
Town Warrant

TO THE INHABITANTS OF THE TOWN OF HOOKSETT, NEW HAMPSHIRE, IN THE COUNTY OF MERRIMACK IN SAID STATE, QUALIFIED TO VOTE IN TOWN AFFAIRS.

YOU ARE HEREBY NOTIFIED TO MEET AT THE DAVID R. CAWLEY MIDDLE SCHOOL ON SATURDAY THE SEVENTH DAY OF APRIL IN THE YEAR TWO THOUSAND AND SEVEN AT 1:00 P.M. FOR THE FIRST SESSION OF THE TOWN MEETING TO DISCUSS AND AMEND, AS REQUIRED, WARRANT **ARTICLES 3 THROUGH 14**.

THE FINAL BALLOT VOTE FOR WARRANT ARTICLES WILL TAKE PLACE AT DAVID R. CAWLEY MIDDLE SCHOOL ON TUESDAY, THE EIGHTH DAY OF MAY IN THE YEAR TWO THOUSAND AND SEVEN. THE POLLS WILL BE OPEN FROM 6AM UNTIL 7PM.

Article #1

To choose all necessary Town officers for the year ensuing.

TOWN COUNCILOR AT LARGE

term expiring 6/30/2010 vote for one

- **David F. Dickson - 579**

TOWN COUNCILOR DISTRICT 5

term expiring 6/30/2010 vote for one

- **William "Bill" Gahara - 77**

TOWN COUNCILOR DISTRICT 6

term expiring 6/30/2010 vote for one

- **George Longfellow - 95**

BUDGET COMMITTEE

term expiring 6/30/02010 vote for three

- **John H. Danforth - 488**

- **Susan Doyon - 528**

- **John W. Pieroni - 506**

CEMETERY COMMISSION

term expiring 6/30/2010 vote for one

- **Tina M. Paquette - 591**

LIBRARY TRUSTEE

term expiring 6/30/2010 vote for two

- **Barbara E. Davis - 540**

- **Tammy J. Hooker - 525**

MODERATOR

term expiring 6/30/2009 vote for one
- **Margaret “Peggy” Teravainen - 560**

SEWER COMMISSION

term expiring 6/30/2010 vote for one
- **Ray Robb - 581**

SUPERVISOR OF THE CHECKLIST

term expiring 6/30/2010 vote for one
- **Arlene B. Longfellow - 581**

TOWN CLERK

term expiring 6/30/2010 vote for one
- **Leslie A. Nepveu - 605**

TRUSTEE OF THE TRUST FUNDS

term expiring 6/30/2010 vote for one
- **David R. Boutin - 575**

Article #2

Vote on Amendments to Zoning Ordinances

Amendment #1

“Are you in favor of Amendment No. 1, as proposed by the Hooksett Planning Board to amend the Hooksett Zoning Ordinance as follows:

to extend the US Route 3 Performance Zoning District to include all of the existing Mixed Use District 1 (MUD1) part of the Mixed Use District 2 (MUD2) along Route 3, and all of the Commercial District that includes the intersection of Route 3 and Pleasant Street. The US Route 3 Performance Zoning District will contain a new section with prohibitions in certain areas against gasoline stations, car washes, automotive sales, and automotive service and repair facilities?”

This Ordinance is authorized under NH RSA 674:21 as an Innovative Land Use Control. The purpose of this change is to extend the US Route 3 Performance Zoning District north of the intersection of Route 3 and Main Street and to prohibit automotive uses in certain areas within this extended area. Specific language and the lots wherein the prohibitions apply may be seen at the Community Development Department office at Hooksett Town Hall.

Yes – 298 No - 386

Amendment #2

“Are you in favor of Amendment No. 2, as proposed by the Hooksett Planning Board to amend the Hooksett Zoning Ordinance as follows:

amend Article 23 Zone Boundaries, by changing the zoning boundaries of Map 13 to make Lot 73 (the entirety of the Exit 11 land area currently not in any District) become a part of the Commercial Zone as defined in Article 10 of the Hooksett Zoning Ordinance?”

The Exit 11 Interchange has never been included in any zoning District since the construction of the NH Interstate Highway System. This change will take all the land currently owned by the State of New Hampshire Department of Transportation (including any Turnpikes land) and convert it from a “no zone” designation to the Commercial District to match the zoning of the land to the south – the Palazzi site and the Heffron site, and to match the land of the north – the Keyland Properties site. The new zone will extend from West River Road (NH Rte 3A) on the east to land on the west owned by Pike Industries

(Hooksett Crushed Stone).

Yes – 407 No - 301

Amendment #3

**“Are you in favor of Amendment No. 3, as proposed by the Hooksett Planning Board, to amend the Hooksett Zoning Ordinance as follows:
to amend Article 2 DISTRICTS, to add a new zoning district – Urban Residential (UR) – and to remove certain residential lots from the Medium Density Residential (MDR) zone and place them in this new district?”**

The purpose of this change is to substitute this new Urban Residential zone designed for small lots with limited frontage and area that are served by municipal sewer and water; and to note that the Medium Density Residential zone is designed for larger lots with greater frontage and area that are either served by municipal sewer and water or with wells and septic systems. This change is designed to reduce the number of issues that have to come before the Zoning Board of Adjustment for Variances for such things as decks, porches, garages, etc., and is in keeping with the Master Plan recommendations. Specific language and the lots wherein the prohibitions apply may be seen at the Community Development Department office at Hooksett Town Hall.

Yes – 387 No - 314

Amendment #4

“Are you in favor of Amendment No. 4, as proposed by the Hooksett Planning Board, to amend the Hooksett Zoning Ordinance to change Article 18, Wetlands Conservation Overlay District, by adding a new Section A. STATUTORY AUTHORITY, whereby this would be adopted under Innovative Land Use Control Ordinances according to NH RSA 674:21, and by changing the wording of Section E. SPECIAL EXCEPTIONS and Section G. SPECIAL PROVISIONS.

The purpose of this change is to remove the administration of wetland crossings and related wetland incursions from the Zoning Board of Adjustment and place it under the Hooksett Planning Board.

Yes – 303 No - 398

Amendment #5

**“Are you in favor of Amendment No. 5, as proposed by the Hooksett Planning Board, to amend Article 29 IMPACT FEE ORDINANCE with new language at F. Administration of Impact Fees, as follows:
8.**

The total impact fee, as calculated from the most recent edition of the fee schedule, is to be assessed to the applicant if a new development is created on vacant land or on land wherein there has been a structure and/or use that has been vacated for a period of one (1) year or more. If a new development replaces an active, operating use, then the assessed fee is to be calculated as the net fee between that of the former use and that of the replacement use?”

The purpose of this change is to resolve the calculation of the impact fee where a new use replaces an active, operating use.

Yes – 459 No - 243

Amendment #6

“Are you in favor of Amendment No. 6, as proposed by the Hooksett Planning Board, to change the Hooksett Zoning Ordinance, by removing the following three (3) items from the Ordinance: Article 30 OUTDOOR LIGHTING STANDARDS; Article 17 PARKING STANDARDS; and Section H. of Article 3 GENERAL PROVISIONS, and replacing Article 30 OUTDOOR LIGHTING STANDARDS and Article 17 PARKING STANDARDS with new language whereby omitting the technical criteria,

which will be included in the Subdivision Regulations and Non-Residential Site Plan Regulations.

The purpose of this change is to place the technical criteria of Outdoor Lighting, Parking and driveway approvals in the Subdivision and Non-Residential Site Plan Regulations, and to remove driveway criteria from the Zoning Ordinance.

Yes – 388 No - 311

Amendment #7

“Are you in favor of Amendment No. 7, as proposed by the Hooksett Planning Board, to amend the Hooksett Zoning Ordinance to change Article 22 DEFINITIONS, as follows: Dwelling, Multi-Family: An apartment house, condominium, or building containing three (3) or more dwelling units. The criteria governing three (3) or more units will be inserted into the Non-Residential Site Plan Regulations.

The purpose of this amendment is to allow the Planning Board to determine whether or not more than 3 dwelling units may be allowed within a single building dependent upon the particular conditions of the site involved and the number and type of buildings adjacent or nearby.

Yes – 404 No - 304

Amendment #8

“Are you in favor of Amendment #8, as proposed by the Hooksett Planning Board, to amend Article 20 SIGNS, J. Existing Signs, to remove language that Town Counsel has advised is unenforceable?” The new language shall read:

1. All sign structures that are legally in existence at the time of adoption of this Article are grandfathered regarding subsequent zoning changes.
2. Any proposed change to the sign structure (height, width, foundation, etc.) shall require that all parts of the sign and its structure come into conformance with the existing zoning ordinance.
3. If any change to the lettering on an internally illuminated sign involves the removal of the background panel on which the lettering is placed, then the background panel shall become opaque (not translucent) and the lettering shall become illuminated.
4. Signs may be replaced only with a conforming sign or signs, regardless of how the original sign was approved or erected.
5. A new or separate permit will be required to change, alter, add or otherwise modify any signs within the Town of Hooksett.
6. Nothing in these sections shall be construed to prohibit the normal maintenance and upkeep of legally existing and conforming signs, in so far as they retain their existing size, configuration, etc.

The purpose of this change is to remove language that is unenforceable and would likely be found to be illegal if brought to court.

Yes – 508 No - 210

Amendment #9

“Are you in favor of Amendment No. 9, as proposed by the Hooksett Planning Board, to amend the Hooksett Zoning Ordinance as follows:

to amend Article 26 NON-CONFORMING USES by adding a new Part C. stating that the Planning Board has jurisdiction regarding both use and dimensional non-conformities within the Performance Zone, and to add a new Part C. and new Part D.4. stating that the Planning Board has jurisdiction regarding both use and dimensional non-conformities within the Performance Zone, and to amend Article 10-A US ROUTE 3 PERFORMANCE ZONE District, by adding a new Part K. describing how that jurisdiction applies to the US Route 3 Performance Zone, and a new Part E. addressing replacement of non-conforming structures that have been damaged or destroyed by fire or other casualties?”

The purpose of this change is to place jurisdiction for non-conformities within the US Route 3 Performance Zone District solely with the Hooksett Planning Board, as well as adding a section addressing the replacement of a non-conforming structure that has been damaged or destroyed by fire.
Yes – 347 No - 353

Article #3

To see if the Town will vote to raise and appropriate the sum of \$1,500,000 (one million five hundred thousand dollars) for the purpose of upgrading the Hooksett Wastewater Department Treatment Facility such sum to be raised by the issuance of bonds or notes not to exceed \$1,500,000 (one million five hundred thousand dollars) under and in compliance with the Municipal Finance Act (RSA 33), and to authorize the Town Council to issue and negotiate such bonds or notes, to determine the rate of interest thereon and to take such other actions as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Hooksett. ***This warrant will not be executed if the 2006/2007 Cabela’s \$18,000,000 bond is issued.*** (3/5 ballot vote required) RECOMMENDED BY TOWN COUNCIL (5-1), RECOMMENDED BY THE BUDGET COMMITTEE (7-1)

Yes – 396 No – 328 Did not pass, 3/5 votes needed.

Article #4

Shall the Town of Hooksett 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 **\$15,110,889**? Should this article be defeated, the default budget shall be **\$14,820,388**, which is the same as last year, with certain adjustments required by previous action of the Town of Hooksett 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 does not include special warrant articles #3, 5 through #14. RECOMMENDED BY THE BUDGET COMMITTEE (8-0)

Yes – 402 No - 318

Article #5

To see if the Town will vote to raise and appropriate the sum of \$10,000 (Ten Thousand Dollars) to be placed in the Town-Wide Computer Development Fund already established. RECOMMENDED BY TOWN COUNCIL (5-1), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)

Yes – 453 No - 267

Article #6

To see if the Town will vote to deposit 100% (percent) of the revenues collected from current use, pursuant to RSA 79-A, and deposit said money in the Conservation Current Use Fund already established, in accordance with RSA 36-A:5, III as authorized by RSA 79-A:25, II. RECOMMENDED BY TOWN COUNCIL (4-2), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)

Yes – 507 No - 214

Article #7

To see if the Town will vote to raise and appropriate the sum of \$20,000 (Twenty Thousand Dollars) to be placed in the Fire Air Packs & Bottles Capital Reserve Fund already established. RECOMMENDED BY TOWN COUNCIL (5-1), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)

Yes – 546 No - 181

Article #8

To see if the Town will vote to raise and appropriate the sum of \$50,000 (Fifty Thousand Dollars) to be placed in the Assessing Certification Capital Reserve Fund already established. RECOMMENDED BY TOWN COUNCIL (6-0), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)

Yes – 415 No - 308

Article #9

To see if the Town will vote to raise and appropriate the sum of \$50,000 (Fifty Thousand Dollars) to be placed in the Parks and Recreation Facilities

Development Fund already established and to name the Town Administrator as agent to expend.

RECOMMENDED BY TOWN COUNCIL (5-1), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)

Yes – 423 No - 294

Article #10

To see if the Town will vote to create an capital reserve fund under the provisions of RSA 35:1, to be know as the Town Building Maintenance Fund, for the purpose of repairing and maintaining town buildings and to raise and appropriate the sum of \$35,000 (Thirty Five Thousand) for this fund, and to name the Town Administrator as agent to expend. RECOMMENDED BY TOWN COUNCIL (6-0), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)

Yes – 450 No - 267

Article #11

To see if the Town will vote to approve the cost item included in the collective bargaining agreement reached between the Hooksett Police Commission and the Hooksett Police Union which calls for the following increases in salaries, taxes, retirement, and other benefits at the current staffing level:

<u>Year</u>	<u>Salaries</u>	<u>Taxes, Benefits & Retirement</u>
#1	\$58,915	\$12,028
#2	\$36,400	\$7,459
#3	\$43,633	\$9,024

and further to raise and appropriate the sum of \$70,943 (Seventy Thousand Nine Hundred Forty Three Dollars) for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits over those of the appropriation at current staffing levels paid in the prior fiscal year.

RECOMMENDED BY TOWN COUNCIL (5-1), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)

Yes – 517 No - 207

Article #12

Shall the Town, if Article #11 is defeated, authorize the Town Council to call one special meeting, at its option, to address Article #11 cost items only per RSA 31:5,III.

Yes – 405 No - 313

Article #13

To see if the Town will vote to establish a revolving fund pursuant to RSA 31:95-h, for the purpose of police special details.

All revenues received for police special details 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 general fund unreserved fund balance; furthermore, to raise and appropriate \$1 (one dollar) in order to pay for any details until such time as any outside payments are received. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the town council 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. **RECOMMENDED BY TOWN COUNCIL (6-0), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)**

Yes – 550 No - 170

Article #14

To see if the Town will vote to raise and appropriate the sum of \$83,800 (Eighty-three Thousand, Eight Hundred) for salaries and benefits to be set aside in a merit wage pool for non union Town personnel. **RECOMMENDED BY TOWN COUCIL (8-1), RECOMMENDED BY THE BUDGET COMMITTEE (8-0)**

<u>Salaries</u>	<u>Taxes & Retirement</u>
\$69,800	\$14,000

Yes – 454 No - 275

GIVEN UNDER OUR HANDS AND SEAL THIS 21st DAY OF MARCH IN THE YEAR OF OUR LORD, TWO THOUSAND AND SEVEN.

ON BEHALF OF THE ENTIRE HOOKSETT TOWN COUNCIL:

_____	_____
George Longfellow, Chairman	Jason Hyde, Secretary

A TRUE COPY OF WARRANT – ATTEST:

_____	_____
George Longfellow, Chairman	Jason Hyde, Secretary