

## **Town of Goffstown 2010 ANNUAL WARRANT**

To the inhabitants of the Town of Goffstown in the County of Hillsborough qualified to vote in Town affairs:

You are hereby notified to meet Wednesday February 3, 2010 at seven o'clock in the evening at Goffstown High School in the Dr. Craig Hieber Auditorium in said Town for the first portion of Town Meeting, also known as the deliberative session, to act on the following subjects and determine matters which will then be voted upon by the official ballot on Tuesday, March 9, 2010. (Snow date for the first session is Thursday, February 4, 2010.)

You are further notified to meet Tuesday, March 9, 2010 to vote on all matters by official ballot. The polls will open on March 9, 2010 at 7:00 A.M. and close at 7:00 P.M. in the First District at the Goffstown High School and will open at 7:00 A.M. and close at 7:00 P.M. in the Fifth District at the Bartlett Elementary School.

### **ARTICLE 2**

Shall the Town adopt amendment #1, as proposed by the Planning Board, amending Section 5.9 Mixed Use Development, by adding the following at the end of Section 5.9.1: This maximum percent limitation of residential use in mixed-use buildings or projects may be waived by Conditional Use Permit, with a finding that the proposed plan is reasonable given physical constraints of development sites and/or access limitations.

*Planning Board voted 4-2-1 to recommend.*

### **ARTICLE 3**

Shall the Town adopt amendment #2, as proposed by the Planning Board, amending Section 15.3.1 Variances, to read as follows: The ZBA may grant a variance only after it specifically finds that the variance criteria of RSA 674:33,I(b), as amended, are met.

*Planning Board voted 6-0-1 to recommend.*

### **ARTICLE 4**

Shall the Town adopt amendment #3, as proposed by the Planning Board, amending the zoning map to change to Commercial Industrial Flex Zone (CIFZ) zoning from Industrial (I) zoning, on property abutting route 114 at the Goffstown-Bedford town line, identified as Map 3, lots 47-1, 47-2, 47-3, 47-4, 47-5, 47-6, 47-7, 47-8, 47-9 and 47-10.

*Planning Board voted 7-0-0 to recommend.*

### **ARTICLE 5**

Shall the Town adopt amendment #4, as proposed by petition, to amend Section 5.5 to read as follows: 5.5 Agricultural and Horticultural Operations – Farm buildings, farm animals, animal confinement areas, and areas used for maintenance and storage of animal waste shall be located no closer than one hundred (100) feet to any lot line.

*Submitted by Petition. Planning Board voted 6-0-1 to not recommend.*

### **ARTICLE 6**

Shall the Town adopt amendment #5, as proposed by petition, to amend Section 5.6 to read as follows: 5.6 Commercial Kennel – Commercial kennels are permitted provided that they are located on lots of not less than two (2) acres, and that buildings or structures used for housing animals, animal runs, animal confinement areas, and areas used for maintenance and storage of animal waste shall be located no closer than one hundred (100) feet to any lot line.

*Submitted by Petition. Planning Board voted 7-0-0 to not recommend.*

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**ARTICLE 7**

Shall the Town adopt amendment #6, as proposed by petition, amending the Goffstown Zoning Ordinance, removing a portion of the area designated as a Historic District overlay zone so that the Parker Station District as identified in Section 13.4.3 would read: The Parker Station District includes seven (7) properties identified as Map 7 lots 40, 41, 61-1, 61-6, 62, 63 and a portion of 64, said portion bounded by Mast Road to its south, lot 63 to its west, lot 65 to its east, and to its north, the R-1/A zoning district boundary line, which is located 350 feet from the centerline of North Mast Street. This property's address is 216 North Mast Street.

*Submitted by Petition. Planning Board voted 7-0-0 to recommend.*

**ARTICLE 8**

Shall the Town adopt amendment #7, as proposed by petition, amending the Goffstown Zoning Ordinance, by changing the zoning of property identified as tax map 16, lot 21-2, from Residential-2 (R-2) to Commercial (C). This property's address is 75 Daniel Plummer Road.

*Submitted by Petition. Planning Board voted 6-1-0 to not recommend.*

**ARTICLE 9**

To see if the Town will vote to raise and appropriate the sum of nine hundred forty eight thousand dollars (\$948,000) for the purpose of purchasing three vehicles to replace a 1994 Fire Engine, a 1999 ten wheel dump truck, and a 2000 Solid Waste automated collection vehicle, and to authorize the issuance of not more than nine hundred forty eight thousand dollars (\$948,000) of bonds or notes in accordance with the Municipal Finance Act (RSA 33) and to authorize the municipal officials to issue and negotiate such bonds or notes and to determine the rate of interest thereon. Furthermore, to vote to raise and appropriate up to \$219,965 for the first annual payment in 2010 and fund it with \$100,000 from the Fire Apparatus Capital Reserve Fund (CRF) and up to \$119,965 from taxation. Assuming a five year note at 5% interest the estimated payment schedule would be as follows:

YEAR	PAYMENT	FUNDING	
		FIRE CRF	TAXATION
2010	\$219,965	\$100,000	\$119,965
2011	\$219,965	0	\$219,965
2012	\$219,965	0	\$219,965
2013	\$219,965	0	\$219,965
2014	\$219,965	0	\$219,965

(3/5 ballot vote is required to pass). (This appropriation is in addition to Article 11.)

*Recommended by the Board of Selectmen 5-0-0. Recommended by the Budget Committee 9-5-0.*

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## **ARTICLE 10**

To see if the Town will vote to raise and appropriate the sum of one hundred fourteen thousand five hundred fourteen dollars (\$114,514) for the purpose of completing the original scope of the "green" drainage along South Mast Road between Pineridge Street and Wallace Road and to authorize the issuance of a note with the State Revolving Loan Fund for not more than one hundred fourteen thousand five hundred fourteen dollars (\$114,514) in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the municipal officials to issue and negotiate such note and to determine the rate of interest thereon; 50% of the principal will be forgiven by the State of NH utilizing American Recovery and Reinvestment Act (ARRA) Funds, with the balance to be raised by taxation.

This drainage project was approved at the May 2009 Special Town Meeting in the amount of \$700,000. However, the bid came in \$114,514 higher. This article will provide the \$114,514 appropriation contingent on 50% reimbursement (\$57,257) from the American Recovery and Reinvestment Act thus saving the town \$57,257. (3/5 majority is required to pass).

*Recommended by the Board of Selectmen 5-0-0. Recommended by the Budget Committee 12-0-0.*

## **ARTICLE 11**

To see if the Town will vote to raise and appropriate for the operation, expenses and commitments of the town government, the budget approved by the Budget Committee in the amount of Nineteen Million Two Hundred Eight Thousand Four Hundred Seventy Seven Dollars (**\$19,208,477**).

This budget will be predicated by estimated revenues in the amount of Seven Million Four Hundred Fifty Seven Thousand Two Hundred Twenty One Dollars (**\$7,457,221**).

The Sewer Enterprise Fund of One Million Seven Hundred Twenty Nine Thousand Seven Hundred Twenty-one Dollars (**\$1,729,721**) is included in this revenue amount and in the appropriations requested in this article.

The EMS Special Revenue Fund of Four Hundred Nineteen Thousand Eight Hundred and Thirty Seven Dollars (**\$419,837**) is included in this revenue amount and in the appropriations request in this article.

The motion on the operating budget shall be the following, with only the appropriation amount subject to amendment: "Shall the Town of Goffstown 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 Nineteen Million Two Hundred Eight Thousand Four Hundred Seventy Seven Dollars (**\$19,208,477**)? Should this article be defeated, the default budget shall be Nineteen Million Nine Hundred Twenty Five Thousand Nine Hundred Seventy Four Dollars (**\$19,925,974**), which is the same as last year, with certain adjustments required by previous action of the Town of Goffstown 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 article (operating budget) does not include appropriations in any other warrant article.

*Not Recommended by the Board of Selectmen 3-2-0. Recommended by the Budget Committee 9-2-1.*

## **ARTICLE 12**

To see if the Town will vote to raise and appropriate the sum of three hundred sixty thousand dollars (\$360,000) for the purpose of purchasing about 25.46 acres of Map 5 Lot 39 (a portion of the Barnard property on Center Street) which abuts the town's Public Works facility. This parcel will help meet the town's long term need for sand and gravel. (This appropriation is in addition to Article 11.)

*Recommended by the Board of Selectmen 4-1-0. Recommended by the Budget Committee 13-1-0.*

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**ARTICLE 13**

To see if the Town will vote to raise and appropriate Fifteen Thousand Dollars (\$15,000) for the purpose of supporting the nonprofit Goffstown Main Street Program, Inc. (This appropriation is in addition to Article 11.)

*Recommended by the Board of Selectmen 5-0-0. Recommended by the Budget Committee 12-2-0.*

**ARTICLE 14**

To see if the Town will vote to raise and appropriate up to Twenty Three Thousand Dollars (\$23,000) for the purpose of supporting Namaske Lake Association's effort to manage milfoil in Namaske Lake also known as the lower portion of the Piscataquog River. The Namaske Lake Association estimates the cost of the milfoil management project at \$47,000 which they plan to fund as follows: \$14,000 from the State of NH; \$5,000 donation from Enel North America (operator of the Kelly Falls Dam); \$5,000 from local residents and Namaske Lake Association members; and \$23,000 from the Town of Goffstown. (This appropriation is in addition to Article 11.)

*Recommended by the Board of Selectmen 4-0-0. Recommended by the Budget Committee 14-0-0.*

**ARTICLE 15**

To see if the Town will vote to allocate a portion of the land use change tax to the administration of the Current Use program, by changing the previously approved allocation of 100% to 75% of revenues collected pursuant to RSA 79-A (the land use change tax) in a Conservation Fund, established under RSA 36-A:5, in accordance with RSA 36-A:5, III as authorized by RSA 79-A:25, IV, said funds to be used for conservation land and easement acquisition and costs associated therewith.

*Submitted by the Board of Selectmen.*

**ARTICLE 16**

To see if the Town will vote to authorize snowmobiles shared use on the Goffstown Rail Trail for approximately ½ mile of its 5½ mile length, from the power line right-of-way where the NH Snowmobile Trail Corridor #11 crosses the Rail Trail at Glen Lake, approximately opposite St. Claudine Villa Academy, to the gas station at Tatro Drive.

*Submitted by the Board of Selectmen.*

**ARTICLE 17**

To see if the Town will vote to authorize the Board of Selectmen to rent or lease municipal property for a term of up to 5 years without further vote or ratification of the town. Once adopted, this authority shall remain in effect until specifically rescinded by the legislative body at any duly warned meeting provided that the term of any lease entered into prior to the rescission shall remain in effect. (RSA 41:11-A III).

*Submitted by the Board of Selectmen.*

**ARTICLE 18**

To see if the Town will vote to amend the town's Noise Ordinance as follows: Under EXCEPTIONS, add "or ice" before "removal operations" and delete "provided such operations are conducted within seventy two (72) hours of cessation of a snowstorm with an accumulation of at least three inches (3") of snow as recorded by the U.S. Weather Service." At the end of this section add "These provisions shall not apply to the Department of Public Works while engaged in the regular collection of refuse or recycling."

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Under PENALTIES, replace this current language “Any person violating any of the provisions of this Article shall be guilty of a violation and upon conviction thereof, shall be liable for a penalty of not more than one hundred (\$100.00) dollars for the first offense, and up to the maximum penalty allowed by law for each subsequent offense.” with this proposed language “Unless otherwise stated, any person or unnatural person within the meaning of the Criminal Code, who violates an ordinance shall be guilty of a violation. Pursuant to RSA 502-A:11-a, the District Court shall have jurisdiction of the prosecution of any violation of the Town of Goffstown Ordinances. All fines collected shall be for the use of the Town. The Town may enforce to the maximum penalty allowed by law. The enforcement authority may issue a summons and complaint along with a notice of fine pursuant to the procedures for pleas by mail set out in RSA 502-A:19-b.”

Under VALIDITY, replace this current language “VALIDITY: If any section or part of a section, or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section or paragraph of this Article.” with

- VI. WAIVERS: The Board of Selectmen retain the authority to waive any or all provisions of this ordinance for emergencies at a duly noted meeting.
- VII. SEVERABILITY STATEMENT: If the provisions of this ordinance, or the application thereof to any person or circumstances is judged to be invalid by a Court of competent jurisdiction, such judgment shall not affect, or impair the validity of the remainder of this ordinance, or the application thereof to other persons or circumstances.
- VIII. EXCLUSIONS: These requirements shall not apply where such matters are otherwise governed by State Law.

(The full text of the ordinance is available in the Town Clerk’s Office or on the town’s website.)  
**Presented at public hearings by the Board of Selectmen. Petition for a vote at Town Meeting.**

**ARTICLE 19**

To see if the Town will vote to raise and appropriate the sum of Three Hundred Ninety Thousand Dollars (\$390,000) for the purposes of acquisition of a land conservation easement and costs associated therewith to support the permanent conservation protection of 450± acres on Tax Map 2 Lot 59 (the Roberts Farm on Addison Road), to help stabilize the tax base, preserve the rural character of the Town and provide for passive recreation. These funds will expire at the end of 2012 if not used to protect this property.

*Submitted by Petition.*

***Not recommended by the Board of Selectmen 3-2-0. Recommended by the Budget Committee 8-3-1.***

**ARTICLE 20**

To see if the Town will vote to raise and appropriate six hundred thousand dollars (\$600,000) to purchase approximately 106.15 acres of property adjacent to the Goffstown High School, identified as Tax Map 5 Lots 61-1 and 95-1, with a conceptual design of 10 playing fields and 225 car parking spaces. This is a Special Article pursuant to RSA 32:3 VI (a), as a petitioned article, and as Special Warrant Article pursuant to RSA 32:3 VI (d), as a non-lapsing, non-transferable appropriation for a period of five years, pursuant to RSA 32:7 VI.

*Submitted by petition.*

***Not recommended by the Board of Selectmen 5-0-0.***

***Not recommended by the Budget Committee 11-1-0.***

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**ARTICLE 21**

To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.

Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage".

*Submitted by petition.*

**ARTICLE 22**

To see if the Town will vote to adopt the provisions of RSA 40:14-b to delegate the determination of the default budget to the municipal budget committee which has been adopted under RSA 32:14.

*Submitted by petition.*

**ARTICLE 23**

To see if the Town will vote to direct the Board of Selectmen to put in place an ordinance to allow the use of snowmobiles on the Goffstown Rail Trail in accordance with the Trail Enhancement Grant received by the Town of Goffstown by the Federal Government and in accordance with state trail management guidelines starting at the intersection of Danis Park Rd. to the end of the trail at the center of town.

*Submitted by petition.*

**ARTICLE 24**

To hear the reports of Town Officers, Auditors and Committees and to pass any vote relating thereto.

**ARTICLE 25**

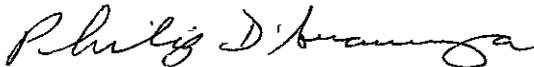
To transact any business that may legally come before said meeting.

Given under our Hands and Seal this 21<sup>st</sup> day of January 2010.

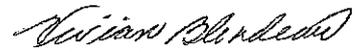
**GOFFSTOWN BOARD OF SELECTMEN**



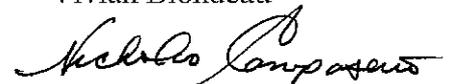
Scott Gross, Chairman



Philip A. D'Avanza, Vice Chairman



Vivian Blondeau

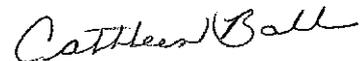


Nicholas Campasano



Steve Fournier

Then personally appeared the above named, Scott Gross, Philip A. D'Avanza, Vivian Blondeau, Nicholas Campasano, Steve Fournier, and under oath that the above certificate by them is true.



Cathleen Ball, Town Clerk