

MINUTES OF THE DELIBERATIVE SESSION FEBRUARY 5, 2011

The meeting was called to order at 9:00 am at the Town Hall by the Moderator, Electra L. Alessio. Ms. Alessio welcomed everyone and led the Pledge of Allegiance to our Flag. She then explained that this was the first session of the annual Town Meeting, and that ballot voting will take place on March 8th, 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.

The Moderator introduced the dais, including Peter V. Broderick, Mark A. Heitz and Charles A. Hart of the Board of Selectmen; Bettie C. Ouellette, Town Clerk-Tax Collector; and Carla Crane, Lynn Gainty, Ronald Conant, Sandra Seaman, Keith Dias, Stanley Shalett, Michael Morris, and Gary Finerty of the Budget Committee. She thanked all those in attendance for their presence. She then advised that HB 77, signed into law the previous day, will prohibit the practice of amending articles in such a way that the intent of the article is totally negated. She read the new law aloud and noted that, although the practice has never been utilized in Kingston, other towns have allowed amendments that wiped out the wording of articles beyond the "To see if the Town will vote" opening phrase.

Copies of the proposed articles and budget were available for those present.

No action was taken on Article 1 (election of Town Officers) or on Articles 2 through 10 (Zoning questions on which the Planning Board had previously held Public Hearings).

Article 11: On petition of 40 registered voters, to see if the Town will vote to raise and appropriate the sum of \$1,942,000.00 for the purpose of constructing a new municipal library as presented by the Library Board of Trustees to be located at Tax Map R33-21-2 and for equipment and furnishings, architectural fees, site development, professional service fees and any items incident to and/or necessary for said construction, and to authorize the issuance of not more than \$1,942,000.00 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon. If Articles 21, 22, and 23 pass, this Warrant Article becomes moot and has no effect. A three-fifths affirmative vote is required for passage of this article.

**NOT RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 9 TO 1**

The question was moved and seconded. Library Trustee Lesley Hume moved that the amount to be appropriated be amended to \$1,897,000.00. The motion was seconded and the vote on the amendment was affirmative. Ms. Hume then provided a brief project overview, and announced that a public forum will be held on February 18th, at which additional information will be available. Ellen

Faulconer and Richard St. Hilaire spoke in support of the project. Selectman Peter Broderick, while voicing his support for the project, objected to the provision in the article that renders it moot if Articles 21, 22 and 23 pass, noting that he and the Board of Selectmen believe a bond issue to be the preferable funding mechanism for the project. Mr. Broderick also noted that the Board is agreed that, whenever possible and when no higher priority exists, they are willing to use income generated by an intact Infrastructure Improvement fund to meet the annual obligation of bond principle and interest payments. Selectman Mark Heitz reiterated that the Board supports the Library project but prefers that it be financed by a bond issue at the historic low interest rates now available and that the principle balance of the Infrastructure Improvement fund be retained against possible catastrophic need that may arise in the future. Budget Committee member Stanley Shalett moved that the Article be amended to state that the article - either Article 11 or Article 22 - receiving the fewer number of affirmative votes will take precedence. There was no second. Richard St. Hilaire moved that the Article be amended to strike the second to last sentence. The motion was seconded and discussion ensued. A vote was taken and the amendment failed to pass. There being no further discussion, the Moderator declared that the article will move forward to the ballot as amended. *(See reconsideration of this Article following consideration of Article 23.)*

Article 12: 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 \$ 4,447,647.00. Should this article be defeated, the default budget shall be \$ 4,499,060.00, 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 articles.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 9 TO 0**

The question was moved and seconded. Budget Committee Chairman Lynn Gainty thanked the Budget Committee members and Department Heads for their many hours of work in preparing the budget, and recognized member Marilyn Bartlett for her service, noting that she has been missed since becoming ill. She then noted some changes to the MS-7 as presented, which will not affect the budget amount in Article 12, and provided a line item overview of the proposal. Selectman Mark Heitz moved that the amount to be raised by Article 12 be amended to \$4,462,647.00, to include a \$15,000.00 increase in the plowing line of the Highway budget. The motion was seconded and passed in the affirmative. There being no further discussion, the Moderator declared that the article will move forward to the ballot as amended.

Article 13: 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 BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 6 TO 4**

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 14: 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 BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 10 TO 0**

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 15: 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 BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 10 TO 0**

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 16: On petition of 33 registered voters, to see if the Town will authorize the Board of Selectmen to establish a municipal water district, to have the ability to protect water rights of the Town of Kingston from outside agencies/municipalities /developers from exporting without input from the Town. To create this protection, the Town must establish a water district through specific legal language: "Shall the Town vote to authorize the Board of Selectmen, pursuant to NH RSA Chapter 38, to establish a municipal water utility, to accept future dedications of water utility infrastructure, plant and property which the Selectmen judge to be suitable for establishing a municipal water utility, with the further understanding that any agreement to accept or acquire such plant or infrastructure shall either be paid for from monies appropriated for general government purposes, or alternately, in the selectmen's discretion, any agreement to acquire or determination of acquisition price shall be presented to a future Kingston Town Meeting for approval and ratification prior to final acquisition of water utility property? A two-thirds affirmative vote is required for passage of this article."

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 9 TO 1**

The question was moved and seconded. Selectman Charles Hart, Planning Board member Glenn Coppelman, and 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 17: On petition of the Kingston Fire Wards, Kingston Fire Chief and 34 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 BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 8 TO 2**

The question was moved and seconded. Fire Chief N. William 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 18: On petition of the Kingston Fire Wards, Kingston Fire Chief and 35 registered voters, to see if the Town will vote to change the purpose of an existing special revenue fund known as the Ambulance Replacement Fund to include expenditures for the purpose of purchasing ambulance equipment. A two-thirds affirmative vote is required for passage of this article.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
NOT RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 7 TO 2**

The question was moved and seconded. Fire Ward John Merrill and Fire Chief N. William 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 19: On petition of 40 registered voters, to see if the Town will vote to raise and appropriate the amount of \$20,000.00 for the purpose of renovating the former YWCA land, buildings and equipment located at 24 Main Street in Kingston (Tax Map U5, Lot 62) for use as a community recreation facility, and to authorize withdrawal and expenditure of that amount from the existing Recreation Capital Reserve Fund. This article has no tax impact.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 10 TO 0**

The question was moved and seconded. Roger Clark 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 52 registered voters, to see if the Town will vote to raise and appropriate the amount of \$30,000.00 (this is in addition to the \$20,000.00 from the Recreation Capital Reserve Fund) for the purpose of repairing and renovating the former YWCA land, buildings and equipment located at 24 Main Street in Kingston (Tax Map U5, Lot 62) for use as a community recreation facility.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 7 TO 3**

The question was moved and seconded. Roger Clark 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.

The Moderator then declared that the next three articles, Articles 21, 22, and 23, would be considered together as they are integrally connected. She also declared that they would be read as amended, the amendment being passed during the process of considering Article 11. She asked if there was objection from anyone present. None was forthcoming.

Article 21: On petition of 58 registered voters, to see if the Town will vote to revoke the Town of Kingston Infrastructure Development, Improvement and Maintenance Fund ("Infrastructure Fund") established in 2007, for the purpose of withdrawing \$1,897,000.00 from the principal balance of \$6,000,000.00 of the Infrastructure Fund in accordance with Article 22 for the construction of a new municipal library and reestablishing a fund with the remaining balance of \$4,507,735.34, in accordance with Article 23. This Warrant Article is contingent on the passage of Article 22 and Article 23. If either Article 22 and Article 23 do not pass (Library Construction or the establishment of the 2011 Infrastructure Fund) this Warrant Article becomes moot and has no effect. In order for the Town to take advantage of the current Infrastructure Fund, Articles 21, 22, and 23 all must pass. This Article shall have no tax impact.

**NOT RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
NOT RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 5 TO 4**

Article 22: On petition of 58 registered voters, to see if the Town will vote to raise and appropriate the sum of \$1,897,000.00 for the purpose of constructing a new municipal library as presented by the Library Board of Trustees to be located at Tax Map R33-21-2 and for equipment and furnishings, architectural fees, site development, professional service fees and any items incident to and/or necessary for said construction, and such sum to come from the remaining balance of the Infrastructure Fund which was revoked in Article 21. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until December 31, 2013. This Warrant Article is contingent on the passage of Article 21 and Article 23. If either Article 21 and Article 23 do not pass (Revocation of the current Infrastructure Fund or establishment of the 2011 Town of Kingston Infrastructure Fund) this Warrant Article becomes moot and has no effect. In order for the town

to take advantage of the current Infrastructure Fund, Article 21, 22, and 23 all must pass. This Article shall have no tax impact.

**NOT RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
NOT RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 5 TO 4**

Article 23: On petition of 56 registered voters, to see if the Town will vote to create a general trust fund under the provisions of RSA 31:19-a II to be known as the "2011 Town of Kingston Infrastructure Fund" for the purpose of building, expanding, improving, and maintaining Town owned structures and improvements and to raise and appropriate the sum of \$4,507,735.34, such sum to come from the remaining balance of the Infrastructure Fund which was revoked in Article 21 and no amount to be raised by taxation. The sum of \$4,103,000.00 shall remain in Trust and will not be invaded. Only monies earned through investment, including but not limited to interest and dividends and the interest and dividend money earned on the "Town of Kingston Infrastructure, Development, Improvement and Maintenance Fund" as of December 31, 2010, including any interest accumulated through March 2, 2011 will be available to support the purpose of the Trust Fund. The Selectmen are appointed agents to expend earnings of the Trust Fund for the purpose of the Trust, after a posted public hearing. The intent of this Article is to create a Revocable Trust, generating annual earnings for the benefit of the Town in perpetuity. If either Article 21 and Article 22 do not pass (Revocation of the current Infrastructure Fund or Library Construction) this Warrant Article becomes moot and has no effect. In order for the town to take advantage of the current Infrastructure Fund, Articles 21, 22, and 23 all must pass. This Article shall have no tax impact.

**NOT RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
NOT RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 5 TO 4**

The questions were moved and seconded. Lesley Hume, Lynn Gainty, Debra Powers, John Sycz, and Ellen Faulconer spoke in support of the articles. Trustee of the Trust Funds Brad Maxwell moved that Article 23 be amended to specify that the intent of the Article is to create an Irrevocable Trust Fund, which would allow for longer term investment and increased earning potential. Selectman Mark Heitz, Lesley Hume, Richard Russman, and Ellen Faulconer spoke in opposition to the amendment. The amendment failed to pass. Selectman Mark Heitz spoke in opposition to the Articles, noting again that he supports the need for a new Library but objects to the funding mechanism proposed by Articles 21, 22 and 23. There being no further discussion, the Moderator declared that the article will move forward to the ballot as amended by the approved amendment to Article 11.

***Ellen Faulconer moved that Article 11 be reconsidered. The motion was seconded and passed in the affirmative.

Ellen Faulconer moved that Article 11 be amended to strike the next to last sentence and replace it with, "In order to allow a majority of voters to decide how

to fund the Library, if both Article 11 and Article 22 pass, the option that receives the higher number of votes will take precedence.” Discussion ensued. The Board of Selectmen agreed to recommend the Article if amended. The amendment passed. A motion was made and seconded that Article 11 be adopted as amended. The motion passed. A motion was made and seconded that reconsideration of Article 11 be restricted. The motion passed. A motion was made and seconded that reconsideration of Articles 21, 22 and 23 be restricted. The motion passed.

Article 24: On petition of 33 registered voters, to see if the Town will vote to raise and appropriate the sum of \$5,000.00 for the purpose of broadcasting Town meetings and hearings over the Cable Channel for the Town of Kingston, including any necessary training on the video equipment. Further, this \$5,000.00 to be funded from the Cable Franchise Fees paid to the Town of Kingston, received annually at an approximate amount of \$90,000.00.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 8 TO 2**

The question was moved and seconded. Selectman Charles Hart and Debra Powers 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 34 registered voters, to see if the Town will vote to raise and appropriate the sum of \$5,000.00 for the purpose of a fireworks display during the 2011 Kingston Days Celebration.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 8 TO 2**

The question was moved and seconded. Fire Chief N. William Seaman noted that a new statute relating to the setting of fireworks has been passed that may affect the use of fireworks at Kingston Days. There being no further discussion, the Moderator declared that the article will move forward to the ballot as printed.

Article 26: On petition of 46 registered voters, to see if the Town will vote to raise and appropriate the sum of \$182,000.00 to purchase a conservation easement on approximately 80 acres of land located on Little River Road and shown on Tax Map R34 as lot 44, and allow withdrawal of \$182,000.00 from the Land Acquisition Capital Reserve Fund for this purchase in order to permanently conserve the land. Further, to authorize the Board of Selectmen to accept any funds from the State of New Hampshire, the federal government, or private sources to support the permanent protection of this land. This purchase will conserve the Town's rural character, help stabilize the tax base, and ensure that an area prime for residential development does not have a significant negative impact on taxes because of the need for increased Town services such as education, fire and police. This purchase will be in partnership with the Southeast Land Trust of New Hampshire, a non-profit conservation organization,

which will hold a conservation easement on the land. This article is contingent upon receipt of funds of \$135,000.00 from the Federal Farm and Ranchland Protection Program or other sources. This will be a non-lapsing appropriation per RSA 32:7, VI, and will not lapse until the easement is purchased or by December 31, 2015, whichever is sooner. This article has no tax impact.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 10 TO 0**

The question was moved and seconded. FOKOS member Richard Russman 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 27: On petition of 46 registered voters, to see if the Town will vote to raise and appropriate the sum of \$28,000.00 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 do not have significant impact on taxes for town services such as education, fire and police.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 10 TO 0**

The question was moved and seconded. Richard Russman spoke in support of the article. Electra Alessio left the podium and approached the microphone to express the opinion that the articles put forth to fund the Land Acquisition Capital Reserve Fund are misleading in that they depict population growth and land development as detrimental when to stagnate growth actually will lead to greater harm and will eventually destroy the diverse population that can keep Kingston as a vibrant community. There being no further discussion, the Moderator returned to the podium and declared that the article will move forward to the ballot as printed.

Article 28: On petition of 44 registered voters, to see if the Town will create a Capital Reserve Fund under the provisions of RSA 35:1, to be named "The Powwow Pond Preservation Fund", for the maintenance of the area from the New Boston Boat Launch through the remaining open bays, and to raise and appropriate \$2,500.00 to be placed in this fund, with the Board of Selectmen as agents to expend said funds.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
NOT RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 7 TO 2**

The question was moved and seconded. Robert Lumnah 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 29: On petition of 30 registered voters, to see if the Town will vote to raise and appropriate the amount of \$2,500.00 to support Child and Family Services, which provides accessible and affordable programs to children, youth and their families leading to stronger family connections, improved school performance and better citizenship.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 10 TO 0**

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 30: On petition of 54 registered voters, to see if the Town will vote to raise and appropriate the amount of \$2,380.00 to support Rockingham Nutrition & Meals on Wheels Program's service providing meals for older, homebound and disabled Kingston residents in the Town's 2011 budget.

**RECOMMENDED BY THE BOARD OF SELECTMEN BY A VOTE OF 3 TO 0
RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 10 TO 0**

The question was moved and seconded. Ellen Faulconer 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 31: On petition of 41 registered voters, to see if the Town of Kingston 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 BY A VOTE OF 3 TO 0
NOT RECOMMENDED BY THE BUDGET COMMITTEE BY A VOTE OF 9 TO 0**

The question was moved and seconded. John Boudreau spoke in support of the article. Road Agent Richard St. Hilaire, Selectman Mark Heitz, and Budget Committee member Gary Finerty 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 32: To transact any other business that may legally come before the meeting.

The Moderator asked if there was other business for the meeting. A motion by Lynn Gainty to remove tally votes from the Warrant and ballot was seconded and discussion ensued. It was agreed that the statute needs to be reviewed. Ms. Gainty removed her motion, the second was withdrawn, and no vote was taken. There being no further business, the Moderator declared the meeting to be closed at 12:15 pm and reminded those present that the election and ballot vote will be held on March 8, 2011.

Respectfully submitted,
Bettie C. Ouellette
Bettie C. Ouellette
Town Clerk-Tax Collector