

MINUTES OF THE DELIBERATIVE SESSION FEBRUARY 4, 2012

The meeting was called to order at 9:00 am at the Town Hall by the Moderator, Electra L. Alessio. She introduced the Selectmen: Peter V. Broderick, Chairman, Charles A. Hart, and Mark A. Heitz. She also introduced Bettie C. Ouellette, Town Clerk-Tax Collector, as well as the following Budget Committee members: Michael Morris, Stanley Shalett, Mary Fidler, Sandra Seaman, Edward Conant, Carla Crane, Lynn Gainty, Wanda Millett, and Chairman Ron Conant. Member Keith Dias arrived later in the meeting.

The meeting was televised by Larry Middlemiss.

The Moderator welcomed everyone and led the Pledge of Allegiance to our flag. She explained that this was the first session of the Annual Town Meeting, and that voting will take place on March 13th, with the polls open from 8:00 am to 8:00 pm at the Swasey Gymnasium, at the Old High School at 178 Main Street.

Copies of the proposed Budget and the Warrant Articles were available for the people.

No action was to be taken on Article 1 (election of Town Officers) although the Moderator read the article aloud. No action was to be taken on Articles 2 through 9, which are zoning questions on which the Planning Board had previously held Public Hearings.

Article 10: To see if the Town will vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant, or as amended by vote of the first session, for the purposes set forth therein, totaling \$ 4,638,774.00. Should this article be defeated, the default budget shall be \$ 4,541,620.00, which is the same as last year with certain adjustments required by previous action of the Town or by law, or the governing body may hold one special meeting, in accordance with RSA 40:13, X & XVI to take up the issue of a revised operating budget only. This operating budget warrant article does not include appropriations contained in any other warrant article.

RECOMMENDED BY THE BOARD OF SELECTMEN RECOMMENDED BY THE BUDGET COMMITTEE

The question was moved and seconded. Budget Committee Chairman Ronald Conant provided an overview and line item review of the proposal.

Roger Clark moved that the budget be amended by an increase of \$5,000.00 to provide for fireworks during the Kingston Days celebration. The motion was seconded and voted in the affirmative. There being no further discussion, the Moderator declared

that the article will move forward to the ballot as amended, with a proposed budget amount of \$4,643,774.00.

Article 11: To see if the Town will authorize the Tax Collector to allow a 1½% deduction from Property Tax when payment is made within 30 days of billing.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. There being no discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 12: To see if the Town will vote to adopt the provisions of N. H. RSA 41:14-a authorizing the Selectmen to negotiate, accept or convey, on terms favorable to the Town, properties not specifically excluded by the RSA.

RECOMMENDED BY THE BOARD OF SELECTMEN

The question was moved and seconded. Selectman Peter Broderick spoke to explain the purpose of the article. Resident Lesley Hume asked how the properties to be acquired will be paid for. It was explained that no purchases are foreseen; voter approval will be sought for any future proposed purchases. The purpose of the article is to allow the town to accept donations of land. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 13: To see if the Town will vote to change the organization of the Town of Kingston Fire Department in accordance with RSA 154:I(b) to provide that the Board of Selectmen shall appoint a Fire Chief for an indefinite period, and to further provide that firefighters shall be appointed by the Board of Selectmen upon the recommendation of the Fire Chief. This change, if approved, shall not take effect until one year following approval of this article. Any previous town votes authorizing the current organization are repealed upon the effective date of this article.

RECOMMENDED BY THE BOARD OF SELECTMEN

The question was moved and seconded. Selectman Mark Heitz spoke to explain the purpose of the article. There being no discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 14: To see if the Town will vote to repeal the establishment of an elected constable position and of two elected police officer positions, pursuant to RSA 41:47, and hereafter appoint police officers pursuant to RSA 105:1.

RECOMMENDED BY THE BOARD OF SELECTMEN

The question was moved and seconded. Selectmen Peter Broderick and Mark Heitz spoke to explain the purpose of the article. Police Chief Donald Briggs, Jr. spoke

in support of the article. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 15: To see if the Town will authorize the Board of Selectmen to accept from Sanborn Seminary deeded title to a right of way leading from Church Street to Greenwood Pond, located between the Kingston Children's Center and Gideon Hall Society, as shown on a plan entitled, "Lot Line Adjustment Plan in Kingston, NH as drawn for the Town of Kingston, NH" (Tax Map U10, Lot 14). If this article passes, the transfer will occur only if Article 16 also passes.

RECOMMENDED BY THE BOARD OF SELECTMEN

The question was moved and seconded. Moderator Electra Alessio advised that an editorial change to Articles 15 and 16 will change the word "entitled" to "titled" in both articles. Selectman Charles Hart asked if Articles 15 and 16 could be considered together. There being no objection, the Moderator moved on to Article 16, noting that Articles 15 and 16 would be discussed together.

Article 16: To see if the Town will authorize the Board of Selectmen to convey portions of an existing right of way on Church Street, totaling 100% of the right of way, to Gideon Hall Society and the First Congregational Church, to become integral parts of their adjacent properties, as shown on a plan entitled, "Lot Line Adjustment Plan in Kingston, NH as drawn for the Town of Kingston, NH". If this article passes, the transfer will occur only if Article 15 also passes.

RECOMMENDED BY THE BOARD OF SELECTMEN

The question was moved and seconded. Selectman Charles Hart explained the history of the parcels to which Articles 15 and 16 refer. A question from Roger Clark as to why the articles are contingent upon one another was answered by Selectman Heitz, who explained that each transfer will occur only if all parties are in agreement to all aspects of the proposal. A question from Bill Timmons as to whether there will be any tax impact by removing the parcels from tax rolls was answered by Selectman Heitz, who advised that the parcels both are exempt from taxes in any case. Donald Briggs, Jr. advised that, as a Trustee of Sanborn Seminary, he can verify that the Seminary is in agreement with the proposed transfers. Ellen Faulconer asked if the access way to Greenwood Pond will continue in use as it has in the past. Selectman Heitz advised that he believes it will. Selectman Hart advised that he will have a site plan of the parcels in question available at the Town Election on March 13th. There being no further discussion, the Moderator declared that Articles 15 and 16 both will move forward to the ballot with the editorial changes noted.

Article 17: To see if the Town will vote to raise and appropriate from the existing unreserved fund balance the sum of \$4,268,383.00 to be placed in the previously approved revocable trust fund entitled the "2011 Town of Kingston Infrastructure Fund" for the purpose of building, expanding, improving and maintaining town-owned infrastructure. It is the town's intent for \$4,000,000.00 to remain in the fund and for only

the interest to be expended. It is the intent of the current Board of Selectmen to hold a public hearing prior to expenditure.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Selectman Mark Heitz spoke to explain the purpose of the article. Ellen Faulconer asked if the amount of the transfer includes all interest earned since the 2011 Town Meeting. Selectman Heitz advised that the N. H. Department of Revenue Administration requires a sum certain to be proposed, and that the sum represents as close to the full amount as was possible at the time the article was written. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 18: To see if the Town will vote to raise and appropriate the sum of \$75,000.00 to be placed in the previously approved Highway Department Equipment Replacement Capital Reserve Fund.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Road Agent Richard St. Hilaire and Selectman Peter Broderick spoke in support of the article. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 19: To see if the Town will vote to raise and appropriate the sum of \$50,000.00 to be placed in the previously approved Town Buildings Maintenance and Repairs Capital Reserve Fund.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Road Agent Richard St. Hilaire spoke in support of the article. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 20: On petition of the Kingston Fire Wards, Kingston Fire Chief and 30 registered voters, to see if the Town will vote to raise and appropriate the sum of \$75,000.00 to be placed in the previously established Fire Department Capital Reserve Fund for apparatus replacement.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Fire Chief Bill Seaman spoke in support of the article. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 21: On petition of 35 registered voters, to see if the Town will vote to raise and appropriate the amount of \$15,500.00 to purchase and install heating and cooling units at the Community Center (the former YWCA building) located at 24 Main Street in Kingston (Tax Map U5, Lot 62). This building is to be used as a community activity facility.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Roger Clark moved that the amount of the article be reduced to \$1.00, as it had been determined that the money necessary for the purpose already is in the budget and, should the article not pass at the proposed amount, the work will not be able to be completed for a one-year period. The motion was seconded and an affirmative vote was recognized. Some discussion was held. There being no further discussion, the Moderator declared that the article will move forward to the ballot as amended.

Article 22: To see if the Town will vote to raise and appropriate a sum not to exceed \$500,000.00 and authorize the Board of Selectmen, upon recommendation of the 2007 Land Purchase Sub-committee, to negotiate on behalf of the town purchase of property located at 3 East Way (Tax Map R34, Lot 71B).

**RECOMMENDED BY THE BOARD OF SELECTMEN
NOT RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Selectman Heitz explained that the article is a result of the work of the Land Purchase Committee, a subcommittee of the Planning Board set up as a result of the 2007 Town Meeting, and that there is no assurance that, even if passed, the proposed amount will be accepted by the property owners. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 23: On petition of the Kingston Fire Chief, Road Agent and 40 registered voters, to see if the Town will vote to raise and appropriate the sum of \$3,500.00 to be used to provide short term and long term disability insurance for full time employees of the Town of Kingston, with the first year to be funded for only six months. The Town will pay 75% of the cost of the insurance for the employee and the remaining 25% will be paid by the employee. At present there is no disability insurance provided by the Town.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. The Moderator approved a request by Fire Chief Bill Seaman to add the words "Police Chief" between the words "Fire Chief" and "Road Agent", and to change the number of registered voters signing the petition from 40 to 39. Chief Seaman, Chief Briggs, Road Agent Richard St. Hilaire, Ellen Faulconer, and Lynn Gainty spoke in favor of the article. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 24: On petition of 49 registered voters, to see if the Town will vote to raise and appropriate the sum of \$110,000.00 for the purpose of purchasing a 1.1 acre lot located at 54 Church Street, Tax Map R33, Lot 20, and for the removal of the existing structures, trash and debris on the property, site recovery, professional service fees, and any items incidental to or necessary for the lot to become part of the library site. This property abuts the land upon which the new Kingston Library is situated and recently became available for purchase. The cost includes the purchase price of \$80,000.00 in addition to \$30,000.00 which includes such items as the cost of site cleanup as well as all professional fees related to transfer of the property.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Lesley Hume, George Fisher and Donald Briggs, Jr. spoke in support of the article. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 25: On petition of 43 registered voters, to see if the Town will vote to raise and appropriate the sum of \$2,500.00 to be placed in the Powwow Pond Preservation Fund. This and existing funds will be used to match a grant of up to \$4,850.00 from the N. H. Department of Environmental Services for control of exotic species which have infested the Powwow Pond. The Board of Selectmen are the agents to expend said funds.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. There being no discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 26: On petition of 44 registered voters, to see if the Town will vote to raise and appropriate the sum of \$27,000.00 to be placed in the Land Acquisition Capital Reserve Fund for the future purchase of development rights, conservation easements and other land acquisition to stabilize the tax base, maintain large tracts of land as such, and to help ensure that the development of additional large multi-house subdivisions does not have significant impact on taxes for town services such as education, fire and police.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Ernie Landry spoke in support of the article. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 27: On petition of 37 registered voters, to see if the Town will vote to raise and appropriate the sum of \$2,500.00 to support a share of the services provided to residents to access counseling and family support services, without regard to income, from Child and Family Services.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. There being no discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 28: On petition of 37 registered voters, to see if the Town will vote to accept the provisions of RSA 202-A:4(d), permitting the Library Trustees of the public Library to accept gifts of personal property, other than money, that may be offered to the Library for any public purpose. This authorization will remain in effect indefinitely, until specific rescission of such authority.

**NOT RECOMMENDED BY THE BOARD OF SELECTMEN
NOT RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. Library Trustee Lesley Hume spoke in support of the Article. Selectman Mark Heitz spoke in opposition to the article. Lesley Hume moved that the following sentence be added as a final sentence to the article: "No acceptance of property under the authority of this vote shall bind the town or the Library Trustees to raise, appropriate or expend public funds for the operation, maintenance, repair or replacement of such property." The motion was seconded and voted in the affirmative. There being no further discussion, the Moderator declared that the article will move forward to the ballot as amended.

Article 29: On petition of 39 registered voters, to see if the Town will vote to accept Ash Drive as a town road? This road is 1/5 of a mile in length and provides access to the 40 units of Rowell Estates, an over-55 development.

**NOT RECOMMENDED BY THE BOARD OF SELECTMEN
NOT RECOMMENDED BY THE BUDGET COMMITTEE**

The question was moved and seconded. David Touhey and several other residents of the Ash Drive area spoke in support of the article. Road Agent Richard St. Hilaire and Selectmen Peter Broderick and Mark Heitz spoke in opposition to the article. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 30: To transact any other business that may legally come before the meeting.

No action was taken on Article 30.

The Moderator stated that it was good to see Planning Board member Glenn Coppelman in attendance following a recent car accident that he'd had, and those present applauded Mr. Coppelman in agreement.

The Moderator, thanking those who had attended, adjourned the meeting at 10:59 am.

Respectfully submitted

Bettie C. Ouellette

Bettie C. Ouellette

Town Clerk