

**2014 WARRANT**  
**Town of Swanzey, State of New Hampshire**  
**As Amended by First Session per RSA 40:13,IV**

To the inhabitants of the Town of Swanzey in the State of New Hampshire qualified to vote in Town affairs:

**FIRST SESSION** You are hereby notified to meet for the First (Deliberative) Session of the annual Town Meeting, to be held at the Monadnock Regional High School/Middle School Auditorium, Swanzey, NH on **Tuesday, the 4th day of February 2014 at seven in the evening (7:00 p.m.)**. The First Deliberative Session will consist of explanation, discussion and debate of articles and will afford those voters who are present the opportunity to propose, debate and adopt amendments to each warrant article, except election of officers and warrant articles whose wording is prescribed by state law.

**SECOND SESSION** You are also notified to meet for the Second Session of the annual Town Meeting on **Tuesday, the 11th day of March 2014, at the Christian Life Fellowship Church, 211 Whitcomb Road, between the hours of 8:00 a.m. and 7:00 p.m.** to vote by official ballot to elect Town officers, to vote by official ballot on warrant articles as they may have been amended at the First Session and to vote on those other official ballot questions whose wording is prescribed by state law.

**Article 1** To choose by ballot all necessary Town Officers for the ensuing year.

**Article 2** To see if the Town will vote to 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 \$5,888,782. Should this article be defeated, the default budget shall be \$5,821,465, 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. (RECOMMENDED BY SELECTMEN)

**Article 3** To see if the Town will vote to raise and appropriate the sum of \$561,750 to be placed in the following expendable trust and capital reserve accounts of the Town:

<b>Expendable Trust Funds</b>	<b>Amount</b>	<b>Capital Reserve Funds</b>	<b>Amount</b>
Town Hall IMS	\$5,000	Fire Trucks	\$80,000
Revaluations & Updates	\$35,000	Highway & Cemetery Equipment	\$87,500
Police IMS	\$4,000	Town Bridges	\$35,000
Police Facilities	\$4,000	Covered Bridges	\$5,000
Fire Station Maintenance	\$20,000	Recreation Facilities Improvements	\$7,500
Fire Department Tools & Equipment	\$10,000	Conservation Land Acquisition	\$25,000
Emergency Communications	\$10,000	Police Cruisers	\$10,000
Emergency Mgt Facilities & Equip.	\$5,000		
Road Rehab. & Reconstruction	\$170,000		
DPW Facility Improvements	\$10,000		
Cemetery Expansion & Layout	\$2,250		
Mt. Caesar Union Library	\$2,000		
Stratton Free Library	\$2,000		
Whitcomb Hall Rehabilitation	\$32,500		

or take any action thereon. (RECOMMENDED BY SELECTMEN)

**Article 4** To see if the Town will vote to authorize the Selectmen to enter into a three-year lease/purchase agreement in the amount of \$84,500.00 for the purpose of leasing and outfitting two patrol vehicles for the Police Department to replace two police vehicles which combined will have over 200,000 miles by the summer of 2014, and to raise and appropriate the sum of \$29,822.92 for the first year's payment for that purpose, or take any action thereon. This lease agreement contains an escape clause. If the lease/purchase agreement is authorized by the voters, year two and three lease payments will be included in the 2015 and 2016 Town operating and default budgets. (RECOMMENDED BY SELECTMEN)

**Article 5** To see if the Town will vote to authorize the Selectmen to enter into a seven-year lease/purchase agreement in the amount of \$204,742.00 for the purpose of leasing thirty (30) self-contained breathing apparatus (SCBAs) and to raise and appropriate the sum of \$33,223 for the first years payment, for that purpose, or take any action thereon. If the lease/purchase agreement is authorized by the voters, year two through seven lease payments will be included in the 2015 through 2020 Town operating and default budgets. (RECOMMENDED BY SELECTMEN)

**Article 6** To see if the Town will vote to establish a Police Special Details revolving fund pursuant to RSA 31:95-h. All revenues received for the cruiser rate portion of police special details (presently \$12.50 per hour, but subject to change by vote of the Board of Selectmen) 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 balance. The Town Treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the Board of Selectmen and no further approval is required by the legislative body to expend. Such funds may be expended only for the purchase of equipment for the Police Department. (RECOMMENDED BY SELECTMEN)

**Article 7** To see if the Town will vote, pursuant to the applicable provisions of RSA 31:39, to adopt an ordinance as proposed by the Selectmen as follows: A comprehensive ordinance for the reduction, control and prevention of noise, and the establishment of standards that will eliminate and reduce unnecessary environmental noise throughout the community, with enforcement by means including fines? (RECOMMENDED BY SELECTMEN)

**Article 8** To see if the Town will vote, pursuant to the applicable provisions of RSA 162-K, to amend the Tax Increment Financing Plan for the Swanzey Revenue Development District (the "District") to permit tax increments generated by development in the District to be used to pay for capital expenditures of the District in addition to being used to pay debt service on bonds issued to finance District improvements and related District expenses. (RECOMMENDED BY SELECTMEN)

**Article 9** To transact any other business that may legally come before this meeting, or take any action thereon.

Given under our hand and seal this 27<sup>th</sup> day of January in the year of our Lord two thousand fourteen.

*A true copy – Attest:*

Nancy L. Carlson  
Kenneth P. Colby, Jr.  
Deborah J. Davis  
*Swanzey Board of Selectmen*

**TOWN OF SWANZEY**  
**Town Ordinance**  
(RSA 31:39, I(n))

**Official text of the Ordinance proposed for consideration under Article 7 of the 2014 Town Meeting is as follows:**

**NOISE ORDINANCE**

**I. STATEMENT OF PURPOSE.**

It is declared to be the intent of the Town of Swanzey to protect, preserve and promote the health, safety, welfare, peace and quiet of the residents of town of Swanzey through the reduction, control and prevention of noise, and to establish standards that will eliminate and reduce unnecessary environmental noise throughout the community.

**II. DEFINITIONS.**

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. Annoy:** means to disturb or irritate, especially by continued or repeated acts; to bother with unpleasant deeds; to do something to upset or anger someone; to be troublesome; a feeling of discomfort.
- B. Disturb:** means to agitate, to arouse from a state of repose, to interrupt; the unsettling of proper order in a public place, or the unsettling of proper order in a public place from a private place; to disturb includes but is not limited to creating noise likely to injure, by fighting or challenging to fight riots, disturbing others by loud, unusual and unnecessary noise, or using offensive words or insults likely to incite violence.
- C. Intra-Property Real Property Division:** shall mean the ceilings, walls, floors, doors and windows of any duplex, multi-family or condominium dwelling or structure which separate the real property leased or owned by one person from that owned or leased by another person.

- D. Person:** any individual, association, partnership, or corporation, and including any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.
- E. Public Right-of-Way:** any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.
- F. Public Space:** any real property or structure thereon which is owned or controlled by a governmental entity.
- G. Private Place:** any building, property or other place where the general public may be excluded by the owner or other person in control of the private place.
- H. Real Property Boundary:** any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.
- I. Noise:** a sound of any kind produced in a manner to annoy or to disturb.
- J. Noise Disturbance:** any sound created or allowed to continue within a real property boundary or intra-building real property division or public right-of-way or public space, which can be heard across said boundary or intra-building real property division in the confines of another or adjacent real property boundary or intra-building real property division or a public right-of-way or public space which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

### **III. GENERAL PROHIBITION.**

Notwithstanding the specific prohibitions stated herein, it shall be unlawful for any person to make, permit, continue or cause to be made any noise which annoys, disturbs, injures or is likely to endanger the comfort, repose,

health, peace or safety of others within the town limits. For the purpose of this section, persons shall include the owner, tenant, or other person in control of a private place who permits or allows noise that can be heard in a public place or other private place, or who fails to take necessary steps and precautions to prevent animals, guests or other persons on the property from engaging in conduct that creates noise.

#### **IV. SPECIFIC PROHIBITIONS.**

It shall be unlawful to cause a noise disturbance as defined herein.

**A. Between 10:00 PM and 6:00 AM : noise created by:**

1. Loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters or similar objects.
2. The operation or use of agricultural equipment to include, but not limited to tedders, balers and tractors.

**B. Between 10:00 PM and 7:00 AM : noise created by:**

1. The operation or use of construction vehicles to include, but not limited to, bulldozers, graders, dump trucks, backhoes, earth moving equipment, front end loaders and log skidders on the job site.
2. The operation or use of tools, or construction equipment to include but not limited to, cement mixers, hammers, staple or nail guns, power tools; (i.e., saws, drills, grinders, sanders); chain saws, lawnmowers, electric hedge trimmers, lawn edgers, and jack hammers.
3. A noise disturbance created by operating, playing, or using of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which amplifies sound or by the display of permissible fireworks.

C. **Unnecessary Noise From Motor Vehicles as follows:**

1. A person operating in or in control of a parked or moving motor vehicle shall not operate or permit the operation of an electrically amplified sound system in or on the motor vehicle so as to produce sound that is clearly audible in a public right-of-way or way or public space more than fifty (50) feet from the motor vehicle except as otherwise authorized.
2. A person shall not operate a motor vehicle so as to make any loud, unusual, or unnecessary noise occasioned by any one or more of the following actions by the operator:
  - (a) Misuse of Power – exceeding tire traction limits in acceleration, sometimes known as “laying down rubber” or “peeling rubber”, or excessive acceleration where there is no emergency.
  - (b) Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.
  - (c) Rapid acceleration by means of quick up-shifting of transmission gears with either a clutch, manual transmission or automatic transmission.
  - (d) Rapid deceleration by means of quick downshifting of transmission gears with either a clutch, manual transmission or automatic transmission.
  - (e) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is in motion or standing still.
  - (f) Misuse of air brakes by using them when there is nothing in tow behind the vehicle equipped with said air brakes.
  - (g) Sound of the horn of a vehicle for any purpose except to give warning of the presence of such vehicle upon the street to other users of the street. Such use of a

horn shall in all cases be limited to the extent reasonably necessary under the circumstances to give such warning.

(h) Modification of the exhaust system in such a manner which will amplify or increase the sound level emitted by the vehicle motor above that emitted by a muffler originally installed on the vehicle as manufactured for initial sale.

## **V. EXEMPTIONS**

The following uses and activities shall be exempt from noise level regulations:

- A.** Noise of safety signals, warning devices, and emergency pressure relief valves.
- B.** Noises resulting from any authorized vehicle, when responding to an emergency call or acting in time of emergency.
- C.** Noises resulting from emergency maintenance work as performed by the Town, the State, or public utility companies, to include snow removal operations.
- D.** Municipal maintenance work where the abutters to the work site have been given prior notice of the project.
- E.** Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Town.
- F.** Snow blowers and other types of private or commercial snow removal operations.
- G.** Parades and public gatherings for which the Town has issued a permit.
- H.** Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes, or carillons that are presently installed and in use for any purpose.
- I.** The unamplified human voice, except where otherwise prohibited by the provisions of this Section.

## **VI. TEMPORARY SPECIAL PERMIT**

The Police Chief or his or her designee is hereby authorized to issue special permits for periods not exceeding thirty (30) days to persons wishing to exceed those limited provided herein, based upon a demonstration as follows:

- A.** Activity sought to be engaged in is in furtherance of a substantial public interest or benefit and will not be inconsistent with the statement of purpose.
- B.** Activity sought to be engaged in is necessary in order to avoid undue hardship and will not be inconsistent with the statement of purpose.

## **VII. VIOLATIONS AND PENALTIES.**

- A.** Evidence of a specific complaint or complainant is not necessary to establish a violation of this chapter.
- B.** Any person who violates the provisions of this chapter shall be guilty of a violation for each offense and shall be subject to a fine of no less than one hundred (\$100) dollars for each offense. The amount of this fine shall not be fixed and may be adjusted one time per year by the Board of Selectmen.

## **VIII. ENHANCED PENALTY**

Any person who violates the provisions of this Section three (3) or more times in a year shall be subjected to the provision of an enhanced penalty and shall be subject to a fine of no less than five hundred (\$500) dollars for each offense. For the purpose of this Section, a year shall be defined as the period of January 1 to December 31. The amount of this enhanced penalty shall not be fixed and may be adjusted one time per year by the Board of Selectmen.

## **IX. SEVERABILITY**

If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder

of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

**X. EFFECTIVE DATE**

This ordinance shall be considered to be adopted upon vote at Town Meeting.

**Swanzey Board of Selectmen**

Nancy L. Carlson

Kenneth P. Colby, Jr.

Deborah J. Davis

**Signed on January 27, 2014**