

**TOWN OF KINGSTON, N.H.
MINUTES OF TOWN MEETING - MARCH 9, 1982**

Article 1 — The Annual Town Meeting was called to order at 10 A.M. by the Moderator, Richard L. Russman, for the balloting for Town Officers, Sanborn Regional School District Officers, as well as balloting on Articles 4, 5, 6 and 7. It was voted to adjourn the meeting after the close of the counting of ballots, until March 10, 1982 at 7 P.M. at the Swasey Gymnasium.

The Town Clerk, Bettie C. Ouellette, broke the seal on all boxes of ballots. The Moderator inspected the Voting Booths and the Ballot Boxes. The Moderator also announced that absentee ballots would be processed at 3 P.M. The Assistant Moderator was Leonard F. Sanborn. Ballot Clerks were Mrs. Rochelle Ingersoll, Mrs. Esther N. Greenwood, Mrs. Mae L. Federhen, Mrs. Phyllis C. Gallagher and Miss Holly Ouellette. Robert L. Stevenson was the Police Officer. Extra counters at night were, Mrs. Judith C. Smith, Mrs. Margaret E. Wentzell, Bernard E. Robie, George H. Harmon and Mrs. Electra Alessio. Selectmen were Michael R. Priore and Ralph E. Southwick.

The following results of the balloting were announced by the Moderator: Total votes cast 762 including 70 absentees. Total on Check List 2167.

Moderator for		
Two Years	Richard L. Russman	654*
Selectman for		
Three Years	John J. Reinfuss	660*
Supervisor of Check List		
for Six Years	Richard A. Berry	666*
Tax Collector		
for Three Years	Bettie C. Ouellette	712*
Treasurer for		
for One Year	Olive Moriarty	664*
Road Agent for		
One Year	Richard D. Senter	652*
Chief of Police		
for One Year	Neil R. Parker	659*
Police Officers		
for One Year	Donald W. Briggs, Jr.	677*
	Glenn P. Miller	614*

Constable for		
One Year	Norman M. Bower	643*
Auditors for One Year	Gertrude Semple	51* write-ins
	Roberta Mantone	18* write-ins
Trustee of Trust Funds		
for Three Years	Leonard F. Sanborn	643*
Fireward for		
Three Years	Donald W. Briggs, Sr.	495*
	Frank R. Fellows	231
Library Trustee for		
Three Years	Gloria F. Bogannam	452*
	Vincent J. Palumbo	276
	Adele G. Russman	493*

*Elected

All elected officials took the oath of office.

Results of Zoning and Building Questions

(Voted by Written Ballot)

ARTICLE 4: Are you in favor of the adoption of the following amendments to the Zoning and Building Code of the Town of Kingston, New Hampshire, as adopted at the Annual Town Meeting held on March 14, 1978 and Amended March 13, 1979 and March 11, 1980, as proposed by the Planning Board:

I. Amend Article III, Section 3.10 by adding:

5. Wetlands Conservation District

II. Amend Article IV by adding:

4.60 Wetlands Conservation District

4.61 Purpose

In the interest of public health, convenience, safety and welfare, this ordinance is intended to guide the use of wetland areas which are defined and delineated as poorly and very poorly drained soils.

a. To maintain the quality and level of the groundwater table and water re-charge areas for existing or potential water supplies.

b. To insure uses that can be safely and appropriately located in wetlands areas in order to prevent pollution of surface and groundwaters necessary to supply domestic water needs.

c. To prevent the Town from incurring unnecessary and excessive expenses to provide and maintain essential services and utilities which arise because of unwise use of wetlands.

d. To protect persons and property against the hazards of flood water inundation by assuring the continuation of the natural flow pattern of streams and other water courses within the Town and by preserving natural floodwater storage.

e. To protect presently existing natural wetland wildlife habitats.

4.62 Definition

a. The Wetlands Conservation District of Kingston shall consist of those areas within the Town which contain fresh water marshes, ponds and lakes, perennial streams and soils classified as poorly and very poorly drained as defined by the National Cooperative Soil Survey conducted by the U.S. Department of Agriculture Soil Conservation Service for the Town of Kingston through field mapping surveys completed in 1977 and published in the "Soil Survey Report of the Town of Kingston."

b. Where the Wetlands Conservation District is superimposed over another zoning district in the Town of Kingston, that district which is more restrictive shall govern.

4.63 Wetlands Conservation District Map

The Wetlands Conservation District as herein defined is shown on a map designated as "Town of Kingston Wetlands Conservation District" and is a supplement to the zoning map of the town. Wetland boundaries indicated on the zoning map supplement shall be determined from soil survey field sheets which show the results of the soil survey referenced in Section 4.62, and from the on-site soils investigation of a qualified soils scientist* when required. Soil survey field sheets are available from the U.S. Soil Conservation Service in Exeter, N.H., and are on file with the Planning Board, Town Clerk and Conservation Commission. The results of any on-site soils investigation will be on file with the Planning Board and Conservation Commission.

4.64 Appeal

In the event that an area is alleged to be incorrectly designated on the soil survey/field sheets, any person aggrieved by such a designation may present adequate evidence of such to the Planning Board. Adequate evidence shall include a written report of on-site soils investigation and analysis conducted by a qualified soils scientist.*

4.65 Permitted Uses

In designated wetland areas permitted uses are those which are compatible with the purposes specified in Section 4.61 of this ordinance and do not involve significant alteration of the wetland.

Such uses include:

a. Forestry - tree farming

b. Agriculture

c. Water impoundments and well supplies

d. Maintenance of existing drainage ways - streams, creeks or other paths of normal water runoff.

e. Wildlife refuge

f. Parks and such recreational uses which are consistent with the purpose and intent of Section 4.61

g. Conservation areas and nature trails

h. Open space as permitted by subdivision regulations and other sections of this ordinance.

4.66 Uses Permitted Subject to Review

a. Easements and Rights of Way

Streets, roads and other access ways and utility rights of way or easements may be permitted provided that evidence of the following be accepted by the appropriate Board:

1) The street, road, access way or utility right-of-way or easements are essential to the productive use of land not zoned under the provisions of this ordinance.

2) The street, road, access way or utility right-of-way or easement is so located and constructed as to minimize any detrimental impact of such uses upon the wetland.

3) Such location and construction be compatible with the intents and purposes of this ordinance.

b. Underlying Districts

In cases where the Wetlands Conservation District overlays another zoning district, the proposed use shall be permitted (providing said use is allowed in the underlying district) subject to review by the appropriate Board providing that:

- 1) Uses are consistent with the purpose and intent in Section 4.61.
- 2) The appropriate procedure for review as delineated in Section 4.67 be followed.

4.67 Procedure for Review

a. Building Permits for Individual Lots

Upon receiving a request for a building permit within the Wetlands Conservation District, the Board of Selectmen shall notify the Planning Board and Conservation Commission of said request. The Planning Board and Conservation Commission may submit a written report. If the Board of Selectmen determines from these reports that the proposed activity may have a significant negative impact on the wetlands as described in Section 4.61, they may request the applicant to submit a drainage report and calculations describing the extent of that impact.

b. Subdivisions

Any person who desires to subdivide land within the Wetlands Conservation District shall submit to the Planning Board, in addition to all other requirements stipulated in the Subdivision Regulations, five (5) copies (copies are given to the Board of Selectmen, Conservation Commission, Town Engineer, and two retained by the Planning Board) of a drainage report and calculations prepared by a Registered Professional Engineer describing the extent of impact on the wetlands. The topographic map should include soil typing according to Section 4.62 of this ordinance. The Board of Selectmen and Conservation Commission may submit a written report for consideration.

c. Issuance of Conditions

If after review of all submitted data the appropriate Board determines that the area on which the

proposed work is to be done is in conflict with Section 4.61 of this ordinance, the Board shall:

- 1) Grant preliminary approval subject to an order of conditions it deems necessary for compliance and subsequent final approval, or
- 2) deny the request and give the reason thereto.

d. The appropriate Board shall be entitled to review and regulate development proposals within one hundred (100) feet of a wetland when it is determined that such development may have a significant negative impact on the wetland not consistent with the purposes and intent of Section 4.61.

4.68 Special Exceptions

Special exceptions for the undertaking of a use not otherwise permitted in the Wetlands Conservation District, which may include erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of the land, may be granted by the Board of Adjustment, if it can be shown that such proposed use will not conflict with the purpose and intent of Section 4.61. Proper evidence to this effect shall be submitted in writing to the Board of Adjustment and may be accompanied by the findings of a review of the Rockingham County Conservation District of the environmental effects of such proposed use upon the wetlands in question.

* Qualified Soil Scientist is a person qualified in soil classification who is recommended or approved by the Rockingham County Conservation District Board of Supervisors.

III. Amend Article II, Section 2.20:12 by deleting the existing definition and inserting:

Wetlands. Fresh water marshes, ponds and lakes, streams, and soils classified as poorly and very poorly drained as defined by the National Cooperative Soil Survey, U.S.D.A., Town of Kingston, 1977.

YES 450 NO 201

ARTICLE 5: Are you in favor of the adoption of the following amendment to the Zoning and Building Code of the Town of Kingston, New Hampshire, as adopted at the annual Town Meeting held on March 14, 1978 and Amended March 13, 1979

**MINUTES OF CONTINUED TOWN MEETING AT
SWASEY GYMNASIUM, March 10, 1982**

Meeting was called to order at 7 P.M. by the Moderator, Richard L. Russman. Prayer was offered by the Rev. Wendell J. Irvine, First Congregational Church. The Moderator introduced the Selectmen, Michael R. Priore, Ralph E. Southwick and John J. Reinfuss, and the Town Clerk, Bettie C. Ouellette. The Moderator explained that he hoped to be able to finish the whole warrant in one night. He thanked Wiley Baldwin, Norman Bower, Daniel Bogannam and Virginia Morse for serving on the Finance Committee for 3 years and then appointed the following: Charles Hannagan, to fill out the one year term of Susan E. Kelley who moved away; and the following four to serve for 3 years: Electra Alessio, Thomas Dangremond, Donald Eadie and George Schiller, Jr. The Moderator then read the results of the balloting from yesterday.

ARTICLE 2 - A motion made by John J. Reinfuss to raise and appropriate \$822,885.60 was seconded, and after discussion the following amendment made by David Welch, was passed, on a voice vote: "That the Moderator appoint a committee of 7 people, within 14 days after Town Meeting, to study and recommend to the Selectmen a suggested personnel plan. The committee will study the following areas: Salaries, salary increases, job descriptions, and fringe benefits - but shall not be restricted to these items. The report should be submitted to the Selectmen and the Public within 120 days. All Town employees and elected officials are prohibited from serving on this committee, however, they may be consulted for advisory information. Following receipt of the report the Selectmen shall be charged with holding a Public Hearing on the report within 30 days. Said plan is to be presented for a ballot vote at the next regularly scheduled or special election following the above time frames and if adopted is to become effective within 30 days of its adoption or 1 January 1983, whichever is later."

A second amendment, made by David Welch, to cut the budget by \$5,000.00 (2,000.00 from the Town Officers' Expenses and \$3,000.00 from the General Government Buildings) was NOT passed on a voice vote.

Then another amendment, made by David Welch, to cut the budget by \$3,000.00 (from the General Government Buildings) was passed by voice vote. Discussion followed on the Article, as amended.

It was then voted by voice vote to raise and appropriate \$819,885.60 to defray Town charges for the ensuing year.

ARTICLE 3 - It was voted by voice vote, on a motion by John Reinfuss, 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.

ARTICLES 4, 5, 6, and 7 - were voted by written ballot on March 9, 1982. (results printed above).

ARTICLE 8 - A motion was made by Ralph Southwick and seconded, to raise and appropriate the sum of \$3,000.00 to cover the cost of a salary increase of \$1,000.00 per Selectman. The present salary is \$2,150.00 annually. An amendment made by Charles Hannagan, was passed, by voice vote, to raise and appropriate the sum of \$1,050.00 to cover the cost of a salary increase of \$350.00 per Selectman to make the annual salary \$2,500.00. Then, the article, as amended, was passed by voice vote.

ARTICLE 9 - It was voted by voice vote, on a motion by Dorothy Champion, to table this article and to set up a committee to study it - relative to purchasing and installing a hung ceiling, insulation and lighting fixtures in the Town Hall for \$3,500.00.

ARTICLE 10 - It was voted, by voice vote, on a motion by David Welch, to table this article, relative to replacing the rear furnace in the Town Hall, for \$4,000.00.

ARTICLE 11 - It was voted, by voice vote, on a motion by Michael Priore, to appropriate and authorize the withdrawal of the sum of \$930.00 from the Revenue Sharing Fund, established under the provisions of the State and Local Assistance Act of 1972, for the purchase of inside storm

windows to be installed in the Town Hall downstairs.

ARTICLE 12 - It was voted, by voice vote, on a motion by Gordon Bakie, to appropriate and authorize the withdrawal of the sum of \$2,000.00 from the Revenue Sharing Fund, established under the provisions of the State and Local Assistance Act of 1972, for the purchase and installation of electric door openers at the Central and So. Fire Stations.

ARTICLE 13 - It was voted, by voice vote, on a motion by John Reinfuss, 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 fiscal year to be used only for legal purposes for which a town may appropriate money.

The Selectmen shall hold a prior public hearing on the action to be taken and such action shall not require the expenditure of other town funds and shall be exempt from all provisions of RSA 32 relative to limitation and expenditure of town monies.

ARTICLE 14 - This article was NOT passed, relative to raising and appropriating \$60,000.00 and authorizing the Selectmen to engage the services of an independent assessing firm for the purpose of reassessing all land and buildings in the Town. Original motion was made by John Reinfuss and the vote was taken after a motion made by Norman Bower, "to move the question," was passed, by voice vote.

ARTICLE 15 - It was voted, as amended, by voice vote, on a motion by Donald W. Briggs, Sr., to appropriate and authorize withdrawal of \$6,000.00 from Revenue Sharing Funds established under the provisions of State and Local Assistance Act of 1972 to do necessary body work on Fire Engine #2 — a 1968 Chev. and Engine #3 — a 1973 Ford. The amendment which was passed by voice vote, was made by Leonard Sanborn, to remove the words "and restore rust" from the original motion.

ARTICLE 16 - This article, relative to the purchase of engineering costs for the proposed Police Station and planning

thereof, so as to be able to go to the Federal Government with plans for the purpose of Funding, cost of \$6,000.00 was NOT passed. Original motion was made by Neil Parker, and Moderator declared article did not pass on a voice vote.

The Moderator then asked for a standing "eye" vote and he again declared the article NOT passed. However, Dorothy Champion still took issue on the call of the vote and the Moderator asked for a standing vote to clarify the situation. The following were appointed tellers: Renwick Clements, Stanley Wentzell, Sheila Whittier and C. Steven Briggs. Results: Yes 61, No 91. The Moderator again declared the article NOT passed.

ARTICLE 17 - This article was passed over as it was the same as Article 15, except it would have used "regular" funds instead of "Revenue Sharing Funds."

ARTICLE 18 - A motion was made by Neil Parker and seconded to raise and appropriate a sum of money, \$8,500.00 for the replacement of the 1980 cruiser. An amendment, made by Billy Gates, "to use Revenue Sharing money as much as possible and the rest to be raised by taxes," was passed by voice vote. Then the original motion, as amended, was passed by voice vote.

ARTICLE 19 - It was voted, by voice vote, on a motion by Neil Parker, to authorize the Selectmen to apply for, receive and expend a sum of \$10,000 (ten thousand dollars) for radar patrol if available or awarded under the State of New Hampshire Highway Safety Radar Program as one hundred percent (100%) state funded.

ARTICLE 20 - It was voted, by voice vote, on a motion by Gordon Bakie, to allow the Fire Wards to place unexpended funds from current year's appropriations in a Capital Reserve Fund for the future replacement of fire equipment as needed, RSA 35:1 (B) (Supp) & 35:3 (Supp) & 35:11 & Chapter 35 generally.

ARTICLE 21 - It was voted, by voice vote, on a motion by Gordon Bakie, to allow the Fire Wards to place all monies received from the ambulance into a Capital Reserve Fund for

the future replacement of the ambulance. RSA 35:1 (b) (Supp) & 35:3 (Supp) & 35:11 & Chapter 35 generally.

ARTICLE 22 - It was voted, by voice vote, on a motion by John Reinfuss, to raise and appropriate the sum of \$689.00 for the purchase of a postage meter mailing machine, Model 5705 Touchmatic.

ARTICLE 23 - It was voted by voice vote, on a motion by Neil Parker, to authorize the Selectmen to withdraw the sum of \$1,600.00 on State bid list to replace the 13 year old radio now in use every day. This amount to be withdrawn from the Police Department capital reserve fund established in 1979.

ARTICLE 24 - It was voted, as amended, by voice vote, on a motion by Neil Parker and on an amendment by Charles Hannagan, to raise and appropriate the sum of \$1,300.00 for a copy machine for the Police Station.

ARTICLE 25 - It was voted, by voice vote, on a motion by Neil Parker to raise and appropriate the sum of \$1,600.00 for a cost of living increase for the Chief of Police. The present salary is \$14,613.93. An amendment, made by Billy Gates, to change the \$1,600.00 to \$1,315.25 (or a 9% raise) was NOT passed, by voice vote. The vote was taken after a motion by John Rowell, "to move the question," was passed by voice vote.

ARTICLE 26 - It was voted, by standing vote, on a motion by Richard D. Senter to raise and appropriate the sum of \$1,600.00 as a cost of living increase for the Road Agent. The present annual salary is \$14,613.93, includes: two weeks vacation and is appropriated as part of the regular budget. An amendment made by David Welch to change the \$1,600.00 to \$1,000.00 was NOT passed on a voice vote. The Moderator was challenged on his decision and he declared the amendment NOT passed on a standing "eye" vote.

ARTICLE 27 - It was voted, by voice vote, on a motion by Bettie C. Ouellette, to raise and appropriate the sum of \$146.20 as an 8% increase in the salary of the Part-time Town Clerk, making the annual salary \$1,973.70, plus statutory fees.

ARTICLE 28 - It was voted, by voice vote, on a motion by Bettie C. Ouellette, to raise and appropriate the sum of \$360.00 as an 8% increase in the salary of the part-time Tax Collector, making the annual salary \$4,860.00, plus statutory fees.

ARTICLE 29 - It was voted, by voice vote, on a motion by Sheila Briggs, to table this article regarding three weeks vacation after 10 years of service to the Town.

ARTICLE 30 - It was voted, by voice vote, on a motion by Neil Parker, to allow the Selectmen to place all monies received by the Police Department (accident reports, firearms permits, fees and the sale of the old cruiser) into a Capital Reserve Fund for the future replacement of cruisers and radio equipment. RSA 265:19 (Supp) Generally 35."

ARTICLE 31 - It was voted, by voice vote, on a motion by Charles Hannagan, to appropriate and authorize the withdrawal of the sum of \$1,000 from the Federal Revenue Sharing Fund as established under the provisions of the State and Local Assistance Act of 1972 "for adequate winter housing at the Kingston dog pound."

ARTICLE 32 - It was voted, as amended, by voice vote, to authorize and direct the Selectmen to appoint a committee to study cable TV and hold a public hearing within 90 days and to grant a cable television franchise upon such lawful conditions as they may require, to erect, install and to include service to any house that applies for it within the Town of Kingston and maintain in, under or over streets, highways and public ways of the Town, wires, cables and other electrical impulses all in accordance with and as allowed by RSA 53-C (Supp 1977).

The original motion was made by Brenda Beede. The first amendment, made by Chris Garvey to add: "approved recommendation of the cable TV committee" after the word "upon" did NOT pass by voice vote.

The second amendment was voted, by voice vote, and made by Kenneth F. Briggs, Jr. (underlined in minutes). The third amendment was voted, by voice vote, on a motion by Billy Gates (double underlined in minutes.) The vote came

after a motion by Stanley Wentzell "to move the question," was passed by voice vote.

ARTICLE 33 - It was voted, by voice vote, on a motion by Harry Carr, to authorize the withdrawal of the sum of \$7,500.00 from the Revenue Sharing Fund, established under the provisions of the State and Local Assistance Act of 1972, for the purchase and installation of lighting equipment, consisting of 6 (six) ellipsoidal spotlights with lamps and wiring, 2 (two) portable dimmer modules, 6 (six) 2400-watt solid state dimmers and 1 (one) twenty-four channel, two scene pre-set remote controller, for the Town Hall.

ARTICLE 34 - This article was passed over as it was the same as Article 33 with a smaller amount of money.

ARTICLE 35 - It was voted, by voice vote, on a motion by Michael Priore, to raise and appropriate the sum of \$1,203.00 to assist Rockingham County Community Action Program, Inc. These funds requested, in this instance being \$1,203.00, are to be used for current operating expenses to enable Rockingham County Community Action Program, Inc. to continue providing services to the residents of the Town of Kingston at no cost to said residents.

ARTICLE 36 - It was voted, by voice vote, on a motion by Michael Priore, to budget \$1,367.00 to assist Rockingham Child and Family Services, a private, non-profit organization. The amount of this request is based on services rendered to 31 residents of the Town of Kingston, during the period July 1, 1980 through June 30, 1981, inclusive. These residents used \$3,740.00 worth of service, however, only \$1,367.00 could be billed according to their ability to pay. We therefore request the minimum amount needed from the Town, in this instance being \$1,367.00. These funds to be used for current operating expenses to enable Rockingham Child and Family Services to continue providing individual and family counseling for residents of the Town of Kingston whether or not said residents are able to pay.

ARTICLE 37 - It was voted, by voice vote, to raise and

appropriate the sum of \$1,000.00 (one thousand dollars) in support of the services of the Newmarket Health Center, Inc.

ARTICLE 38 - It was voted, by voice vote, on a motion by John Reinfuss, to raise and appropriate the sum of \$819.79 for Class IV and Class V Highways under the provisions of Town Road Aid. The State will contribute \$5,465.25.

ARTICLE 39 - It was voted, as amended, by voice vote, on a motion by Ralph Southwick, to authorize the Selectmen to sell tax deeded property at Public Auction, excluding that providing access to waterfront. Amendment was made by Charles Hannagan.

ARTICLE 40 - It was voted, by voice vote, on a motion by Leonard Sanborn, to restrict the sale of cemetery lots to residents, former residents and their relatives, or as otherwise provided by the Selectmen.

ARTICLE 41 - It was voted, by voice vote, on a motion by Virginia Morse to approve the transfer of the remaining money in the Conservation Commission budget to the Conservation Fund as established under RSA 36-A:5.

ARTICLE 42 - It was voted, by voice vote, on a motion by Gertrude Semple, to raise and appropriate \$1,000.00 to complete the Historic Architectural Survey.

ARTICLE 43 — It was voted, by voice vote, on a motion by David Welch to discontinue, 17th street from the northeasterly boundary of Lot 7 section K and Lot 93 section J, southeasterly to its end; and further:

To give the Selectmen authority to sell or transfer that portion of 17th street in Great Pond Park described above, which is unimproved, to said Leonard Hawkins for the purpose of joining his two properties described on tax map U4-232 and U4-237 containing lots #88, 89, 90, 91, 93, 94, 95 and 82 in section J and lots #1, 2, 3, 4, 5, 6 and 7 in section K into one deeded parcel. All costs involving surveying, marking, transferring and recording to be the burden of the purchaser.

ARTICLE 44 - This article, regarding the Selectmen's

Ordinance requiring permits for all electrical and plumbing work in Kingston, was *passed over* as there was no motion and no action taken.

ARTICLE 45 - A motion was made by Freeman Nason to accept this article as printed and after a short discussion, Lawrence Smith, Jr. made a motion to table the article and it was tabled on a voice vote.

This dealt with a Selectmen's ordinance pertaining to a fee schedule for permits for Industrial buildings.

ARTICLE 46 - It was voted, on a motion by John Reinfuss, to accept the Auditors Report and the Town Report as printed.

ARTICLE 47 - 2 Resolutions were introduced first, by the Moderator, as follows:

- (1) Selectmen shall set the date for the Finance Committee meeting; which shall be at least 2 weeks prior to the Annual Town Meeting.
- (2) Copies of all budget and background material shall be delivered by Selectmen or their agent to the Finance Committee members at least two weeks prior to the meeting.
- (3) The moderator shall serve as a non-voting chairman of the Finance Committee.
- (4) Members only shall sit at the finance table; Selectmen and other department heads shall appear to go over the budget with the Finance Committee and justify their budgets or money requests.
- (5) Finance Committee shall set procedures for public participation at each meeting.

This Resolution was adopted, by a voice vote.

Second, introduced by Randall Kezar, as follows: Shall the citizens of Kingston ask members of the New Hampshire Congressional Delegation to support or co-sponsor a resolution in the U.S. Congress to:

Request the President of the United States to propose to the Soviet Union that the United States and the Soviet Union adopt a mutual freeze on the testing, production, and deployment of nuclear weapons and missiles and new aircraft designed to deliver nuclear weapons, with verification safeguards satisfactory to both countries.

This Resolution was NOT adopted, by voice vote. This vote was taken after a motion made by Norman Bower, "to move the question" was voted by voice vote.

Selectman Michael Priore announced that the B&M Railroad has contacted the Selectmen regarding the construction of warning lights at the New Boston Road crossing, at a cost of \$100,000.00 and the Town will be asked to pay \$10,000.00.

It was voted to adjourn at 10:45 P.M.

(signed) Bettie C. Ouellette
Kingston Town Clerk

Footnotes to Minutes of 1982 Town Meeting

Article 2. Legal opinion received March 16, 1982 from Town Counsel regarding amendment for the Moderator to appoint a 'Personnel Plan Committee':

"This amendment has absolutely nothing to do with Article 2 which is an appropriation article and therefore was improper because of subject matter.

"Under the provisions of New Hampshire Revised Statutes Annotated, Chapter 39, a Town Warrant must include the specific articles or subjects on which the town has the power to act. This warrant must be posted at least fourteen days before the Annual Town Meeting. There was no article in the town warrant to establish a committee to study and recommend to the Selectmen a personnel plan. Without that subject having been posted in the warrant, the amendment is illegal because proper notice is lacking.

"In addition, even if the article had been properly posted, the attempt to have the moderator appoint the committee is outside the statutory scope of a moderator's authority. The duties of a moderator are statutory in nature only and cannot be expanded. The duties of the moderator are contained in N.H. RSA 40:1 and N.H. RSA 40:4.

"Further, an additional ground for declaring the amendment illegal is the fact that an attempt is being

made to divest the authority of the Selectmen to handle the prudential affairs of the town under the provisions of N.H. RSA 41:8. It is my opinion that personnel plans are the province of the Selectmen and not some committee."

Article 47. Legal opinion regarding "Finance Committee Resolution":

"The resolution regarding the Finance Committee procedures did not legally come before the meeting under Article 47. Once again, the subject matter of the Finance Committee procedures came before the Town Meeting for the first time at the Town Meeting and was not posted in the Town Warrant, contrary to the provisions of N.H. RSA Chapter 39.

"Further, that resolution attempts to set forth procedures to be allowed by the Town of Kingston in the future. Any matter which is going to set forth procedures or affect future matters of the town must be posted in advance. Putting it another way, any matter which is brought up under an article to transact any other business which may legally come before the meeting is limited in scope to such matters as a resolution thanking people for services rendered, etc. To allow any other type of resolution to come up under that article would be in violation of N.H. RSA 39 because the specific subject was not posted on the Town Warrant at least fourteen days before the Town Meeting. Any matter which will bind the town in the future must be posted in the warrant."

(signed) Bettie C. Ouellette
Kingston Town Clerk