

**TOWN OF HEBRON, NH
TOWN MEETING MINUTES
MARCH 11, 2014**

The meeting was called to order by the moderator, Peter Carey, at 7:00 p.m. Official ballot voting for town officials closed at 7:00 p.m. Following the Pledge of Allegiance, the moderator introduced town and election officials and then read aloud the meeting rules to the audience.

Mary Campbell moved and Sheila Oranch seconded the motion to dispense with the second reading of an article if no amendment was made - **motion passed by voice vote.**

(Note: The original wording of articles is in italics; amendments are in italics and bold; and results are in bold).

ARTICLE 1: *To choose all Town Officers for the ensuing year by official ballot. The polls will be open at 11:00 a.m. and close at 7:00 p.m., and the business meeting will commence at 7:00 p.m. on the following articles.*

The results of voting for town officials (Article 1) are recorded separately.

ARTICLE 2: *Are you in favor of the adoption of Amendment No.1 as proposed by the Hebron Planning Board for the town Zoning Ordinance, as follows: To amend Article II: Definitions, by replacing the current definition of Building Height with the following: "Building Height" means the vertical distance from Grade Plane to the high point of the highest roof surface.*

Results of voting for the zoning amendment (Article 2) are recorded separately.

ARTICLE 3: *Bill Lucarelli moved and Sheila Oranch seconded the motion to see if the Town will vote to support the following resolution: WHEREAS development of one or more large scale wind farms along the mountain ridge lines visible from Town will negatively impact the Town's rural nature, scenic beauty, roads and natural resources, and thus cause negative economic consequences, now be it RESOLVED that the Town strongly opposes the development of large wind turbines along the mountain ridge lines, some of which have been proposed to be built on mountain ridges, visible from or directly within the Town of Hebron. Submitted by Petition*

Mr. Lucarelli spoke to the motion and provided a PowerPoint presentation explaining the location of the Groton Wind project, proposed wind projects in the Newfound area, power lines currently operational in New Hampshire along with the proposed Northern Pass route. No discussion occurred.

The article passed by secret ballot: Yes - 93; No - 5

ARTICLE 4: *Bill Lucarelli moved and Chuck Beno seconded the motion to see if the Town of Hebron will vote to pass the following ordinance:*

*Town of Hebron, Grafton County, New Hampshire
Ordinance No. _____ of 2014*

*AN ORDINANCE TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS AND ECOSYSTEMS OF
HEBRON, NEW HAMPSHIRE BY ESTABLISHING A COMMUNITY BILL OF RIGHTS; AND BY PROHIBITING THE
SITING OF NEW ENERGY PROJECTS THAT WOULD VIOLATE THOSE RIGHTS.*

Whereas, this community finds that certain commercial energy projects are economically and environmentally unsustainable, in that they damage property values and the natural environment, place the health of residents at risk, threaten the quality of natural systems within the Town, while failing to provide real benefits to the people of this community; and

Whereas, this community finds that unsustainable energy projects violate the rights of Hebron residents, including our right to make decisions about what happens to the places where we live; and

Whereas, current environmental laws allow state-chartered corporations to inflict damage on local ecosystems that cannot be reversed, violating the rights of residents to protect their community and the rights of ecosystems to exist; and

Whereas, private corporations engaged in the siting of unsustainable energy projects are wrongly recognized by the federal and state government as having more "rights" than the people who live in our community, and that recognition of corporate "rights" is therefore, a denial of the rights of the residents of Hebron; and

Whereas, such a denial violates the New Hampshire Constitution's recognition that "all government of right originates from the people, is founded in consent and instituted for the general good;" and the Declaration of Independence's recognition that governments are instituted to secure and protect the rights of people and communities;

Therefore, We the People of Hebron hereby adopt this Community Bill of Rights Ordinance.

Section 1 -- Definitions

(a) "Corporations," for purposes of this Ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, business entity, public benefit corporation, or limited liability company organized under the laws of any state of the United States or under the laws of any country.

(b) "Ecosystem" shall include but not be limited to, wetlands, streams, rivers, aquifers, and other water systems, as well as all naturally occurring habitats that sustain wildlife, people, flora and fauna, soil dwelling or aquatic organisms.

(c) "Energy Systems" means those systems producing, generating, distributing, transmitting, or transporting energy and power.

(d) "Unsustainable energy systems" means those systems that are controlled by state and federal energy policies, rather than community controlled energy policies; hydroelectric power and industrial scale wind power when it is not locally or municipally owned and operated; energy systems using fossil fuels, including but not limited to coal, natural gas, petroleum products, nuclear and radioactive materials, and other fuel sources that are non-renewable, or which produce toxins and substances that cause injury to humans or ecosystems, or that are in violation of residents' right to a sustainable energy future. The phrase shall also include any energy system which violates the rights secured under this Ordinance or under other laws. The term shall not include combustion of wood and wood products or the use of propane, kerosene, heating oil, coal, or natural gas when combustion of those fossil fuels is used solely to generate on-site heat or power and the energy produced is not commercially sold, transmitted, or distributed.

Section 2 -- Statements of Law -- Rights of Residents and the Natural Environment

(a) Right to a Sustainable Energy Future. All residents of Hebron have a right to a sustainable energy future in which energy decisions are made by the community, and in which fuel sources used to generate energy are renewable and sustainable.

(b) Right to Scenic Preservation. All residents of the town of Hebron possess a fundamental and inalienable right to protect and preserve the scenic, historic and aesthetic values of the town, including clean air, pure water, healthy soil, and unspoiled vistas that provide the foundation for tourism and economic

sustainability for local businesses. Residents and local representatives have the authority to enact and enforce legislation that guarantees an exercise of local self-government that is protective of these rights.

(c) *Right to Water.* All residents and ecosystems of the Town of Hebron possess a right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the Town.

(d) *Rights of Ecosystems.* Ecosystems, including but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess rights to exist and flourish within the Town of Hebron. Residents of the Town shall possess legal standing to enforce those rights on behalf of those ecosystems.

(e) *Right to Self-Government.* All residents of Hebron possess the right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent. Use of the "Town of Hebron" municipal corporation by the sovereign people shall not be deemed, by any authority, to eliminate or reduce that self-governing authority.

(f) *Rights as Self-Executing.* All rights delineated and secured by this Ordinance are inherent, fundamental, and inalienable, and shall be self-executing and enforceable against both private and public actors.

Section 3 -- Statements of Law -- Prohibitions Necessary to Secure Bill of Rights Protections

(a) It shall be unlawful within the Town of Hebron for a corporation or any person using a corporation, to engage in land acquisition necessary for the construction of an unsustainable energy system, or to engage in construction or siting of any structure to be used in the operation of an unsustainable energy system.

(b) It shall be unlawful for any corporation or government to violate the rights recognized and secured by this Ordinance.

(c) No permit, license, privilege, charter, or other authority, issued by any State or federal agency, which would violate the prohibitions of this Ordinance or deprive any Town resident, of any rights, privileges, or immunities secured by this Ordinance, the New Hampshire Constitution, the United States Constitution, or other laws, shall be deemed valid within the Town of Hebron.

Section 4 -- Enforcement

(a) Any corporation that violates any prohibition of this Ordinance shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and violation of each section of this Ordinance, shall count as separate violations.

(b) The Town of Hebron may enforce this Ordinance through an action in equity brought in any court possessing jurisdiction over activities occurring within the Town of Hebron. In such an action, the Town of Hebron shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(c) Any Town resident shall have the authority to enforce this Ordinance through an action in equity brought in any court possessing jurisdiction over activities occurring within the Town of Hebron. In such an action, the resident shall be entitled to recover of all costs of litigation, including, without limitation, expert and attorney's fees.

(d) Any person who brings an action to secure the rights of natural communities or ecosystems within the Town of Hebron shall bring that action in the name of the ecosystem in any court possessing jurisdiction over activities occurring within the Town of Hebron. Damages shall be measured by the cost of restoring the ecosystem to its state before the injury, and shall be paid to the Town of Hebron to be used exclusively for the full and complete restoration of the ecosystem.

Section 5 -- Corporate Powers

(a) Corporations and other business entities which violate this Ordinance, or which seek to violate this Ordinance, shall not be deemed to be "persons", nor possess any other legal rights, privileges, powers, or protections which would interfere with the enforcement of rights or prohibitions enumerated by this Ordinance. Such powers shall include the authority to assert state or federal preemptive laws in an attempt

to overturn this Ordinance, and the authority to assert that the people of the Town lack the authority to adopt this Ordinance.

(b) All laws adopted by the legislature of the State of New Hampshire, and rules adopted by any State agency, shall be the law of the Town of Hebron only to the extent that they do not violate this Ordinance.

Section 6 -- Sustainable Energy Policy

The Town shall implement a Sustainable Energy Policy following the adoption of this Ordinance that provides a plan for the community's reduction in use of power from unsustainable energy systems, within a time frame agreed to by the residents, to be decided by popular vote.

Section 7 -- Effective Date and Existing Permit Holders

This Ordinance shall be effective five (5) days after the date of its enactment, regardless of the date of any applicable local, state, or federal permits.

Section 8 -- People's Right to Self-Government

Use of the courts or the legislature to attempt to overturn the provisions of this Ordinance shall require community meetings focused on changes to Town government that would insulate the Town from interference with the right of residents to local self-government.

Section 9 -- New Hampshire Constitutional Changes

The people of the Town of Hebron call for changes to the New Hampshire Constitution to secure within it explicitly a community right to local self-government free from preemption by State government. The people of Hebron also call for a state constitutional amendment and federal constitutional changes that explicitly elevate community rights above corporate property rights, and that recognize the rights of nature enforceable by the residents of a community.

Section 10 -- Severability

The provisions of this Ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance. The Town of Hebron hereby declares that in the event of such a decision, and the determination that the court's ruling is legitimate, it would have enacted this Ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

Section 11 -- Repealer

All inconsistent provisions of prior Ordinances adopted by the Town of Hebron are hereby repealed, but only to the extent necessary to remedy the inconsistency.

Submitted by Petition

Bill Lucarelli spoke to the motion and explained the purpose of a rights based ordinance (RBO) and the difference from a regular ordinance. Mr. Lucarelli read aloud a letter from a representative of the Community Environmental Legal Defense Fund. There are approximately 150 RBOs across the United States. The purpose of an RBO is to place citizens' rights above corporations.

Suzanne Marshall expressed a concern that similar RBOs in other municipalities have been ruled unconstitutional and have resulted in lawsuits. Ms. Marshall asked if the town had consulted with legal counsel. Selectman Thomas Gump responded the town's attorney stated some parts of the RBO are illegal and probably are non-enforceable.

Alan Barnard noted the State of New Hampshire's Site Evaluation Committee currently has the responsibility to evaluate wind farm projects. There is a method of creating laws which is at the state level through the municipality's state representative.

Several individuals expressed opinions that Wind Farms are detracting from the natural beauty of the Newfound area.

The article passed by secret ballot: Yes - 88; No - 17

ARTICLE 5: *Chuck Beno moved and Bill McCabe seconded the motion to see if the Town will vote to delegate the duties and responsibilities of the Cemetery Trustees to the Board of Selectmen.*

Selectman Patrick Moriarty spoke to the motion and explained the town does not currently have Cemetery Trustees and this article will fulfill the town's legal obligation by designating the trustees' duties to the selectmen. The selectmen have been acting as de facto trustees.

The article passed by voice vote

ARTICLE 6: *Doug Riddle moved and Paul M. Fleming seconded the motion to see if the voters of the Towns of Hebron and Bridgewater will direct the School Board of the Newfound Area School District to undertake a study of the feasibility and suitability of the withdrawal of the Towns of Hebron and Bridgewater from the cooperative district. In accordance with RSA 195, Section 25, the study shall be conducted by a committee composed of at least one member of the School Board from each of the pre-existing districts, one member of the Board of Selectmen from each town, and such other members as may be appointed by the committee. Within 180 days after the date of formation, the committee shall report its findings to the State Board of Education. There is no cost for this study. Recommended by the Selectmen of Hebron and Bridgewater.*

Selectman Patrick Moriarty spoke to the motion. The towns of Hebron and Bridgewater jointly own the Bridgewater-Hebron School. This article proposes studying the withdrawing of Hebron and Bridgewater from the Newfound Area School District. There is some discussion within the school district of changing how towns are charged for students from a per pupil cost to equalized valuation.

Paul M. Fleming stated there are some individuals trying to promote change within the district and a study could help with this goal.

Doug Riddle read aloud a letter from Derry Riddle, Bridgewater Hebron Village District Commissioner. Ms. Riddle's letter outlines what might be accomplished through a study such as reviewing the quality of education and costs. Currently, the Newfound Area School District leases the physical facility for \$1.00/year. This article only asks for a study with no obligation to proceed with withdrawal from the Newfound Area School District.

Donald Franklin, Hebron's school board representative to the Newfound Area School District, stated he supports this study. Changing to equalized valuation would probably double Hebron's obligation. The study should provide Bridgewater and Hebron with various options.

The article passed by voice vote

ARTICLE 7: *Thomas Gump moved and Suzanne Appleton seconded the motion to see if the Town will vote to raise and appropriate the sum of Ninety-Five Thousand Four Hundred and Forty Dollars (\$95,440) to be added to the Capital Reserve Funds as follows:*

Police	\$5,000
Highway	\$20,000
Fire	\$40,000

<i>Ambulance</i>	<i>\$20,000</i>
<i>Communications</i>	<i>\$5,000</i>
<i>Assessment Services</i>	<i>\$5,440</i>
<i>Recommended by the Selectmen</i>	

Selectman Gump spoke to the motion and thanked the Capital Improvement Program Committee (CIP) for their work, explained the purpose of the CIP Committee and reviewed each of the amounts to be placed in the various Capital Reserve Funds.

The article passed by voice vote

ARTICLE 8: *Sheila Oranch moved and Elaine Gump seconded the motion to see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) to add to the Town Offices Expansion and Refurbishment Fund. Recommended by the Selectmen.*

Selectman Eleanor Lonske spoke to the motion and stated the town has raised and appropriated monies over the past three years to this fund. Selectman Lonske reviewed and explained the various problems associated with the buildings that house the town clerk's/tax collector's offices, the library and the selectmen's office. She further reviewed the Community Charrette which occurred in 2011 along with the suggestions and recommendations made to renovate/refurbish the town office buildings while trying to maintain the character of the village area. Selectman Lonske contacted the Land and Community Heritage Investment Program (LCHIP) to try and obtain a grant to help fund some of the renovations. LCHIP is more willing to assist if community fundraising efforts are utilized and not just monies appropriated through taxation. Concerns mentioned by voters were parking availability around the selectmen's office and keeping the buildings on the National Historic Register.

The article passed by voice vote

ARTICLE 9: *Arthur Cummings moved and Chuck Beno seconded the motion to see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) for the purpose of hiring an architect to prepare design plans for the construction estimate for an addition and renovations to the Academy Building. This is a two-year non-lapsing article. Recommended by the Selectmen.*

Eleanor Lonske spoke to the motion and referred to the discussion that occurred under Article 8.

Alan Barnard stated he was on a previous Facility Needs Committee and that a set of plans for renovating the town clerk's/tax collector's building and the library was generated about 20 years ago at no cost. The \$50,000 to generate new architectural plans for the Academy Building (selectmen's office) is probably more money than needed. The Academy is the most historic building on the National Register. It would be costly to move the underground infrastructure (propane tank, septic system, etc). Kathleen Fleming stated the townspeople have not voted on what should be done with the buildings, but funds should be appropriated for repairs and maintenance.

Several voters expressed concern the article was for an addition and reiterated the townspeople have still not decided what direction to take. Other voters stated the article is to present architectural plans only to the townspeople and that the voters are responsible for any decision on what should be done with the buildings.

After considerable discussion, the article passed by hand count: Yes – 49; No – 31; Abstaining - 3

ARTICLE 10: *Mary Campbell moved and Mitch Manseau seconded the motion to see if the Town will vote to raise and appropriate the sum of Thirty-Six Thousand Seven Hundred and Fifty Dollars (\$36,750) to purchase new fire protective clothing and washing machine for the Fire Department. Recommended by the Selectmen.*

Selectman Patrick Moriarty spoke to the motion and explained the Fire Department is in need of new protective clothing and the washing machine is necessary to maintain/clean the clothing.

The article passed by voice vote

ARTICLE 11: *Mary Campbell moved and Suzanne Smith seconded the motion to see if the Town will vote to raise and appropriate the sum of Thirty-Two Thousand Dollars (\$32,000) to purchase a utility all-terrain vehicle, a track kit, an EMS skid unit, and a utility trailer for the purpose of transporting the vehicle. Recommended by the Selectmen.*

Fire Chief John Fischer spoke to the motion and explained the Fire Department would like a utility terrain vehicle (UTV) to transport patients injured in areas not accessible by other means of transportation. A PowerPoint presentation depicting the type of EMS skid unit which can transport the patient and carry supplies was shown. This type of skid unit is installed on the back of the UTV. The track kit allows the UTV to be used during winter months as well. A demonstration model was available in the meeting area during the day for voters to view.

The article passed by voice vote

ARTICLE 12: *Thomas Gump moved and Marianne Handibode seconded the motion to see if the Town will vote to change the purpose of an existing Cemetery Expansion Capital Reserve Fund to the Cemetery Tombstones and Fence Capital Reserve Fund and to raise and appropriate the sum of Seven Thousand Dollars (\$7,000) to be placed in this fund and to appoint the Selectmen as agents to expend from the fund. (2/3 vote required); Recommended by the Selectmen.*

Selectman Thomas Gump spoke to the motion and thanked Douglas Merrill, Cemetery Sexton, for his work the past year on the cemetery. New fence was installed and Mr. Merrill was able to locate an individual to repair a portion of the tombstones. This article will be used to replace additional old fencing with a PVC type of fence and repair additional tombstones. Cemetery property abutter, Lee Alexander, asked if new fencing would be installed near his property line. Selectman Gump stated fencing would not be installed in that area at this time.

The article passed by hand count (2/3 majority): Yes – 83; No – 0

ARTICLE 13: *Ronald Collins moved and George Andrews seconded the motion to see if the Town will vote to raise and appropriate the sum of One Thousand Dollars (\$1,000) to be placed in the Heritage Commission Fund created in 2006. Recommended by the Selectmen.*

Selectman Patrick Moriarty spoke to the motion and explained when the fund was created.

The motion passed by voice vote

ARTICLE 14: *Arthur Cummings moved and Kathleen Fleming seconded the motion to see if the Town will vote to raise and appropriate the sum of Eleven Thousand Nine Hundred Fifty Dollars (\$11,950) for the Gazebo Programs. Seven Thousand Two Hundred and Nine Dollars (\$7,209) of that amount is to be*

raised by taxes, Two Thousand Seven Hundred and Forty-One Dollars (\$2,741) from fund balance, and Two Thousand Dollars (\$2,000) from Donations and Grants. Recommended by the Selectmen.

Everett Begor spoke to the motion, reviewed the different programs scheduled and Family Fun Day activities. The current gazebo programs budget is smaller than when the programs originally started.

The article passed by voice vote

ARTICLE 15: *Arthur Cummings moved and Suzanne Appleton seconded the motion to see if the Town will vote to raise and appropriate the sum of One Million One Hundred and Nine Thousand Nine Hundred and Fifty-Three Dollars (\$1,109,953) as an operating budget for the 2014 fiscal year. This article EXCLUDES appropriations made under all the previous articles.*

Thomas Gumpp moved and William Powers seconded an amendment submitted by the Library Trustees:

The Trustees of the Hebron Library request that the library budget for 2014 (\$7700.00) be increased by \$400 to \$8100.00, and that Article #15 be amended to reflect this increase by replacing the text:

"One Million One Hundred and Nine Thousand Nine Hundred and Fifty-Three Dollars (\$1,109,953)"

with the text:

"One Million One Hundred and Ten Thousand Three Hundred and Fifty-Three Dollars (\$1,110,353)"

The amendment as presented passed by voice vote

The original article as amended passed by voice vote

Other Business:

Recognition was given to retiring town officials: Thomas Gumpp for serving on the Board of Selectmen, Nancy Howard for serving 18 years as a Supervisor of the Checklist, Daniel Merritt as Compliance and Health officers, William White as Police Chief, and Donna Esty as librarian.

Roger Larochelle moved and Mary Campbell seconded the motion to adjourn the meeting. The motion passed by voice vote. The meeting was adjourned at 10:15 pm.

A true copy of action taken at the Hebron Town Meeting on March 11, 2014.

Tracey Steenbergen
Town Clerk