

## MINUTES OF TOWN MEETING, MARCH 9,1993

ARTICLE 1 - The Annual Town Meeting was called to order at 10 AM by the Moderator, Electra L. Alessio, for the balloting for Town Officers, Officers of the Sanborn Regional School District and two zoning Questions. The Moderator announced that the absentee ballots would be processed at 1:30 PM. Peter Southwick made a motion, which was seconded, that after the close of voting at 8 PM and after the ballots have been counted, to direct the Moderator to reconvene the meeting at a later date to comply with state law, RSA 41:14. An amendment was made by Marilyn Bartlett, and seconded, to continue the meeting tomorrow night, as usual, at 7 PM at the Swasey Gym. After some discussion, it was voted to cut off debate on a motion made by Donald Briggs, Jr. A vote was taken on the amendment and was passed. After more discussion, it was voted as amended to continue the meeting tomorrow night, as usual, at 7 PM at the Swasey Gym.

The Town Clerk, Bettie C. Ouellette, broke the seals on the boxes of ballot and the Moderator inspected the ballot boxes. The Ballot Clerks were Holly Ouellette, Carolyn R. Christie, Donna M. Grier, Warren R. Whitcomb, Eleanor L. Childs, Judith A. Oljey, Mary L. Hesse, Joan L. Kerkhoff, Ruth B. S. Albert and Marion L. Clark. Selectman, Stamatios Yiokarinis, was present. The additional counters at night were Marilyn B. Bartlett, D. Joan Keezer, Carolyn D. Harlow, Sheila R. Briggs, Edward W. Jervis, Jr., Norma B. Jervis, Diane M. Vaillant, Brian D. Collins, George H. Harmon, Olive F. Moriarty, Mary L. Mercurio, David G. Conant, Gloria M. Parsons, Donna L. Snow, Virginia L. Snow and Linda M. Nadeau.

The following results of the balloting were announced by the Moderator:

The total cast was 897, including 62 absentee ballots. The total voters on the check list - 3251.

### SELECTMAN FOR THREE YEARS:

Kurt W. Baitz	318
Edward Morin	90
Jeremy D. Russman	472*

### TREASURER FOR ONE YEAR:

Olive Moriarty	757*
----------------	------

### CHIEF OF POLICE FOR ONE YEAR:

Neil R. Parker	794*
----------------	------

### POLICE OFFICER FOR ONE YEAR:

Paul James Bean	211
Donald W. Briggs, Jr.	782*
James M. Champion	617*

CONSTABLE FOR ONE YEAR:

Peter P. Basler	766*
-----------------	------

TRUSTEE OF TRUST FUNDS FOR THREE YEARS:

James S. Albrecht, Sr.	511*
Phyllis C. Ellis	520*
R. Bradley Maxwell	320

LIBRARY TRUSTEE FOR THREE YEARS:

Edward W. Curette	686*
-------------------	------

FIREWARD FOR THREE YEARS:

Alan Alpert	690*
-------------	------

MUNICIPAL BUDGET COMMITTEE FOR THREE YEARS:

Ellen L. Faulconer	610*
James T. Rankin, Sr.	678*
Roxanne Moore	30*
Marilyn Bartlett	21*
Keith Dias	13

MUNICIPAL BUDGET COMMITTEE FOR TWO YEARS:

No one elected

MUNICIPAL BUDGET COMMITTEE FOR ONE YEAR:

Colleen A. Hammond	639*
--------------------	------

---

FOR SCHOOL BOARD MEMBER FROM KINGSTON  
TERM ENDING 1996

James S. Albrecht, Sr	359
Herbert G. Noyes	452*

FOR SCHOOL BOARD MEMBER AT LARGE  
TERM ENDING 1996

Jane S. Milotte	276
George A. Schiller, Jr.	550*

FOR MODERATOR  
TERM ENDING 1994

Richard "Rick" Russman	778*
------------------------	------

\*Elected

ARTICLE 5 - Are you in favor of the adoption of Amendment No. 1 as proposed by the Kingston Planning Board for the Kingston Zoning Ordinance as follows:

To replace Section 6.25 under Article VI Building location and construction with the following:

6.25 Fire Safety Requirements for care facilities in the Town of Kingston.

Any facility that provides care or services as defined in RSA 170-E in the Town of Kingston shall be in compliance with the following safety requirements;

1 - 17 Clients

1) Shall have operational fire extinguishers located on each floor occupied by children in accordance with the following criteria;

A) A minimum rating of 2-A per each extinguisher.

B) Maximum area to be covered by each extinguisher to be less than 3000 Sq. Ft.

C) Maximum travel distance to an extinguisher to be less than 50 Ft.

2) Shall have hard wired smoke and/or heat detectors installed with at least 1 operational battery operated smoke detector per floor occupied by children.

3) Shall meet all current state requirements for licensing including a safety inspection by the Fire Chief or his designee prior to license issue.

4) Shall be inspected by the Fire Chief or his designee every 3 years in accordance with their licensing requirements.

18 Clients and above

1) Shall have a supervised alarm system capable of notifying the Kingston Fire Dept. in the event of an alarm activation in accordance with N.F.P.A. 101.

2) Shall have a safety inspection annually.

The fee schedule for all inspections shall be set by the Board of Selectmen.

All existing care facilities as defined in RSA 170-E shall have 1 year from the date of enactment of this ordinance to comply with its requirements.

The Planning Board approves this amendment.

NOTE: Enactment of this code shall eliminate the existing Section 6.25.

YES 639

NO 152 BLANKS

85

ARTICLE 6: - Are you in favor of the adoption of amendment No. 2 as proposed by the Kingston Planning Board for the Kingston Zoning Ordinance as follows:

To add this sentence to Section C7. Single Bedroom Requirement under the

Innovative Zoning Ordinance on Page 57: Building permits shall not be issued for more than 50% of the units in any development constructed under this ordinance unless and until the units required by this paragraph have been constructed and occupancy permits issued by the Town.

The Planning Board approves this amendment.

NOTE: This amendment will make the enforcement of the single bedroom units required under Innovative Zoning easier for the Town.

YES	591	NO	197	BLANKS	85
-----	-----	----	-----	--------	----

The ballots were wrapped , sealed and locked in the vault at the Town Hall at 10:30 PM on March 9, 1993.

Bettie C. Ouelette

Kingston Town Clerk

## **MINUTES OF CONTINUED TOWN MEETING AT SWASEY GYMNASIUM, MARCH 10, 1993**

The meeting was called to order at 7 PM by the Moderator, Electra L. Alessio, and all saluted the flag. She introduced the Selectmen, Donald W. Briggs, Jr., Stamatios Yiokarinis and Jeremy D. Russman, the Town Clerk-Tax Collector, Bettie C. Oullette, and the Budget Committee: Carroll Wright, Ellen Faulconer, Mark Marino, Henry Chabot, James Rankin, Norman Hurley, Dorothy Wagner, Marilyn Bartlett and William Eckel. She then specified an area to her left as the non-voting section.

The Moderator announced that a challenge was made March 9 on holding the meeting, and that a motion to recess until next week was defeated at that time. She explained the options to the voters, and that the challenge was made because the town reports were not available the required seven days prior to Town Meeting, per RSA 41:14. It was voted, on a motion made by Dwight Killam, to proceed with the business at hand and to direct the representatives to place a bill before the Legislature to ratify any action taken tonight.

The Moderator announced the results of yesterday's voting for Articles 1,5 and 6. Unless otherwise specified, all votes were by voice.

ARTICLE 2 - This article was defeated by secret ballot (YES 75, NO 117, VOID 4). The original motion was made by Neil R. Parker to authorize the Board of Selectmen to raise and appropriate the sum of two hundred twenty five thousand dollars (\$225,000.00). a 2/3 bond issue vote, for the purpose of building a Police Station on Tax Map Lot U9-9, and to authorize the Board of Selectmen to issue and negotiate such bonds and to determine the rate of interest thereon, all in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33). This was followed by an amendment made by Neil R. Parker to omit "on Tax Map Lot U9-9". This amendment was passed.

This was followed by another amendment made by Colleen A. Hammond "and to further establish a building Advisory committee for the purpose of determining the location, building size and functional requirements, and the exact costs related to the construction of the police station. Said committee shall be comprised of 7 members with representatives from the Planning Board, Board of Selectmen, Municipal Budget Committee, the Police Dept. and 3 citizens to be appointed by the Moderator. At this point a motion to cut off debate, made by Peter Southwick, was passed. The Moderator ruled the amendment was defeated, on a standing "eye" vote, as the voice vote was not clear.

Another amendment, which was made by Lynne Merrill to delete " a 2/3 bond issue vote" was ruled out of order by the Moderator. A motion made by Lynne Merrill to table Article 2 was also ruled out of order.

Since this article was a bonding issue, the Moderator announced the polls would be open from 7:40 PM to 8:40 PM for the secret ballot. While the polling

took place, the Moderator continued to take up several articles until the results were obtained. Then the Moderator continued with Article 3.

ARTICLE 3 - A motion was made by Neil R. Parker, and seconded, to raise and appropriate the sum of \$225,000.00 to be placed in the Police Station Capital Reserve Fund established at the 1985 Annual Town Meeting and name the Selectmen as agents of the Town to expend all funds in such capital Reserve Fund to carry out the objects designated by the town.

An amendment was made by Carroll Wright, and seconded, to reduce the amount to "\$25,000.00" It was voted to cut off debate on a motion made by David Moore, and the amendment was defeated.

More discussion followed on the main motion. A request for a secret ballot for this article had been received by the Moderator. The secret ballot was then taken, after a motion to cut off debate, made by David Conant, was passed. Results of the secret ballot were YES 114 NO 87.

ARTICLE 4 - It was voted to raise and appropriate \$2,132,574.00 to defray Town charges for the ensuing year. This total amount was increased by \$20,000.00 above the amount printed in the warrant. This \$20,000.00 was added to the Highway Department budget due to the severe winter storms.

ARTICLE 5 - Voted by written ballot Tuesday.

ARTICLE 6 - Voted by written ballot Tuesday.

ARTICLE 7 - It was voted to authorize the Selectmen and Town Treasurer to borrow such sums of money in anticipation of the collection of taxes for the current year and, to issue in the name of the Town, negotiable notes, the aforesaid notes to be paid during the current year from taxes collected during the year.

ARTICLE 8 - It was voted to authorize the Tax collector to allow a deduction of 1 1/2% from Town Property Tax when payment is made within 30 days of billing.

ARTICLE 9 - It was voted to indemnify and save harmless for loss or damage occurring after said vote, any person employed by the Town and any member or officer of its governing board, from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgement by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage or destruction was acting in the scope of his employment or office, as set forth in RSA 31:105 Law of N. H.

ARTICLE 10 - It was voted to authorize the board of Selectmen to apply for, accept and expend without further action by the town Meeting, money from the State, Federal or other governmental unit or a private source which becomes available during the 1993 calendar year provided that such expenditure be made for purposes for which a Town Meeting may appropriate money and that such expenditure not require the expenditure of other Town funds. Further, that the Board

of Selectmen and the Municipal Budget committee hold a public hearing prior to accepting and spending such money.

ARTICLE 11 - It was voted to raise and appropriate the sum of \$40,000.00 for the purpose of constructing renovations to Town buildings to comply with the Americans with Disabilities Act.

ARTICLE 12 - It was voted to raise and appropriate the sum of \$30,000.00 and to authorize the board of Selectmen to pay that sum to the Public Service company of New Hampshire to settle a pending tax abatement case for 1987 taxes.

ARTICLE 13 - It was voted to authorize the Board of Selectmen to enter into a lot line adjustment agreement with the abutters to Town property between Church Street and Greenwood Pond; most particularly with Gideon Lodge #84. A recent survey of Town property showed the boundaries of said piece are not clearly defined and the title is cloudy.

ARTICLE 14 - It was voted, as amended, to approve a Payment-In-Lieu-Of-Taxes (PILOT) agreement with the Gideon Lodge #84. As a Masonic Lodge, and part of a charitable institution, Gideon Lodge may be eligible for tax abatement.

The Agreement: Gideon Lodge #84 will lease a portion of its property to the Town of Kingston. The portion to be leased will be on Greenwood Pond adjacent to the town property. Gideon Lodge #84 further agrees to pay one thousand dollars (\$1,000.00) annually. Said amount to be increased at intervals for inflation as agreed to by Kingston Selectmen and Gideon Lodge. The Town of Kingston will accept the above lease and said dollars as Payment-in-Lieu-Of-Taxes.

ARTICLE 15 - It was voted to table this article relative to not allowing any "Adult Bookstore" within five hundred (500) feet of a residence or within one thousand (1000) feet of any school, kindergarten or daycare within the Town of Kingston. The motion to table this article was made by Arthur Schultz..

ARTICLE 16 - It was voted on a motion by Neil Parker to authorize the Selectmen to accept a gift of land, #U9-9, the lot to be used for a police station.

ARTICLE 17 - It was voted to table this article relative to authorizing the Board of Selectmen to raise and appropriate the sum of \$5,000.00 to continue a comprehensive drug awareness program in both Sanborn Regional High School and Daniel J. Bakie School. The motion to table this article was made by Neil Parker.

ARTICLE 18 - It was voted to raise and appropriate the sum of \$2,000.00 for computer systems to be used for Police Department statistics for accidents and report writing.

ARTICLE 19 - It was voted to table this article relative to raising and appropriating the sum of \$6,300.00 to sponsor a limited Regional Household Hazardous Waste collection Day. Said cost to be reduced by any grants that may be available for such a program. The motion to table this article was made by Valerie Gilbert.

ARTICLE 20 - It was voted to table this article relative to consolidating the two reserve funds now presently being held by the Town for the future closing of the Landfill into one Capital Reserve Fund to be named "Landfill Closure Fund". Present reserve funds are called "Town" account #29045 and Landfill Closing" #31549. Both accounts are in the New Hampshire First Savings and Loan. The motion to table this article was made by Valerie Gilbert.

ARTICLE 21 - A motion was made by Valerie Gilbert to raise and appropriate the sum of \$60,000.00 to be placed in the Capital Reserve Account for future Landfill closure.

This was followed by an amendment by Carroll Wright to reduce the amount of money to \$31,064.53. This amendment was passed.

A motion made by David Mayhew to table this article was defeated, then, upon returning to the original motion, it was voted as amended to raise and appropriate the sum of \$31,064.53 to be placed in the Capital Reserve Account for future Landfill closure.

During the discussion on this article, the voters were informed of the State Law which permits a total of 10% to be spent over the printed amount which was recommended by the Budget Committee (\$2,327,372 + 10% \$232,737 = \$2,560,109). Upon adding up the expenditures allowed so far, it was explained that \$130,535 was left to spend before voting on this article.

ARTICLE 22 - It was voted, as amended, to raise and appropriate \$37,500 to be placed in the Capital Reserve Fund established at Town Meeting March of 1992 for replacement of a highway dump truck with plows and sanders and to name the Board of Selectman and Road Agent as agents to expend.

The vote was taken after a motion to cut off debate, made by Steven Smith, was passed.

At this point, Albert Brien made a motion to reconsider articles 2 and 3. The Moderator ruled this motion out of order.

Then, Albert Brien made a motion to reconsider article 2. The Town Attorney pointed out that a reconsideration has to wait seven days. After further discussion, it was voted to cut off debate, on a motion made by R. Bradley Maxwell. Before the vote was taken, Mr. Brien withdrew his motion.

ARTICLE 23 - It was voted, as amended, to raise and appropriate the sum of \$8,483.37 to be placed in the Capital Reserve Account for future replacement of the Ambulance. said sum represents the collected Non-Resident Ambulance fees for 1992.

Richard Gerrish then asked to take up article 36 next, but the Moderator ruled the articles should remain in the same order.

ARTICLE 24 - This article was defeated relative to raising and appropriating the sum of \$30,000.00 to Lease Purchase a new Ambulance and to authorize the withdrawal of \$30,000.00 to Lease Purchase a new Ambulance and to authorize the withdrawal of \$30,000.00 from the Ambulance Capital Reserve Fund, cre-



ated for that purpose. Any unspent balance to be returned to the Ambulance Capital Reserve fund. This sum represents the first of three annual Lease Purchase payments.

David Currie made a motion to take up article 36 now, but it was defeated.

ARTICLE 25 - A motion was made by Edward Conant, and seconded, to raise and appropriate the sum of \$40,000.00 to be placed in the Fire Department Capital Reserve Fund for Apparatus Replacement. A motion, made by Charles Martin, to table the article was defeated. This was followed by an amendment, made by Steven Smith, to change the amount to \$20,000.00. It was voted to cut off debate on a motion made by David Mayhew. Peter Southwick withdrew his request for a secret ballot.

It was then voted, as amended, to raise and appropriate the sum of \$20,000.00 to be placed in the Fire Department Capital Reserve Fund for Apparatus Replacement.

ARTICLE 26 - A motion was made and seconded to raise and appropriate the sum of \$1,700.00 for Workmen's Compensation Supplemental Insurance for the members of the Kingston Fire Department.

This was followed by an amendment made by William Timmons, Jr. to strike out the words "Workmen's Compensation". This amendment was passed.

The vote was then taken after a motion to cut off debate, made by Sally Cockerline, was passed. It was voted, as amended, to raise and appropriate the sum of \$1,700.00 for Supplemental Insurance for members of the Kingston Fire Department.

ARTICLE 27 - It was voted to permit the Trustees of the Nichols Memorial Library (the public library) to apply for, accept and expend without further action by Town Meeting, monies from the state, federal or other governmental unit or a private source which becomes available during the fiscal year.

ARTICLE 28 - It was voted to permit the Trustees of the Nichols Memorial Library (the public library) to retain all monies it receives from its income generating equipment to be used for general repairs and upgrading and for the purchase of books, supplies and income generating equipment.

ARTICLE 29 - It was voted to table this article, on a motion made by Albert Brien. This was relative to permitting the Trustees of Nichols Memorial Library (the public library) to create a trust fund and retain from year to year, all excess funds unexpended from salaries or operating or maintenance at the public library, for the purpose of the maintenance and care of the library. It is asked that the trust fund created be irrevocable.

ARTICLE 30 - It was voted to raise and appropriate the sum of \$10,000.00 to be added to the Nichols Memorial Library Capital Reserve Fund for the future library expansion as created at the 1990 Town Meeting.

ARTICLE 31 - A motion was made by Russell V. Army, and seconded, to raise and appropriate the sum of \$15,000.00 to be added to the Capital Reserve

Fund established in the 1987 Town Warrant #46, for the purpose of conservation land purchase and associated costs.

An amendment, made by Steven Smith, to change the amount to \$10,000.00 was passed.

Then it was voted to raise and appropriate the sum of \$10,000.00 to be added to the Capital Reserve Fund established in the 1987 Town Warrant #46. for the purpose of conservation land purchase and associated costs.

ARTICLE 32 - It was voted to authorize the Selectmen to accept private donations of land, interest in land or money to be deposited into the Conservation Fund KCC RSA 36-A:5 for the purposes of acquiring conservation land or interest in land and other costs associated therewith for permanent conservation use. Target properties are Kingston tax map designations R-26-44 and R-18-31,32. Further that monies from the Capital Reserve Fund for conservation land purchase may be expended for the above stated purpose. Said appropriated or donated funds may be expended by the majority vote of the Kingston Conservation Commission and the Selectmen.

ARTICLE 33 - It was voted, on a motion made by Vincent Falls, to raise an appropriate \$3000.00 for the 1993 July 4th fireworks display. The result was declared by the Moderator on a standing "eye" vote.

ARTICLE 34 - It was voted to raise and appropriate the sum of \$1900.00 for the purpose of defraying the costs of the Sports Teams Program of the Recreation Commission..

ARTICLE 35 - This article was defeated relative to raising and appropriating the sum of \$750.00 to assist the Greater Haverhill Crisis Pregnancy Center, a non-profit organization, in providing services to over 2,000 women and their children in this area.

ARTICLE 36 - It was voted to table this article relative to raising and appropriating the sum of \$1,000.00 for Cross Roads House, Inc. to be used for the provision of shelter, food and case management services for residents of Kingston and other towns in the Seacoast region, assisting them in identifying their needs, setting goals and making referrals to the network of services available to the community. The motion to table this article was made by Steven Smith.

ARTICLE 37 - It was voted to accept a gift of land (Tax Map #U4-216 and U4-217) from Grace E. Davis.

ARTICLE 38 - A motion was made and seconded to discontinue that part of old Route 125, a Class VI highway, as shown on plan entitled "Plan of Land in Kingston, New Hampshire, owned by R & C Realty Trust", Prepared by : Charles C. Mastin Associates, Haverhill, MA, Scale 1"= 88', dated April 1976, recorded at the Rockingham County Registry of Deeds ,as Plan D-6118 and further to authorize the Board of Selectmen to deed any interest of the Town in said land to the current owners for nominal consideration.

The Moderator then received permission to recognize Attorney Richard Dudzisz, who explained the article on behalf of the current owners.

An amendment was made by Jeremy Russman to remove the last phrase "and further to authorize the Board of Selectmen to added any interest of the town in said land to the current owners for nominal consideration".

The vote on the amendment was taken after a motion to cut off debate, made by Peter Southwick, was passed. The amendment was passed.

Then, upon returning to the main motion, as amended, the article was defeated. The vote was taken after a motion to cut off debate, made by Steven Smith, was passed.

ARTICLE 39 - It was voted to authorize the Board of Selectmen, pursuant to RSA 31:95-e, to accept gifts of personal property, other than money, which may be offered to the Town for any public purpose.

Richard Gerrish made a motion to remove article 36 from the table. He explained that he had new information. This was defeated.

Several motions to adjourn, as the hour grew later, were defeated.

ARTICLE 40 - It was voted to authorize the Board of Selectmen to sell surplus goods and equipment from various departments at public auction or by sealed bid.

ARTICLE 41- It was voted to authorize the Board of Selectmen to sell tax deeded property, except water-front property, at public auction or by sealed bid.

ARTICLE 42 - This article, relative to accepting a gift of land (Tax Map #U9-9) from Ralph R. Bake, said land to be returned to Mr. Bake in two years if not utilized by the Town, was withdrawn.

ARTICLE 43 - David Currie addressed the citizens present regarding his dismay at not having passed article 36 about money for the cross Roads House, Inc.

It was voted to adopt the grand total of the budget and all articles at \$2,553,221.90 This was an affirmation of the total sum spent at Town Meeting. It was voted to adjourn at 12 midnight.

Bettie C. Ouellette  
Kingston Town Clerk