

# TOWN OF WINDHAM NEW HAMPSHIRE



## Warrant and Budget 2020

*This is the Town Warrant for consideration  
at the February 8, 2020 Deliberative Session*

# TOWN WARRANT

## THE STATE OF NEW HAMPSHIRE

To the Inhabitants of the Town of Windham in the County of Rockingham in said State, qualified to vote in Town Affairs:

You are hereby notified of the following annual Town Meeting schedule.

### **First Session of Annual Meeting (Deliberative)**

You are hereby notified to meet at the Windham High School in said Windham on Saturday, the Eighth day of February, 2020 at 9:00 am. This session shall consist of explanation, discussion, and debate of warrant articles numbered 5 through 25. Warrant articles may be amended subject to the following limitations: (a) warrant articles whose wording is prescribed by law shall not be amended and (b) warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

### **Second Session of Annual Meeting (Official Ballot Voting)**

You are hereby notified to meet again at the Windham High School in Windham, on Tuesday, March 10, 2020 between the hours of 7:00 am and 8:00 pm to vote by official ballot on warrant articles numbered 1 through 25.

**ARTICLE 1.** To choose all necessary Town Officers for the year ensuing.

**ARTICLE 2.** To vote by ballot on the following amendments to the Windham Zoning Ordinance and Zoning District Map as proposed by the Planning Board.

#### **Planning Board Amendment #1: Wetland and Watershed Protection District.**

##### **Amend Section 601 of the Windham Zoning Ordinance relating to the Wetland and Watershed Protection District By:**

- A. Amending the title of Section 601 to read:  
601. Wetland and Watershed Protection District (WWPD):
- B. Replacing the acronym "W.W.P.D." wherever it appears in Section 601 with the acronym "WWPD".

*Planning Board Recommends Voting Yes 6-0*

#### **Planning Board Amendment #2: Residence Districts**

##### **Amend Section 603 of the Windham Zoning Ordinance relating to Residence Districts A, B, & C as follows:**

Deleting the opening line of Section 603 relative to the purpose of said Section, and replacing it with the following new language:

The Residence Districts are intended as an area district for residences, with limited ancillary uses thereby avoiding conflicts with the use and enjoyment of residential properties. The Residence A District is primarily located in previously developed areas with smaller lot sizes, and often surrounding environmentally sensitive areas. The Residence B and C areas afford a wider range of housing alternatives to be developed making a diversity of housing options available to residents.

*Planning Board Recommends Voting Yes 7-0*

### **Planning Board Amendment #3: Housing for Older Persons**

#### **Amend Section 610 of the Windham Zoning Ordinance relating to Housing for Older Persons as follows:**

Deleting Section 610.7.2.5 as it appeared on the 2019 Warrant and replacing it with the following new language:

**610.7.2.5** In addition to and/or in satisfaction of, the requirements of Section 610.9.1, an Applicant may include a minimum of a community gathering space or similar common recreation facility for all residents. As a guideline, this community gathering space should be one-hundred square feet (100 sq. ft.) per dwelling unit and be both an on-site and all-weather year-round facility.

*Planning Board Recommends Voting Yes 7-0*

### **Planning Board Amendment #4: Cobbett's Pond and Canobie Lake Watershed Protection Ordinance.**

#### **Amend Section 616 of the Windham Zoning Ordinance relating to the Cobbett's Pond and Canobie Lake Watershed Protection Ordinance By:**

A. Amend Section 616.4 by inserting the following new Definition in alphabetical sequence within said Section:

Impervious Surface – Shall have the meaning as set forth in Section 200, provided, that for the purposes of calculations required under this Section (e.g. Section 616.6.1.2), a maximum of one hundred fifty square feet (150 SF) of retaining wall may be excluded from the calculation of impervious area, provided the wall has a footprint of 12 inches or less in width.

*Planning Board Recommends Voting Yes 7-0*

### **Planning Board Amendment #5: Cobbett's Pond and Canobie Lake Watershed Protection Ordinance.**

#### **Amend Section 616 of the Windham Zoning Ordinance relating to the Cobbett's Pond and Canobie Lake Watershed Protection Ordinance By:**

A. Amending the title of Section 616 to read:

616. Cobbett's Pond and Canobie Lake Watershed Protection Overlay District (WPOD):

B. Replacing the phrase "Watershed Protection Overlay District" wherever it appears in Section 616 with the acronym "WPOD".

*Planning Board Recommends Voting Yes 7-0*

### **Planning Board Amendment #6: Cobbett's Pond and Canobie Lake Watershed Protection Ordinance.**

#### **Amend Section 616 of the Windham Zoning Ordinance relating to the Cobbett's Pond and Canobie Lake Watershed Protection Ordinance By:**

A. Amend Section 616.6.1.2 by striking the current language and replacing it with the following:

616.6.1.2 – For any development that will result in post development impervious surface constituting more than 20% of the entire lot (or that portion of a lot to which the Ordinance applies under Sections 616.2.3) a storm water management and erosion control plan, consistent with the New Hampshire Stormwater Manual (latest edition) prepared by NH DES, shall be prepared and submitted for review and approval as part of a Major Watershed application unless previous approval has been granted through the Site Plan/Subdivision Watershed Application process. Major Watershed applications are reviewed and approved by the Planning Board.

- B. Amend Section 616.6.1.3 by striking the current language and replacing it with the following:

616.6.1.3 – For any development that increases impervious surface, and that does not meet the requirements under Section 616.6.1.2, a Minor Watershed Application shall be submitted for review and approval. Minor Watershed Applications are reviewed and approved by the Code Enforcement Administrator and Building Inspector.

*Planning Board Recommends Voting Yes 7-0*

**Planning Board Amendment #7: Historic District:**

**Amend Windham Zoning Map** by rezoning Map 7-A-500 located at 84 Governor Dinsmore Road, and generally known as the Dinsmore Memorial Lot from Rural District to Historic District.

*Planning Board Recommends Voting Yes 7-0*

**ARTICLE 3.** To vote by ballot on the following amendments to the Windham Zoning Ordinance and Zoning District Map as submitted by Petition under RSA 675:4.

**Citizen Petition #1**

“Are you in favor of Town amending the Town of Windham Zoning Ordinance to rezone Tax Map 9-A-500 to Residence B to allow its owner to develop the property as a multifamily having 75% of the units being offered at market rate and 25% being offered as workforce housing units? The subject parcel is presently located in the Rural District.”

*Planning Board Recommends Voting No 6-1*

**ARTICLE 4.** Shall the Town of Windham adopt, pursuant to authority provided under RSA 155-A:3 (I) and RSA 674:51, the statutory process to enforce the “New Hampshire Building Code”, as adopted by the State of New Hampshire, in accordance with RSA 155-A, together with the following local amendments:

- A) The following sections of the 2015 International Residential Code are hereby revised:

Section R101.1 – Insert “Town of Windham”

Section 106.2 – After the first sentence, insert “The site plan shall depict the existence and location of all public and private easements, as well as applicable setback lines from lot lines, wetlands and other features creating setbacks under the Windham Zoning Ordinance.”

Section R108.5 – Delete “Building Official” and insert “Board of Selectmen”

Section R301.2 (1) – Amend Table by inserting design criteria (see bold)

Ground Snow Load	Wind		Seismic Design Category	Subject to Damage From			Winter Design Temperature	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed (MPH)	Topographic Effects(k)/ Special wind region(l)/ Wind-borne debris zone(m)		Weathering	Frost Line Depth	Termite					
60	100	No	C	Severe	4'-0"	Slight to Moderate	-3 Fahrenheit	Yes	1980	2000	45 Fahrenheit

Section R302.5.1 –Delete last sentence and insert “Other openings between the garage and residence shall be equipped with a one (1) hour self-closing fire-rated door.”

B) The following Sections of the 2015 International Building Code are hereby revised:

Sections 101.1 & 1612.3 – Insert “Town of Windham”

Section 107.2.5 - After the first sentence, insert “The site plan shall depict the existence and location of all public and private easements, as well as applicable setback lines from lot lines, wetlands and other features creating setbacks under the Windham Zoning Ordinance.”

Section 1612.3 after “dated” – Insert “May 17, 2005”

C) The following Sections of the 2015 International Plumbing Code are hereby revised:

Section 101.1 – Insert “Town of Windham”

Section 106.6.2 – Insert “Fees as adopted by the Board of Selectmen”

Section 108.4 – Delete section and insert “Per NH RSA 676:17, as it may be amended”

Section 108.5 – Delete section and insert “Per NH RSA 676:17, as it may be amended”

D) The following Sections of the 2015 International Mechanical Code are hereby revised:

Section 101.1 – Insert “Town of Windham”

Section 106.5.2 – Insert “Fees as adopted by the Board of Selectmen”

Section 108.4 – Delete section and insert “Per NH RSA 676:17, as it may be amended”

Section 108.5 – Delete section and insert “Per NH RSA 676:17, as it may be amended”

E) The following Sections of the 2015 International Energy Conservation Code are hereby revised:

Section 101.1 – Insert “Town of Windham”

Section 107.5 – Delete “Code Official” and insert “Board of Selectmen”

Section 108.4 – Delete section and insert “Per NH RSA 676:17, as it may be amended”

- F) That if any Section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this code. The Town of Windham hereby declares that it would have passed this code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- G) That nothing in the New Hampshire Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this adoption.
- H) That Windham adopts the Codes vetted by the State Building Code Review Board through the New Hampshire Department of Safety and that this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force from the date of its adoption.

***Planning Board Recommends Voting Yes 7-0***

**ARTICLE 5.** To see if the Town will vote to raise and appropriate the sum of Nine Million Five Hundred Thousand and no 100ths (\$9,500,000.00) Dollars for the purpose of constructing a water line from the area of Route 111 and Range Road westerly along Route 111 to Ledge Road, for approximately 22,380 LF, to include cost of engineering, planning, bid documentation, right of way, and construction expenses, as well as payment of costs associated with the financing of said project; said sum to be in addition to any federal, state or private funds made available therefor, and to raise the same by issuance of not more than \$6,336,500.00 in bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to apply toward the cost any interest earned from the temporary investment of any bond or note and to take any other action as may be necessary to carry out and complete financing of this project, with the balance of \$3,163,500 to come from private contributions from users of the water line and / or grants from such sources as the NHDES Drinking Water and Groundwater Trust Fund. Should this article be approved but the grants and or private donations not be awarded or received, this article shall be considered null and void. The Town anticipates that its agreement with the franchisee who will operate the water service will include provisions to receive fees for connections to the water line over time, which will be applied to offset costs associated with bond payments. (60% Majority Required)

***Not Recommended by the Board of Selectmen 2-2-1***

**ARTICLE 6.** To see if the Town will vote to raise and appropriate the sum of Three Hundred Thousand and no 100ths (\$300,000) Dollars for the purpose of repairing the roof and stone exterior of the tower of the Searles Building and purchasing equipment, materials and furnishing of a lasting nature for said construction and payment of costs associated with the financing of said project, said sum to be in addition to any federal, state or private funds made available therefore, and to raise the same by issuance of not more than \$300,000 in bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to apply toward the cost any interest earned from the temporary investment of any bond or note and to take any other action as may be necessary to carry out and complete financing of the project. The Town anticipates that the Searles Revenue Fund will be applied to offset up to half of the costs associated with annual bond payments. (60% Majority Required)

***Recommended by the Board of Selectmen 4-0***

**ARTICLE 7.** To see if the Town will vote to raise and appropriate the sum of One Hundred Eighty Thousand, and no 100ths (\$180,000) Dollars for the purpose of repairing approximately 1800' of the Rockingham Recreational Rail Trail, including drainage, pavement improvements, and engineering planning associated with the construction and payment of costs associated with the financing of said project; any federal, state or private funds made available therefore shall be applied toward the cost of the project; and to raise the same by issuance of not more than \$80,000 in bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to apply toward the cost any interest earned from the temporary investment of any bond or note; and furthermore to authorize the withdrawal of \$50,000 from the Rail Trail Non-Capital Reserve Fund established for this purpose, with the balance of \$50,000 to be raised by general taxation; and to take any other action as may be necessary to carry out and complete financing of this project. This article is part of the Capital Improvement Program. (60% Majority Required)

*Recommended by the Board of Selectmen 4-1*

**ARTICLE 8.** To see if the Town will vote to raise and appropriate the sum of \$75,000 to be added to the Property Maintenance Expendable Trust Fund.

*Recommended by the Board of Selectmen 4-1*

**ARTICLE 9.** To see if the Town will vote to raise and appropriate the sum of \$32,500, said amount to be withdrawn from the balance in the previously established Searles Special Revenue Fund for payment of both marketing related and maintenance related costs associated with the Searles Building. Approval of this article will have no additional impact on the tax rate.

*Recommended by the Board of Selectmen 4-1*

**ARTICLE 10.** To see if the Town will vote to approve the cost items included in the latest tentative bargaining agreement reached between the Selectmen and members of Local Union No. 1801 AFSCME (Municipal Union) and to further raise and appropriate the sum of \$29,220 representing the amount of the increased cost attributable to the increase in salaries and benefits to said members for the fiscal year 2020. Said contract to expire on March 31, 2023 with the additional cost for 2021 to be \$45,030, \$36,630 for 2022, and \$11,950 for 2023 at the current staffing level.

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 11.** To see if the Town will vote to approve the cost items included in the latest tentative bargaining agreement reached between the Selectmen and members of Local Union No. 2915 IAFF (Fire Union) and to further raise and appropriate the sum of \$63,790 representing the amount of the increased cost attributable to the increase in salaries and benefits to said members for the fiscal year 2020. Said contract to expire on March 31, 2023 with the additional cost for 2021 to be \$73,540, \$72,150 for 2022, and \$17,960 for 2023 at the current staffing level.

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 12.** To see if the Town will vote to approve the cost items included in the latest tentative bargaining agreement reached between the Selectmen and members of Local Union No. 213 NEPBA (Police Union) and to further raise and appropriate the sum of \$56,150 representing the amount of the increased cost attributable to the increase in salaries and benefits to said members for the fiscal year 2020. Said contract to expire on March 31, 2023 with the additional cost for 2021 to be \$67,860, \$65,890 for 2022, and \$15,560 for 2023 at the current staffing level.

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 13.** Shall the Town of Windham, if Article(s) #10, 11, or 12, are defeated, authorize the governing body to call one special meeting, at its option, to address Article(s) #10, 11, or 12, cost items only?

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 14.** To see if the Town will vote to raise and appropriate the sum of \$93,770 for the purpose of paying the second of three lease payments associated with the Fire Department Ambulance leased in 2019. This article is part of the Capital Improvements Program.

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 15.** To see if the Town will vote to raise and appropriate the sum of \$50,000 for the purpose of purchasing a new Rescue Tool for the Windham Fire Department's Ladder Truck and to authorize the Board of Selectmen to contract for, accept and expend Federal Assistance to Firefighters Grant (AFG) funding in the amount of \$47,500 to be applied against said appropriation, with the balance of \$2,500 to come from general taxation. This will be a non-lapsing account per RSA 32:7, VI and will not lapse for a period of two (2) years. This article shall be deemed null and void if the AFG Grant is not approved.

*Recommended by the Board of Selectmen 4-0*

**ARTICLE 16.** To see if the Town will vote to raise and appropriate the sum of \$65,000 for the purpose of making any needed repairs to the Police Station roof as well as replacing the roof shingles and rubber membranes. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the project is complete or for a period of two (2) years, whichever is less. This article is part of the Capital Improvement Program.

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 17.** To see if the Town will vote to raise and appropriate the sum of \$50,000 for the purpose of making improvements associated with Phase I of the Town Common Beautification project to include but not limited to installation of sidewalks and crosswalks along North Lowell Road in the area of the Town Center as well as improving the landscaping and utility of the Town Common area. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the project is complete or for a period of five (5) years, whichever is less. This article is part of the Capital Improvement Program.

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 18.** To see if the Town will vote, pursuant to RSA 162-K:1(II) to adopt the provisions of RSA 162-K "Municipal Economic Development and Revitalization Districts", authorizing the Town to establish one or more economic development and revitalization districts.

*Recommended by the Board of Selectmen 4-0*

**ARTICLE 19.** "Shall we adopt the provisions of RSA 31:95-c to restrict 100% of the revenues from income derived from *collection of water source demand charges (MSDC) from water line users* to expenditures for the purpose of *paying the loan or other payments associated with the purchase of the towns allotment of gallons of water from the City of Manchester associated with the Regional Water Line Project?* Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the *MSDC Special Revenue* fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote of the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue."

*Recommended by the Board of Selectmen 4-0*

**ARTICLE 20.** To see if the Town will vote to authorize the Board of Selectmen to negotiate and execute a lease agreement between the Town and the Town of Salem for the use of a parcel of land consisting of an area of 90 +/- feet x 135 feet with 90+/- feet of frontage on the Northerly side of Northland Road situated on the Westerly side of a constructed access road as depicted on a certain plan entitled “Northland Road PRV/Chemical Feed Station” prepared by Weston & Sampson dated 2019. Said lease shall contain, but not be limited to the following terms:

1. An initial term of up to twenty five (25) years
2. The ability of the Board, in their discretion, and upon request, to extend the lease for up to two (2) additional twenty-five (25) year terms
3. Annual lease payment of \$1
4. The right for the Town of Salem to utilize the adjacent access road to provide access from the Easterly side of the demised premises to Northland Road.

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 21.** As authorized under RSA 72:35 (I-a), shall we modify the Tax Credit for Service-Connected Total Disability from property tax in the Town of Windham, for qualified taxpayers, from \$2,000 to \$4,000.

*Recommended by the Board of Selectmen 5-0*

**ARTICLE 22.** By Petition of Earl Bartlett and others “This article is to respectfully ask for your consideration in a Yes vote to allow the Town Voters, Property Owners and / or the Town Council, Selectmen and the Town Administrator to grant relief of a hardship by removing deed restrictions placed on 13 Third Street (16-P-1004) and two small abutting lots (16-P-501 & 502). A Yes, would allow the property owner reasonable use of their land. Allowing removal of the deed restrictions would make it possible for a structure on the property. This land is the same size or greater than the past and present lots being developed. The property is large enough to support a well and a septic, thus not effecting surrounding abutters.”

*Not Recommended by the Board of Selectmen 5-0*

**ARTICLE 23.** By Petition of David Johns and others “Shall we allow the operation of keno games within the Town of Windham”

**ARTICLE 24.** By Petition of John Gage and others “New Hampshire Resolution to Take Action on Climate Pollution: We the town of Windham hereby call upon our State and Federal elected representatives to enact carbon-pricing legislation to protect New Hampshire from the costs and environmental risks of continued climate inaction. To protect households, we support a Carbon Fee and Dividend approach that charges fossil fuel producers for their carbon pollution and rebates the money collected to all residents on an equal basis. Enacting a Carbon Cash-Back program decreases long-term fossil-fuel dependence, aids in the economic transition for energy consumers, and keeps local energy dollars in New Hampshire’s economy. Carbon Cash-Back has been championed by US economists (Jan 17, 2019 WSJ) as the most effective and fair way to deliver rapid reductions in harmful carbon emissions at the scale required for our society.

We expect our representatives to lead in this critical moment for the health and well-being of our citizens and for the protection of New Hampshire’s natural resources upon which we all rely.

The record of the vote approving this article shall be transmitted by written notice to Windham’s State Legislators, to the Governor of New Hampshire, to Windham’s Congressional Delegation, and to the President of the United States, informing them of the instructions from their constituents, by Windham’s Select Board, within 30 days of this vote.

**ARTICLE 25.** Shall the Town 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 \$16,035,134.45. Should this article be defeated, the operating budget shall be \$15,711,529.45 which is the same as last year, with certain adjustments required by previous action of the town, 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.

Town Officers' Salaries	\$ 3,330	Emergency Management	12,470
Administration	784,770	Community Development	564,790
Town Clerk Expenses	361,125	Town Highway Maintenance	1,158,920
Tax Collector Expenses	173,970	Street Lighting	17,830
Election and Registration	51,140	Solid Waste Disposal	1,244,600
Cemeteries	41,450	Health and Human Services	50,475
General Gov't Buildings	408,670	General Assistance	45,540
Appraisal of Properties	203,515	Library	1,292,345
Information Technologies	265,560	Recreation	255,600
Town Museum	5,650	Historic District Commission	7,300
Searles Building	10,090	Conservation Commission	6,910
Legal Expenses	51,900	Senior Center	5,170
Retirement Service Charges	4,000	Cable TV Expenses	124,430
Insurance	340,645	Interest Expenses (TANs)	500
Contracted Services	5	Long Term Debt	429,089.45
Police Department	3,439,360	<i>(Principal \$351,037.15 and Interest \$78,052.30)</i>	
Dispatching	515,965	Capital Outlay – Roads (Part of CIP)	300,000
Fire Department	3,858,020	<b><i>Recommended by the Board of Selectmen 5-0</i></b>	

\***Note:** Warrant Article 25 (operating budget does not include appropriations proposed under any other warrant articles).

Given under our hands and seal, this 24<sup>th</sup> day of January, in the year of our Lord two thousand and twenty.

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***Ross McLeod***

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***Bruce Breton***

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***Roger Hohenberger***

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***Joel Desilets***

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***Heath Partington***

Board of Selectmen, Town of Windham

**ROCKINGHAM COUNTY: Windham, New Hampshire**

We hereby certify that we gave notice to the inhabitants within named, to meet at the time and place and for the purpose within mentioned, by posting up an attested copy of the within Warrant at the place of meeting within named, and a like attested copy at the WINDHAM TOWN HALL, NESMITH LIBRARY, and WINDHAM HIGH SCHOOL, being public places in said Town, on the 24<sup>th</sup> day of January, 2020.

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*Ross McLeod*

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*Bruce Breton*

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*Roger Hohenberger*

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*Joel Desilets*

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*Heath Partington*

Board of Selectmen, Town of Windham