clarified that there would not be any buildings, but trails would be constructed if there was a will for them.

A voice vote was taken and the Article **PASSED**.

Article 11: By Petition: Whereas according to New Hampshire Department of Environmental Services (DES) fireworks contain chemicals such as heavy metals and other elements that can be harmful to aquatic life; and

Whereas DES has identified fireworks displays as contributing to pollution of lakes and groundwater; and

Whereas White Oak Pond has had toxic cyanobacteria blooms several times in the past few years including the Fall of 2022 resulting in DES posting Hazard Warnings at the Pond; and

Whereas the waters of White Oak Pond flow directly into Squam Lake; and

Whereas it is in the interest of the residents of the Town of Holderness to protect the water quality of its natural resources; and Whereas the Select Board of any municipality

is authorized to regulate fireworks pursuant to New Hampshire RSA 160-B:10 and 160-B:6 and all applicable statutes, laws and decisions,

BY PETITION: To see if the Town will vote to adopt a Fireworks Ordinance as follows:

A. It shall be unlawful to display, ignite or discharge, fireworks on White Oak Pond or within 500 feet of the shoreline of White Oak Pond. This includes fireworks, consumer fireworks, permissible fireworks or retail fireworks as defined by RSA 160-C:1.

B. The penalty for a violation of this ordinance shall be a fine of \$500.00 for the first offense. For any second or subsequent violation the fine shall be \$1,000.00. All fines are payable to the Town of Holderness within 5 days from the date of issuance. Failure to remit the fine within 5 days may result in the issuance of a summons and added fines. Any request for a due process hearing must be submitted in writing within 3 days of the receipt of the violation.

C. Unused fireworks found in possession or under the control of the violator shall be confiscated and disposed of.

Nancy Isikoff explained that the metals and phosphorus that comes from the fireworks encourage growth of toxic algae bloom on the pond. Ms. Isikoff stated that this is a modest proposal to limit this small area from the negative effects from fireworks. She stated the Select Board expressed concerns whether if the town has the authority to limit fireworks in just a small section of the town but not the entire town. Ms. Isikoff stated that many towns in the State have done just this. She mentioned the Town of Ashland as has an ordinance (*Number 17*) that prohibits the use of fireworks in a small compact area in the center of the town and it is clearly delineated in the ordinance. She stated the Town of Seabrook also has a prohibition on the use of fireworks. Ms. Isikoff mentioned that there are 58 towns in the State that have fireworks that are permissible but with restrictions. She stated that the Select Board is reading something into the statute that is not there.

Ms. Isikoff also stated the Select Board has expressed concern about the enforceability of this ordinance and to have the authority to impose fines. She stated that there are 58 Towns that have enacted to limit fireworks with restrictions and they all impose fines. She asked the voters to vote “Yes” for the Petition, “Yes” to protect White Oak Pond, and “Yes” to preserve one of the town’s most fragile and vulnerable, natural resources so we can use it for many years to come.

Shelagh Connelly, Conservation Commission Member and former Select Board member stated she shares the concern about protecting the environment but is uncomfortable how it is written as to the enforcement and the legality. Ms. Connelly stated she appreciated

the sentiment but is unable to support the petition. She suggested to have more conversation in the future and address the concerns.

Moderator Rossner recognized Jill White, Select Board Chairman. Ms. White stated that the Board had sought advice from the Town Counsel and also had contacted Nancy Isikoff to express the concerns on how the Petition was written. Ms. White explained the concerns of this article as follows:

“1. In NH, towns and cities only have those powers specifically granted to them in law or necessarily implied in a law. The RSA’s that speak to the display of fireworks give the municipalities the ability to allow or prohibit them within that entire municipality. However, there is not an option to allow or restrict them in a particular location in Town.

2. White Oak Pond on the NH Department of Environmental Services list of public waters of the State, meaning the State technically is in charge of regulating activity in that body of water, not the Town.

3. This Petitioned Article suggests that fines to be paid to the Town for violations of the ordinance. However, there does not seem to be authority within the law to do that. The RSA’s pertaining to fireworks violations specifies the penalties as criminal penalties, various levels of misdemeanors or felonies. “

Ms. White stated that Town Counsel’s interpretation of this article is that it is unenforceable as written. She stated that the Planning Board is looking to have continued conversation on this and look for a path moving forward.

Bruce Falby stated he had two points on the fines; towns that have restricted fireworks in different parts of their town impose fines, and that this town imposes fines for disorderly conduct, drinking in public and parking fines which is no different than the proposed fines for this Petition.

Peter Francesco, Select Board Member, stated that the town has different zones such as general residential, rural residential and commercial. When establishing ordinances or changes to zoning we must be careful to make certain the ruling cannot be construed as being limited or overly restrictive to one zone or it could be considered spot zoning. Mr. Francesco said that he understood from the Town Attorney that as White Oak Pond is not a separate district we cannot do this and unsure of the ramifications if we did.

Mr. Francesco moved to Table the Article, to have the opportunity for the Select Board to discuss and to pass on to the Planning Board for decisions. Seconded by Malcolm “Tink” Taylor. A voice vote was taken and was inconclusive. The Moderator called for a show of hands. The show of hands resulted in a vote of 25 votes opposed and 51 votes in favor to Table the Article. The Article was **TABLED**.

Article 12: By Petition: Shall the Town vote to accept Pleasant Place Drive as a Town Road.

Shelagh Connelly asked if the Town had a formal policy to accept roads, and if we do to explain, and if we do not it may be a good idea to table this. Michael Capone, Town Administrator answered he was not aware of a formal policy.

Tony Macomber stated that Pleasant Place Drive is the same size as Meadowview Drive and Locust Drive and he supports this article.

William Nesheim asked what would the cost be to the town if the Town was to accept the road. Jill White, Select Board Chair, stated the Select Board has not taken a formal position but has concerns about taking over the road as the composition of the road is not known and the Town did not have the opportunity to inspect the road before it was paved. She stated the Board is unable to quantify what the cost would be as it is not known how the road was constructed. Ms. White stated it was her understanding there are 3 homes under construction, with construction of 4 additional homes to begin in the spring. There are two lots purchased, but vacant at this time.

Tony Macomber responded that the contractor, Don Latulippe, has constructed a lot of roads and this construction is “top notch”. He stated that the taxpayers on this road have paid \$ 70,000. in current use taxes. The 3 houses that are completed will bring in \$ 15,000. in property tax. Mr. Macomber stated that road is very well constructed and in the spring a core sample can be done to see how the road was constructed.

Robert Maloney expressed that the town and taxpayers should not take responsibility of this road and he is against the article. Robert Haskell spoke in favor of this article.

William Nesheim moved to Table this Article and seconded by Carl Lehner.

The Moderator asked for a show of hands. The show of hands being too close to call, the Moderator asked for a ballot vote. The ballot vote resulted 46 in favor and 45 opposed to Table the Article. The Article was **TABLED**.

A question was asked if a vote will be required at next year’s meeting to take this Article off the table. Moderator Rossner answered “yes” it will require a motion and a vote to take it off the table.

Bryan Sweeney requested to have the guidelines for streets and roads to be accepted by the Town for next year’s meeting.

Fran Taylor addressed the traffic and parking issues in the center of Town in the summer. She asked if the Select Board could address these issues.

Article 13: To transact any business that may legally come before the meeting.

Moderator Rossner recognized the Fire Chief, Jerome Bonan. Mr. Bonan thanked the voters for the support for the fire truck. Mr. Bonan recognized Captain Jon Abear and presented him with a citation award for his courageous actions for a cold-water rescue for a woman on April 7, 2020 on White Oak Pond. Mr. Abear was given a standing ovation.

With no further business to be acted upon, the Moderator adjourned the meeting at 8:22 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ellen King".

Ellen King
Holderness Town Clerk