

Town of Kingston

Minutes of First Session of Town Meeting

Swasey Gymnasium

March 11, 1997

The meeting was called to order at 7:00 PM by the Moderator, Electra L. Alessio. The flag was saluted and the Moderator introduced the Board of Selectmen, Ellen Faulconer and Chairman Stamatiou Yiokarinis; the Town Clerk-Tax Collector, Bettie C. Ouellette, and the following members of the Budget Committee: Chairman Carroll Wright, Charles Vaillant, Marilyn Bartlett, William Eckel, David Currie, Brian Woodworth, Roxanne Moore and Dorothy Wagner.

The Moderator explained that this first session is for the purpose of explaining and debating the articles to decide the final form to appear on the official ballot. The voting will take place on April 8th at the Swasey Gymnasium. Polls will be open 8 AM - 8 PM. The Moderator also announced that at the end of all the articles, anyone can stay and ask questions on the Zoning Articles, but no changes can be made.

The articles will appear as follows:

ARTICLE 1 - Town Officers to be elected: Selectman for a term of three years; Selectman for a term of two years; Town Clerk-Tax Collector for a term of three years; Treasurer for a term of one year; Road Agent for a term of three years; Chief of Police for a term of three years; Two Police Officers for a term of three years; Constable for a term of three years; One Trustee of Trust Funds for a term of three years; One Trustee of Trust Funds for a term of one year; Two Library Trustees for a term of three years; One Library Trustee for a term of two years; One Fire Ward for a term of three years; One Fire Ward for a term of one year; Four Municipal Budget Committee Members for a term of three years; One Budget Committee Member for a term of two years; One Budget Committee Member for a term of one year; Two Planning Board Members for a term of three years; Two Planning Board Members for a term of two years; Two Planning Board Members for a term of one year.

ARTICLE 2 - A motion was made by Carroll Wright and seconded by Marilyn Bartlett that the following question be placed on the official ballot: Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth in the budget posted with the warrant, for the purposes set forth therein, totaling \$2,397,630? Should this article be defeated, the operating budget shall be \$2,376,295.94, which is the same as last year, with certain adjustments required by previous action of the Town of Kingston 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.

Whereupon there were two amendments made and passed: Amendment #1 - To raise and appropriate \$500. to be added to the line "Social Services for the family mediation program for a total of \$8,087.00", made by Donald W. Briggs, Jr., seconded by Thomas Battles.

Amendment #2 - To raise and appropriate \$1,000. to be added to line item "Social Services Agencies" on page A35 for services to Crossroads, made by Richard Gerrish, seconded by Donald W. Briggs, Jr.

Thus, the official ballot question will be:

ARTICLE 2 - Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth in the budget posted with the warrant, for the purposes set forth therein, totaling \$2,399,130? Should this article be defeated, the operating budget shall be \$2,376,295.94, which is the same as last year, with certain adjustments required by previous action of the Town of Kingston 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.

ARTICLE 3 - Shall the Town authorize the Tax Collector to allow a 1½% deduction from Town Property Tax when payment is made within 30 days of billing?

Motion by David Taylor - seconded by Carroll Wright.

ARTICLES 4 through 18 will be on a separate Zoning Ballot.

ARTICLE 19 - Shall the Town change the term of the Town Treasurer from one (1) year to three (3) years, beginning with the term of the Town Treasurer to be elected at next year's Town Meeting?

motion by Dorothy Wagner - seconded by Donald W. Briggs, Jr.

ARTICLE 20 - Shall the Town raise and appropriate the sum of \$25,000 to establish a Capital Reserve Fund for the purpose of a town-wide re-evaluation and to name the Board of Selectmen as agents to expend?

Motion by Carroll Wright - seconded by Ellen Faulconer

ARTICLE 21 - Shall the Town establish a permanent part-time position of Code Enforcement Officer for the Town of Kingston at a beginning salary not exceeding \$13,000? The amount needed to be raised and appropriated at this year's annual meeting for this position, including Medicare and FICA would be \$9,350. This is a special article by the Board of Selectmen independent of the operating budget.

Motion by Ellen Faulconer - seconded by Carroll Wright

Last sentence was added by Board of Selectmen.

At this point, there was a clarification by the Moderator of how the voting at this meeting is only to establish the form of the questions for the official ballot.

ARTICLE 22 - Shall the Town approve a permanent full-time position of Town Manager and to fund it at a yearly salary of \$40,000? This is a special article by the Board of Selectmen independent of the operating budget.

Motion by Ellen Faulconer - seconded by Carroll Wright

Last sentence was added by Board of Selectmen

Amendment #1 To add after \$40,000 "the amount to be raised and appropriated would be \$16,000 for salary and benefits" was made by Carroll Wright and seconded by Ellen Faulconer.

Many pro and con comments followed until it was voted to "cut off debate" on a motion made by Donna Winslow.

Amendment #1 was NOT passed.

Amendment #2 - To make amount "zero" (instead of \$40,000)

Motion by Brian Woodworth - seconded by David Joy

Many more pro and con comments followed until it was voted to "cut off debate" on a motion made by Donald W. Briggs, Jr. When the Moderator proceeded to take a vote on the amendment, she was challenged by John Whittier because she had not "finalized" the cut off debate motion.

Then, amendment #2 was NOT passed. More discussion followed until the Moderator moved on to the next article, meaning that the article will appear on the official ballot as originally written.

Thus, the official ballot question will be:

ARTICLE 22 - Shall the Town approve a permanent full-time position of Town Manager and to fund it at a yearly salary of \$40,000? This is a special article by the Board of Selectmen independent of the operating budget.

ARTICLE 23 - Shall the Town change the intent of the Recreation Department Capital Reserve to include "the use of ^{the} money to be used for the purpose of developing lands and/or purchase of a building for the use of recreation"? The 1996 Town Meeting approved the expenditure of this Capital Reserve to develop the recreation land purchased in 1995 but the State of New Hampshire, Department of Revenue Administration, declared that this was a "change of use" of a Capital Reserve and, therefore, requires a two-thirds Town Meeting vote.

Motion by Carroll Wright - seconded by Ellen Faulconer

ARTICLE 24 - Shall the Town raise and appropriate the sum of \$32,870, and to authorize the withdrawal of \$32,870 from the Recreation Department Capital Reserve Fund for the purpose of developing recreation land owned by the Town and to name the Board of Selectmen and the Recreation Commission as agents to expend?

Motion by Francine Heitz - seconded by Ellen Faulconer

Amendment #1 - To change amount in two places to \$33,211.71.

Motion by Francine Heitz - seconded by Mary Magnusson

Amendment #1 WAS passed

Amendment #2 - To add a sentence: The intent of this article is strictly to withdraw \$33,211.71 from the Capital Reserve Fund only

Motion by Craig Barlow - seconded by Cheryl Gannon

Amendment #2 WAS passed.

Thus, the official ballot question will be:

ARTICLE 24 - Shall the Town raise and appropriate the sum of \$33,211.71, and to authorize the withdrawal of \$33,211.71 from the Recreation Department Capital Reserve Fund for the purpose of developing recreation land owned by the Town and to name the Board of Selectmen and the Recreation Commission as agents to expend? The intent of this article is strictly to withdraw \$33,211.71 from the Capital Reserve Fund only.

ARTICLE 25 - Shall the Town raise and appropriate the sum of \$146,000 toward covering the cost of fill, top soil, hydroseed, fencing and supplies for developing the fields and playground on recreational land owned by the Town of Kingston (formerly Kingston Fairgrounds) and to name the Kingston Board of Selectmen as the agent to expend?

Motion by Natalie Timmons - seconded by Judy Thompson

Amendment #1 - To make amount "zero".

Motion by Charles Vaillant - seconded by Brian Woodworth

After a lengthy debate, the amendment was NOT passed. The vote was taken after it was voted to cut off debate, on a motion by David Currie.

Thus, the official ballot question will remain as first presented.

ARTICLE 26 - Shall the Town designate four acres of land formerly known as Kingston Fairgrounds for the building of a botanical garden? The land requested to be used is half wetlands and half high ground and is located on the south side of the grounds as indicated by the given map.

Motion by Carroll Wright - seconded by David Goulet

ARTICLE 27 - Shall the Town instruct the Selectmen and the Road Agent to widen Ball Road four additional feet for the purpose of providing a designated recreational path? This path to be included with the rebuilding of Ball Road.

Motion by Judy Smith - seconded by John Ritchie

Amendment to change four additional feet to "one additional inch".

Motion by Lynne Merrill - seconded by Norman Hurley

Amendment was NOT passed.

Thus, the official ballot question will remain as presented.

ARTICLE 28 - Shall the Town raise and appropriate the sum of \$25,833 to be added to the Landfill Closure Capital Reserve Fund?

Motion by Carroll Wright - seconded by Ellen Faulconer

ARTICLE 29 - Shall the Town raise and appropriate the sum of \$20,000 to be used to provide Family Health Insurance coverage for full time employees of the Town of Kingston. The Town will pay 75% of the cost of the insurance and the employee will pay 25%. Presently there is no coverage provided by the Town.

Motion by Richard St. Hilaire - seconded by Norman Hurley

(Motion brought on with figure of \$20,000 instead of \$45,000 as printed.)

Amendment #1 - To substitute "zero" for \$20,000.

Motion by Carroll Wright - seconded by Scott Farrington

Amendment #1 was NOT passed.

Amendment #2 - Add word "family" in last sentence to read, "Presently there is no family coverage provided by the Town."

Motion by Ellen Faulconer - seconded by Roxanne Moore

Amendment #2 WAS passed.

Thus, the official ballot question will be:

ARTICLE 29 - Shall the Town raise and appropriate the sum of \$20,000 to be used to provide Family Health Insurance coverage for full time employees of the Town of Kingston? The Town will pay 75% of the cost of the insurance and the employee will pay 25%. Presently there is no family coverage provided by the Town.

ARTICLE 30 - Shall the Town raise and appropriate the sum of \$4,200 to fund a retirement plan for the members of the Kingston Fire Department with over 10 years service?

Motion by Donald Briggs, Sr. - seconded by Norman Hurley

Amendment to change amount to "zero"

Motion by Carroll Wright - seconded by Charles Vaillant

Amendment was NOT passed.

ARTICLE 31 - Shall the Town raise and appropriate the sum of \$2,750 to purchase Supplemental Disability Insurance for the members of the Kingston Fire Department?

Motion by Alan Alpert - seconded by Norman Hurley

Amendment to change amount to "zero"

Motion by Carroll Wright - seconded by William Eckel

Amendment was NOT passed

Vote was taken after it was voted to cut off debate on a motion made by Charlotte Wright.

ARTICLE 32 - Shall the Town raise and appropriate \$50,000 to be added to the existing Nichols Memorial Library Reserve Fund for future library expansion and name the Nichols Memorial Library Board of Trustees and the Board of Selectmen as agents to expend?

Amendment to insert the following words after expansion "(shall be deemed to include land purchase and future construction at a suitable site and shall include all reasonable architect's, engineering and related fees)".

Amendment WAS passed

Thus, the official ballot question will be:

ARTICLE 32 - Shall the Town raise and appropriate \$50,000 to be added to the existing Nichols Memorial Library Reserve Fund for future library expansion (shall be deemed to include land purchase and future construction at a suitable site and shall include all reasonable architect's, engineering and related fees) and name the Nichols Memorial Library Board of Trustees and the Board of Selectmen as agents to expend?

ARTICLE 33 - Shall the Town raise and appropriate the sum of \$13,650 to automate the Nichols Memorial Library and name the Nichols Memorial Library Board of Trustees as agents to expend?

Motion by Carroll Wright - seconded by Dorothy Wagner

ARTICLE 34 - Shall the Town raise and appropriate the sum of \$7,000 for the purchase of a pickup truck for Town use? This is a special article by the Board of Selectmen independent of the operating budget.

Motion by Ellen Faulconer - seconded by Roxanne Moore

Last sentence was added by Board of Selectmen

ARTICLE 35 - Shall the Town raise and appropriate the sum of \$40,000 to be placed in the Capital Reserve Fund established at the Town Meeting of March, 1992 for the purchasing of Highway Department Trucks and Equipment and to name the Board of Selectmen and the Road Agent as agents to expend?

Motion by Richard St. Hilaire - seconded by Ellen Faulconer

ARTICLE 36 - Shall the Town establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of building a new Highway Department Garage with office space and to raise and appropriate \$15,000 to be placed in this fund and to designate the Board of Selectmen and the Road Agent as agents to expend?

Motion by Richard St. Hilaire - seconded by Carroll Wright

ARTICLE 37 - Shall the Town raise and appropriate the sum of \$17,000 to be used as the first of five yearly payments for the lease/purchase of a new all wheel drive loader/backhoe?

Motion by Carroll Wright - seconded by Richard St. Hilaire

ARTICLE 38 - Shall the Town raise and appropriate the sum of \$40,000 to be placed in the previously established Fire Department Capital Reserve Fund for Apparatus Replacement?

Motion by Carroll Wright - seconded by Alan Alpert

ARTICLE 39 - Shall the Town raise and appropriate the sum of \$10,126.86 to be placed in the Capital Reserve Account for future replacement of the Ambulance? Said sum represents the collected Ambulance fees for 1996.

Motion by Carroll Wright - seconded by Richard St. Hilaire

ARTICLE 40 - Shall the Town raise and appropriate the sum of \$4,800 to fund our Town's share of the upgrade of Plaistow's high pressure breathing air compressor system for \$3,000 and to fund a pressure bottle system in our Central Fire Station for \$1,800.

Motion by Alan Alpert as \$3,000 and to delete last sentence - seconded by Norman Hurley.

Thus, the official ballot question will be:

ARTICLE 40 - Shall the Town raise and appropriate the sum of \$3,000 to fund our Town's share of the upgrade of Plaistow's high pressure breathing air compressor system?

ARTICLE 41 - Shall the Town raise and appropriate \$1,680 to join the Seacoast Hazardous Materials Consortium? This is a special article by the Board of Selectmen independent of the operating budget.

Amendment to reduce amount to \$1.00

Motion by Carroll Wright - seconded by Ellen Faulconer

Last sentence was added by Board of Selectmen

Amendment WAS passed

Thus, the official ballot question will be:

ARTICLE 41 - Shall the Town raise and appropriate the sum of \$1.00 to join the Seacoast Hazardous Materials Consortium? This is a special article by the Board of Selectmen independent of the operating budget.

ARTICLE 42 - Shall the Town replace the current Bandstand with a new one to be larger but of the same style (to look just like the present one)?

Motion by Carroll Wright - seconded by Marilyn Bartlett

ARTICLE 43 - Shall the Town raise and appropriate \$7,996.41 to be added to the Expendable General Fund Trust Fund, known as the "Annual Kingston Celebration Trust Fund" created in 1995? This amount to be funded from the 12/31/96 existing fund balance per RSA 35:11.

Motion by Marilyn Bartlett - seconded by Carroll Wright

ARTICLE 44 - Shall the Town establish a special revenue fund per RSA 31:95-c for the purposes of organizing and running the annual "Kingston Days" Celebrations? The revenues and expenditures for this event shall be accounted for in a special revenue fund separate from the general fund. Further to raise and appropriate \$1.00 to be placed into this account and to name the Board of Selectmen as agents to expend.

Motion by Carroll Wright - seconded by David Grenon

Amendment to add "Kingston Days Fund" after a special revenue fund and add a sentence: "Any surplus in said fund shall not be deemed part of the general fund surplus."

Motion by Ellen Faulconer - seconded by Marilyn Bartlett

Thus, the official ballot question will be:

ARTICLE 44 - Shall the Town establish a special revenue fund, known as the "Kingston Days Fund" per RSA 31:95-c for the purposes of organizing and running the annual "Kingston Days" Celebration? The revenues and expenditures for this event shall be accounted for in a special revenue fund, known as the "Kingston Days Fund", separate from the general fund. Further to raise and appropriate \$1.00 to be placed into this account and to name the Board of Selectmen as agents to expend. Any surplus in said fund shall not be deemed part of the general fund surplus.

ARTICLE 45 - Shall the Town raise and appropriate the sum of \$5,000 to be used for fireworks during the Kingston Days Celebration?

Motion by David Grennon - seconded by Norman Hurley

Amendment to reduce amount of \$3,000.

Motion by Carroll Wright - seconded by Charles Vaillant

Amendment did NOT pass.

ARTICLE 46 - Shall the Town modify the elderly exemptions from property tax in the Town of Kingston, based on assessed value, for qualified taxpayers, to be as follows:?

For a person 65 years of age up to 75 years, \$45,000;

For a person 75 years of age up to 80 years, \$65,000;

For a person 80 years of age and older, \$85,000.

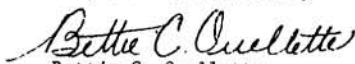
To qualify, the person must have been a New Hampshire resident for at least five (5) years; own the real estate individually or jointly, or if the real estate is owned by his spouse, they must have been married for at least five (5) years. In addition, the taxpayer must have a net income of less than \$13,400, or, if married, a combined net income of less than \$20,400 (excluding Social Security) and own net assets not in excess of \$45,000 excluding the value of the person's residence.

Motion made by Kurt Baitz - seconded by Ellen Faulconer

ARTICLE 47 - It was voted to adjourn the Town Meeting at 11:55 PM until April 8th when the polls will be open from 8 AM to 8 PM. There will be 6 ballots to vote on, including the School.

There will be a Hearing on the Articles on March 24 at 7 PM in the Town Hall.

Respectfully submitted,


Bettie C. Ouellette
Kingston Town Clerk

MINUTES OF TOWN MEETING

April 8, 1997

(First Year Under RSA 40:13 Official Ballot.)

The Annual Town Meeting was called to order at 8:00 AM at the Swasey Gymnasium, by the Moderator, Electra L. Alessio, for the voting by written ballot for the election of Town Officers, the voting on 31 regular Town articles, 15 Zoning articles, as well as the voting by written ballot for the election of officers of Sanborn Regional School District and the voting on 15 articles for the School District.

The Town Clerk, Bettie C. Ouellette, broke the seals on the boxes of ballots and the Moderator inspected the ballot boxes. A second Accu-Vote machine was rented for this election. Also, 95 voting booths were borrowed from the Town of Salem, making total booths available, 120 regular plus one Handicapped booth. There were no waiting lines to enter, but there was a delay in exiting as each voter had six ballots to be inserted into the ballot boxes.

The Ballot Clerks were Holly Ouellette, Donna M. Grier, John W. Whittier, Mary L. Mercurio, Jean M. Spinella, Charles W. Bradley, Jr., Eleanor L. Childs and Gloria M. Parsons. The Assistant Moderator was David G. Conant. Police Officers assisting were Chief Donald W. Briggs, Jr. and George H. Gagnon. The preliminary results were announced at 10:15 PM. Additional ballots had to be manually counted due to numerous write-ins, and the folds in the absentee ballots.

The final results were obtained at 11:20 PM and all the ballots were sealed and transported to the Town Hall where they were locked up in the vault at 11:30 PM.

The total count was 1600 including 102 absentee ballots. 34 new voters were registered at the polls, bringing the total number of voters on the check list to 3506. Total of all six ballots handled was 9600 (1600 x 6).

The following results were obtained:

ARTICLE 1 - ELECTION OF TOWN OFFICERS

SELECTMAN FOR THREE YEARS

Peter E. Wilson, Sr.	451
Stan Yiokarinis	1069*

SELECTMAN FOR TWO YEARS

Mark Heitz	1038*
Brian Woodworth	458

TOWN CLERK-TAX COLLECTOR FOR THREE YEARS

Bettie C. Ouellette	1482*
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TREASURER FOR ONE YEAR

Dorothy M. Wagner	1332*
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ROAD AGENT FOR THREE YEARS

Richard D. St. Hilaire	1358*
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CHIEF OF POLICE FOR THREE YEARS

Donald W. Briggs, Jr. 1448*

POLICE OFFICERS FOR THREE YEARS

James M. Champion 1351*
Joel T. Johnson 1325*

CONSTABLE FOR THREE YEARS

Peter P. Basler 1310*

TRUSTEE OF TRUST FUNDS FOR THREE YEARS

Charles A. Bradley 1271*

TRUSTEE OF TRUST FUNDS FOR ONE YEAR

Daniel J. Luparello 1228*

LIBRARY TRUSTEE FOR THREE YEARS

Pat Bondelevitch 1225*

LIBRARY TRUSTEE FOR TWO YEARS

Peter R. Coombs 562
Susan M. Toole 718*

FIRE WARD FOR THREE YEARS

George Kuzirian, Jr. 1181*
Earl Carter 12 write-in

FIRE WARD FOR ONE YEAR

Richard D. St. Hilaire 1284*
Earl Carter 11 write-in

BUDGET COMMITTEE FOR THREE YEARS

Michele Gove 81 write-in *
Brian Woodworth 18 write-in **
Earl Carter 20 write-in *
William Eckel 14 write-in *
Keith Dias 14 write-in *
Anthony Whitcomb 12 write-in
David Currie 11 write-in

** Term expires 1998

BUDGET COMMITTEE FOR TWO YEARS

Roxanne M. Moore 952*

BUDGET COMMITTEE FOR ONE YEAR

Charles Thomas 1152*

PLANNING BOARD FOR THREE YEARS

Marilyn B. Bartlett 901*
Steven Briggs 962*
Carolyn D. Harlow 814

PLANNING BOARD FOR TWO YEARS

Glenn Coppelman 1143*
Robert L. Morse 1169*

PLANNING BOARD FOR ONE YEAR

Lesley-Ann Hume 929*
Bruce Nadeau 676
Kenneth L. Weyler 994*

ARTICLE 2: Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth in the budget posted with the warrant, for the purposes set forth therein, totaling \$2,399,130? Should this article be defeated, the operating budget shall be \$2,376,295.94, which is the same as last year, with certain adjustments required by previous action of the Town of Kingston 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.

YES - 810 NO - 658

ARTICLE 3: Shall the Town authorize the Tax Collector to allow a 1 1/2% deduction from Town Property Tax when payment is made within 30 days of billing?

YES - 1450 NO - 95

ARTICLE 4: Are you in favor of the adoption of Amendment number 1 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Add the following section as an amendment to the Town's noise ordinance found at section 7.50 in supplemental provisions:

- A. Excessive noise at unreasonable hours shall be controlled so as not to be objectionable due to intermittence, beat frequency, shrillness, vibration or volume.
- B. The maximum permissible sound pressure level of any activity regulated by this ordinance shall be established by the time period and type of zoning district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface of the upper most level of the building. Sound from any source controlled by this ordinance shall not exceed the following limits at the property line of the "sender" premises.

<i>dB(A) = Average decibel level</i>	Sound Pressure Level Limits Measured in dB(A)'s	
	7am to 9pm	9pm to 7am
Rural Residential District	60	50
Single Family Residential / Single Family Residential Agricultural	55	45

- Where the emitting and receiving premises are in different districts, the limits governing the stricter district shall apply to any regulated noise entering that district.
- C. Noise shall be measured with a sound meter meeting the standards of the American National Standards Institute (ANSI S1.4-1983 *American Standard Specification for General Purpose Sound Level Meters*). The instrument shall be set to the A-weighted response scale, and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S 12.31 and S 12.32 *American Standard Meter for the Physical Measurement of Sound*.
- D. No person shall engage in, cause or permit to be engaged in, construction

activities producing excessive noise on sites abutting any residential use between the hours of 6 pm on one day and 7am of the following day Monday through

Friday or anytime on Saturday and Sunday. Construction activities shall be subject to the maximum permissible sound level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit.

The following uses and activities shall be exempt from the sound pressure level regulations:

1. Home maintenance activities (i.e., mowing lawns, cutting one's own firewood, etc.) between the hours of 7am and 9pm;
2. Timber harvesting (felling trees and removing logs from the woods);
3. Noises created by construction and maintenance activities between 7am and 9pm Monday through Friday in all business, industrial districts, additionally, on Saturday and Sunday between 7am and 9pm all noise shall comply with the residential sound pressure level limits;
4. Noises created by construction and maintenance activities between 7am and 9pm in all other districts;
5. The noises of safety signals, warning devices and emergency pressure relief valves and any other public emergency activity.
6. Traffic noise on existing public streets, railways or river traffic;
7. Legal preexisting uses between the hours of 7am and 9pm;
8. Occasional outdoor gatherings, street sales, public dances, shows, sporting events and entertainment events; provided, these are regulated pursuant to this ordinance;
9. Public events as authorized by, though not necessarily limited to, the Board of Selectmen, School Board, Police Department, Fire Department and other such Boards who in the conduct of their activities represent the Board.

- E. These noise regulations are enforceable by Law Enforcement Officers and by the Code Official (who may measure noise levels, and who shall report documented violations to the police). For the purposes of enforcement, sound exceeding the above limits shall be deemed to constitute "Unreasonable Noise" under the Town Noise Ordinance.

Topical discussion: The purpose of this proposal is to provide for measurable standards that can be enforced in the event that there is a nuisance claim filed as a result of noise.
YES - 909 NO - 556

ARTICLE 5: Are you in favor of the adoption of Amendment 2 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Adopt the following amendment to Section i. Sludge Management Requirements, section 3., 8. to add q. PCDD/PCDF (PCDD=Polychlorinated dibenzo-p-dioxins; PCDD=Polychlorinated dibenzofurans) and to add the following wording under number 9 of the Section i. Sludge Management Requirements, subsection 3.: The concentrations of PCDD and PCDF must be less than or equal to 250ug/kg (total 2378 TCDD equivalent Dry wt.) (TCDD=Tetrachlorodibenzo-p-dioxin)

Topical discussion: The purpose of this amendment is to incorporate a standard to insure against unsafe levels of dioxins in the biosolid material. This standard has been adopted by both the State of Massachusetts and Maine and would protect the Town of Kingston from being used as a site for materials not permitted in those two neighboring states.
YES - 1108 NO - 321

ARTICLE 6: Are you in favor of the adoption of Amendment number 3 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Amend section 4.15,2.,a., the Historic District II ordinance to read as follows:

This area is zoned single family residential - agricultural and uses will be permitted in accordance with the Kingston Zoning Ordinances and in conformance with Historic District Ordinances.

Topical note: The Planning Board recommends adoption of this amendment so that the zoning ordinance will be in agreement with the zoning map. Currently the zoning ordinance states that the underlying zone for Historic District II is rural residential. However, the map has displayed it as single family residential agricultural and this amendment will resolve the discrepancy.
YES - 963 NO - 451

ARTICLE 7: Are you in favor of the adoption of Amendment number 4 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Amend the Shoreland Protection District Ordinance, section 6. Seasonal High Water Level of paragraph B. Definitions to read as follows:

Seasonal High Water Level. The average annual high water elevation

of a pond, stream, brook or river, including floodplains and associated wetlands that include submerged or emergent vegetation. If the wetland has saturated soils part or all of the year, but does not have surface water over the soils than the reference line should be at the limit of the surface water.

Topical Note: This amendment will clarify how to determine the seasonal high water level for purposes of shoreland protection and also makes the Town of Kingston's definition closer to that of the State of New Hampshire.

YES - 967 NO - 441

ARTICLE 8: Are you in favor of the adoption of Amendment 5 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

The Kingston Planning Board proposes an amendment to the supplemental provisions of the zoning ordinance by adding a new section 7.80 regulating telecommunications facilities. Copies of the complete text of this amendment are available for review at both the polling place and the Town of Kingston Town Clerk's Office. A description of the purpose of the ordinance is provided below.

Topical Note: This measure is proposed to provide the Town a regulatory framework for reviewing applications for telecommunication facilities. The federal Telecommunication Act of 1996 has required that communities become very proactive in their regulation of these facilities. The new Personal Communication Systems (PCS) technology recently made available requires towers much closer than those required by cellular technology and this proposed ordinance will allow the Town greater opportunity to prevent over-placement of towers within the boundaries of Town.

YES - 979 NO - 409

ARTICLE 9: Are you in favor of the adoption of Amendment number 6 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Delete Par: 6.15 of Article VI (covered in N.F.P.A. 211 and BOCA)

Topical discussion: The information found in this section is to be superseded by the adoption of the articles that follow.

YES - 679 NO - 559

ARTICLE 10: Are you in favor of the adoption of Amendment number 7 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Delete Par: 6.16 of Article VI (covered in N.F.P.A. and BOCA)

Topical discussion: The information found in this section is to be superseded by the adoption of the articles that follow.

YES - 673 NO - 564

ARTICLE 11: Are you in favor of the adoption of Amendment 8 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Amend Par: 6.21 to read:

All buildings and structures shall be subject to the following regulations, restrictions, and conditions in accordance with the 1996 edition of BOCA Basic Building Code.

Topical Note: This amendment allows the Town to utilize the most current edition of the national building code.

YES - 864 NO - 501

ARTICLE 12: Are you in favor of the adoption of Amendment 9 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Amend Par: 6.22 to read:

All buildings and structures shall be subject to the following regulations, restrictions and conditions in accordance with the most current edition of N.F.P.A.

(*) These codes currently adopted by N.H. State Fire Marshall's office

*N.F.P.A.1	Fire Prevention Code (Fire Lanes)
*N.F.P.A.10	Fire Extinguisher Code
*N.F.P.A.13	Sprinkler Systems Code
*N.F.P.A.13D	Sprinkler Systems, One and Two Family Dwellings Code (NOT MANDATORY)
*N.F.P.A.13R	Sprinkler Systems, Residential Occupancy Code (NOT MANDATORY)
N.F.P.A.14	Standpipe and Hose Systems Code
*N.F.P.A.30	Flammable and Combustible Liquids Code
*N.F.P.A.30A	Automotive and Marine Service Station Code
*N.F.P.A.31	Oil Burning Equipment Installation Code
*N.F.P.A.54	National Fuel Gas Code
*N.F.P.A.58	Liquified Petroleum Gases, Storage and Handling Code
*N.F.P.A.70	National Electrical Code
*N.F.P.A.72	National Fire Alarm Code
N.F.P.A.88B	Repair Garages Code (Includes space used for auto sales)
*N.F.P.A.96	Cooking Operations, Ventilation Control Code
*N.F.P.A.101	Life Safety Code
*N.F.P.A.211	Chimneys, Vents, Fireplaces and Solid Fuel Burning Appliances Code
N.F.P.A.231	General Storage Code
*N.F.P.A.25	Inspecting, Testing & Maintenance of Water Based Fire Protection Systems
*N.F.P.A.52	Compressed Natural Gas Vehicular Fuel Systems

- *N.F.P.A.780 Lightening Protection Systems (NOT MANDATORY)
- N.F.P.A.1123 Fireworks Display
- *N.F.P.A.1126 Use of Pyrotechnics before a Proximate Audience

Topical Note: This allows the Town to utilize the most current edition of the National Fire Protection Association (NFPA) code and has been recommended by the Kingston Fire Department.

YES - 1015 NO - 458

ARTICLE 13: Are you in favor of the adoption of Amendment 10 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Amend Par: 6.23 to read:

All buildings and structures shall be subject to the following regulations, restrictions and conditions in accordance with the 1996 edition of the BOCA National Fire Prevention Code.

Topical Note: This allows the Town to utilize the most current edition of this national code manual and has been recommended by the Kingston Fire Department.

YES - 988 NO - 463

ARTICLE 14: Are you in favor of the adoption of Amendment number 11 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Amend Par: 6.24 to read:

All buildings and structures shall be subject to the following regulations, restrictions and conditions in accordance with the 1996 edition of the BOCA International Mechanical Code.

Topical Note: This allows the Town to utilize the most current edition of this national code manual and has been recommended by the Kingston Fire Department.

YES - 964 NO - 476

ARTICLE 15: Are you in favor of the adoption of Amendment number 12 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Delete Par: 6.25 (covered in N.F.P.A. 101 and)

Topical Note: This paragraph is superseded by the adoption of the new N.F.P.A. codes adopted above and is recommended by the Kingston Fire Department.

YES - 895 NO - 450

ARTICLE 16: Are you in favor of the adoption of Amendment number 13 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Delete Smoke and Heat Detector Ordinance on page 60 (covered in N.F.P.A. and BOCA)

Topical Note: This paragraph is superseded by the adoption of the new N.F.P.A. codes adopted above and is recommended by the Kingston Fire Department.

YES - 916 NO - 432

ARTICLE 17: Are you in favor of the adoption of Amendment number 14 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Create a new section 6.27 to read as follows:

6.27 Pursuant to RSA 674:52, VI, the adoption of updates or revisions to national codes previously adopted as part of the Article shall be allowed after a public hearing held by the Planning Board.

Topical Note: This amendment allows the Town to update the different codes referenced in the zoning ordinance in a manner that does not require repeated town-wide voting.

YES - 755 NO - 591

ARTICLE 18: Are you in favor of the adoption of Amendment number 15 as proposed by the planning board for the Town of Kingston Zoning Ordinance as follows:

Replace the section on fire inspections fees currently found on page 25 of the Kingston Zoning Ordinance with the following section:

Fire Inspection Fees

Inspections of the following kind are required by the Town of Kingston. The cost of these inspections has been determined by the Kingston Fire Department and the Kingston Board of Selectmen. The current fee schedule is available in both the office of the Fire Department and the Board of Selectmen.

NEW HOME

NEW BUSINESS

ASSEMBLY

SCHOOLS

HEATING APPLIANCES, TANKS, CHIMNEYS

NEW DAY CARE FACILITIES

FOSTER HOME PERMIT

PERMIT TO PURCHASE UNVENTED KEROSENE HEATER

EXISTING HOME INSPECTIONS

INSTALLATION OF UNDERGROUND STORAGE TANKS

REMOVAL OF UNDERGROUND STORAGE TANKS

Topical Note: This updates this section and allows the revision of fees to happen as a joint endeavor by the Board of Selectmen and the Fire Department and is recommended by the Kingston Fire Department.

YES - 881 NO - 532

ARTICLE 19: Shall the Town change the term of the Town Treasurer from one (1) year to three (3) years, beginning with the term of the Town Treasurer to be elected at next year's Town Meeting?

YES - 974 NO - 529

ARTICLE 20: Shall the Town raise and appropriate the sum of \$25,000 to establish a Capital Reserve Fund for the purpose of a town-wide re-evaluation and to name the Board of Selectmen as agents to expend?

YES - 519 NO - 981

ARTICLE 21: Shall the Town establish a permanent part-time position of Code Enforcement Officer for the Town of Kingston at a beginning salary not exceeding \$13,000? The amount needed to be raised and appropriated at this year's annual meeting for this position, including Medicare and FICA would be \$9,350. This is a special article by the Board of Selectmen independent of the operating budget.

YES - 422 NO - 1078

ARTICLE 22: Shall the Town approve a permanent full-time position of Town Manager and to fund it at a yearly salary of \$40,000? This is a special article by the Board of Selectmen independent of the operating budget.

YES - 179 NO - 1357

ARTICLE 23: Shall the Town change the intent of the Recreation Department Capital Reserve to include "the use of the money to be used for the purpose of developing lands and/or purchase of a building for the use of recreation"? The 1996 Town Meeting approved the expenditure of this Capital Reserve to develop the recreation land purchased in 1995 but the State of New Hampshire, Department of Revenue Administration, declared that this was a "change of use" of a Capital Reserve and, therefore, requires a two-thirds Town Meeting vote.

YES - 913 NO - 604

ARTICLE 24: Shall the Town raise and appropriate the sum of \$33,211.71, and to authorize the withdrawal of \$33,211.71 from the Recreation Department Capital Reserve Fund for the purpose of developing recreation land owned by the Town and to name the

Board of Selectmen and the Recreation Commission as agents to expend? The intent of this article is strictly to withdraw \$33,211.71 from the Capital Reserve Fund only.
YES - 908 NO - 610

ARTICLE 25: Shall the Town raise and appropriate the sum of \$146,000 toward covering the cost of fill, top soil, hydroseed, fencing and supplies for developing the fields and playground on recreational land owned by the Town of Kingston (formerly Kingston Fairgrounds) and to name the Kingston Board of Selectmen as the agent to expend?
YES - 582 NO - 941

ARTICLE 26: Shall the Town designate four acres of land formerly known as Kingston Fairgrounds for the building of a botanical garden? The land requested to be used is half wetlands and half high ground and is located on the south side of the grounds as indicated by the given map.
YES - 615 NO - 890

ARTICLE 27: Shall the Town instruct the Selectmen and the Road Agent to widen Ball Road four additional feet for the purpose of providing a designated recreational path? This path to be included with the rebuilding of Ball Road.
YES - 546 NO - 954

ARTICLE 28: Shall the Town raise and appropriate the sum of \$25,833 to be added to the Landfill Closure Capital Reserve Fund?
YES - 849 NO - 647

ARTICLE 29: Shall the Town raise and appropriate the sum of \$20,000 to be used to provide Family Health Insurance coverage for full time employees of the Town of Kingston? The Town will pay 75% of the cost of the insurance and the employee will pay 25%. Presently there is no family coverage provided by the Town.
YES - 776 NO - 747

ARTICLE 30: Shall the Town raise and appropriate the sum of \$4,200 to fund a retirement plan for the members of the Kingston Fire Department with over 10 years service?
YES - 548 NO - 984

ARTICLE 31: Shall the Town raise and appropriate the sum of \$2,750 to purchase Supplemental Disability Insurance for the members of the Kingston Fire Department?
YES - 780 NO - 744

ARTICLE 32: Shall the Town raise and appropriate the sum of \$50,000 to be added to the existing Nichols Memorial Library Reserve Fund for future library expansion (shall be deemed to include land purchase and future construction at a suitable site and shall include all reasonable architect's, engineering and related fees) and name the Nichols Memorial Library Board of Trustees and the Board of Selectmen as agents to expend?
YES - 575 NO - 944

ARTICLE 33: Shall the Town raise and appropriate the sum of \$13,650 to automate the Nichols Memorial Library and name the Nichols Memorial Library Board of Trustees as agents to expend?
YES - 602 NO - 831

ARTICLE 34: Shall the Town raise and appropriate the sum of \$7,000 for the purchase of a pickup truck for Town use? This is a special article by the Board of Selectmen independent of the operating budget.
YES - 460 NO - 969

ARTICLE 35: Shall the Town raise and appropriate the sum of \$40,000 to be placed in the Capital Reserve Fund established at the Town Meeting of March, 1992 for the purchasing of Highway Department Trucks and Equipment and to name the Board of Selectmen and the Road Agent as agents to expend?
YES - 660 NO - 755

ARTICLE 36: Shall the Town establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of building a new Highway Department Garage with office space and to raise and appropriate \$15,000 to be placed in this fund and to designate the Board of Selectmen and the Road Agent as agents to expend?
YES - 383 NO - 1034

ARTICLE 37: Shall the Town raise and appropriate the sum of \$17,000 to be used as the first of five yearly payments for the lease/purchase of a new all wheel drive loader/backhoe?
YES - 489 NO - 926

ARTICLE 38: Shall the Town raise and appropriate the sum of \$40,000 to be placed in the previously established Fire Department Capital Reserve Fund for Apparatus Replacement?
YES - 710 NO - 708

ARTICLE 39: Shall the Town raise and appropriate the sum of \$10,126.86 to be placed in the Capital Reserve Account for future replacement of the Ambulance? Said sum represents the collected Ambulance fees for 1996.
YES - 940 NO - 478

ARTICLE 40: Shall the Town raise and appropriate the sum of \$3,000 to fund our Town's share of the upgrade of Plaistow's high pressure breathing air compressor system?

YES - 777 NO - 632

ARTICLE 41: Shall the Town raise and appropriate the sum of \$1.00 to join the Seacoast Hazardous Materials Consortium? This is a special article by the Board of Selectmen independent of the operating budget.

YES - 953 NO - 456

ARTICLE 42: Shall the Town replace the current Bandstand with a new one to be larger but of the same style (to look just like the present one)?

YES - 313 NO - 1122

ARTICLE 43: Shall the Town raise and appropriate \$7,996.41 to be added to the Expendable General Fund Trust Fund, known as the "Annual Kingston Celebration Trust Fund" created in 1995? This amount to be funded from the 12/31/96 existing fund balance per RSA 35:11.

YES - 753 NO - 656

ARTICLE 44: Shall the Town establish a special revenue fund, known as the "Kingston Days Fund", per RSA 31.95-c for the purposes of organizing and running the annual "Kingston Days" Celebration? The revenues and expenditures for this event shall be accounted for in a special revenue fund, known as the "Kingston Days Fund", separate from the general fund. Further to raise and appropriate \$1.00 to be placed into this account and to name the Board of Selectmen as agents to expend. Any surplus in said fund shall not be deemed part of the general fund surplus.

YES - 860 NO - 555

ARTICLE 45: Shall the Town raise and appropriate the sum of \$5,000 to be used for fireworks during the Kingston Days Celebration?

YES - 752 NO - 671

ARTICLE 46: Shall the Town modify the elderly exemptions from property tax in the Town of Kingston, based on assessed value, for qualified taxpayers, to be as follows?

For a person 65 years of age up to 75 years, \$45,000;

For a person 75 years of age up to 80 years, \$65,000;

For a person 80 years of age and older, \$85,000.

To qualify, the person must have been a New Hampshire resident for at least five (5) years; own the real estate individually or jointly, or if the real estate is owned by his spouse, they must have been married for at least five (5) years. In addition, the taxpayer must have a net income of less than \$13,400, or, if married, a combined net income of less than \$20,400 (excluding Social Security) and own net assets not in excess of \$45,000 excluding the value of the person's residence.

YES - 1124 NO - 275

School results were certified and given to the School Clerk, Carol J. Brickett. (The detailed results will be printed in the annual School District report.) School votes were as follows

SCHOOL BOARD MEMBER FROM KINGSTON FOR THREE YEARS

James S. Albrecht, Sr.

1149*

SCHOOL DISTRICT MODERATOR FOR ONE YEAR

Richard "Rick" Russman

1179*

ARTICLE 2	YES	1275	NO	162
ARTICLE 3	YES	703	NO	774
ARTICLE 4	YES	819	NO	682
ARTICLE 5	YES	520	NO	969
ARTICLE 6	YES	574	NO	913
ARTICLE 7	YES	398	NO	1079
ARTICLE 8	YES	549	NO	941
ARTICLE 9	YES	532	NO	947
ARTICLE 10	YES	482	NO	1014
ARTICLE 11	YES	94	NO	1350
ARTICLE 12	YES	361	NO	1138
ARTICLE 13	YES	1005	NO	492
ARTICLE 14	YES	925	NO	570
ARTICLE 15	YES	981	NO	520
ARTICLE 16	YES	766	NO	690

Meeting was adjourned at 11:30 PM.


Kingston Town Clerk

Minutes of Recount

April 21, 1997

Recount of Article 38 regarding Fire Department Capital Reserve for \$40,000, was held at the Town Hall starting at 10:00 AM.

The Recount Board consisted of Electra L. Alessio, Moderator; Board of Selectmen: Stamatios Yiokarinis, Ellen Faulconer, and Mark Heitz; and Bettie C. Ouellette, Town Clerk.

The following results were obtained:

Yes	711
No	704
Blanks	167

Therefore, the Article passed. The ballots were re-sealed and locked back in the Town Hall vault at 11:45 AM.


Bettie C. Ouellette
Town Clerk