

TOWN OF EAST KINGSTON
First Session of the 2009 Annual Meeting
Deliberative Session – February 2, 2009

Selectmen

Robert A. Caron, Chairman
Richard S. Poelaert
David R. Pendell, Jr.

Keri J. Marshall, Moderator
Barton L. Mayer, Town Counsel
Barbara A. Clark, Town Clerk

The Moderator, Keri Marshall, called the meeting to order at 7:02PM with 111 voters in attendance.

Keri Marshall began by giving the floor to Selectman, Robert Caron, who wanted to say a few words about our past Town Moderator, Lawrence K. Smith. Robert Caron asked for a brief moment of silence to remember Larry and all the good things he did, both with the Conservation Commission and as Town Moderator.

Keri Marshall explained that this session is for the explanation, discussion, and debate of each warrant article. She reviewed the rules and procedures of the meeting.

Article 1 is the election of Elected Officials and Articles 2-10 were previously discussed at public meetings before the Planning Board for zoning amendments.

11. On the Petition of Michael Lewis and 26 other registered voters of the Town of East Kingston; to see if the Town will vote to approve the following Amendment to the Town of East Kingston Zoning Ordinance; Article III-A Town Center District (Adopted 3/07):

Change Article III-A, Paragraph/Section G. Location thusly:

Revise Paragraph/Section G. to read:

G. Location: The Town Center District area shall be defined thusly:

- 1. All parcels in the District shall have frontage on Depot Road or Main Street.**
- 2. The westerly boundary of the District shall be the easterly edge of Willow Road.**

- 3. The easterly boundary of the District shall be the westerly edge of North Road and South Road.**
- 4. Parcels having a depth of less than 500 feet from the center of the road shall be considered in the District in their entirety.**
- 5. On parcels having a depth of more than 500 feet from the center of the road the frontage portion of the lot to a depth of 500 feet shall be considered in the District. The remaining portion of the lot shall remain as originally zoned, or as subsequently amended.**
- 6. Parcels developed for elderly housing in accordance with East Kingston Zoning Ordinance Article XII – Elderly Housing are not considered to be in the Town Center District. Permitted uses for elderly housing shall conform to applicable zoning requirements, or as subsequently amended.**

There is overlap of the Town Center District with the northerly portion of the Commercial District on Haverhill Road; however, no functional conflicts are manifest. Where differences in permitted land use in the areas which overlap appears, the less restrictive provision shall apply.

Motion made by: Robert A. Caron
Seconded: Richard S. Poelaert

Discussion:

Nancy Reiss spoke of how we have consistently voted for a rural character in the town. She does not recommend making a strip of a village. She said that we need to be mindful that Routes 107 and 108 are state roads, and that if commercial development occurred along these roads, traffic would be a problem.

Peter Gilligan said that the area being suggested would pose many problems with traffic and he suggested restudying the whole situation.

Ted Lloyd spoke of there being a misunderstanding about the zoning article. He said that his recollection was that the only change would be the extension of the town center district from approximately where the old post office was all the way to North Road. He said nothing in this amendment would change what is contained in the ordinance as it stands today.

The Moderator, Keri Marshall, said that we were unable to amend this article because it has already been posted and discussed by the Planning Board.

Ronald Morales, Planning Board, said that the Planning Board did not get to discuss this. He said that the Planning Board, in 2009 was looking at employing the services of NH Plan. He said the Planning Board has requested assistance from them to study if an

expansion of the commercial area were to be made, where it would be feasible, and the impact. He suggested waiting for the Planning Board, along with the town, to have a public session.

Edward Warren, Planning Board, wanted to clarify that this was a citizen's petition and that the Planning Board was aware of this. He said the Planning Board discussed it at an open session and that many of the board members did not agree with the way this zoning article was worded but that it wasn't brought to them before it was submitted.

Nancy Reiss asked if there would be a public meeting before now and March 10, 2009, and Ronald Morales said that he didn't believe that there would be enough time to go through the process of two public hearings.

Peter Gilligan asked the Moderator if she would take the articles in the order in which they had been presented.

Keri Marshall said that she was doing so and that the Planning Board had already discussed Articles 2-10 at public meetings.

A vote was taken on Article 11 in favor of leaving the warrant article as written: **Failed**

Robert Nigrello motioned to restrict further consideration of Article 11 and David Miller seconded the motion.

The Moderator, Keri Marshall, explained that in the event that we don't have a motion after each article that they can't be reconsidered, it would be possible for someone later on, at the end of the night, to make a motion to reconsider an article. There has been an agreement that after each of the warrant articles are discussed and voted on, that individual motions for them to not be reconsidered will be made.

12. To see if the Town will vote to amend the percentage of land use change tax that is currently being deposited into the existing Conservation Fund from 50 percent down to 10 percent, which was originally approved by Warrant Article #13, at Town Meeting, 1998. If adopted this article shall take effect April 1, 2009 and shall remain in effect until rescinded.

Motion made by: Robert A. Caron
Seconded: David P. Pendell, Jr.

Discussion:

Nancy Reiss said she was on the Conservation Committee, along with Larry Smith, when they worked very hard on the Conservation Commission funds. She is opposed to this reduction if we are considering the rural character of our town. She said that she thinks it is important to maintain the 50%, as it is.

Peter Gilligan said that if Larry Smith were here tonight, he would ask the town not to approve this.

Dennis Quintal, recently elected Conservation Committee Chairman to replace Larry Smith, referenced the Master Plan of the Town. He said there was a lot of work, by a lot of people, to put together the Master Plan. He said that under the visions and goals of the Master Plan, it says that the vision statement is to preserve and enhance the rural and farming character of East Kingston and also to preserve the natural resources and habitat within the community. He said further recommendations on the Master Plan supports the Conservation Committee to preserve the environment, which can promote agricultural activities, and one of those activities would be to propose further funding to purchase development rights for conservation purposes.

Dennis said that he felt we are obligated to obtain funding for the conservation easements and preserve the natural character of our town. He said that this article goes against that and it has been voted down in the past. He said that out of the funds that have been put into the Conservation Fund, \$655,000 has been put towards purchasing conservation easements.

Robert Caron made a motion to amend this warrant article to read “to see if the town will vote to amend the percentage of land use change tax that is currently being deposited into the existing Conservation Fund to remain at 50%, which was originally approved by Warrant Article #13 at the town meeting in 1998, and if adopted this article shall take effect April 1, 2009 and shall remain in effect until rescinded.

Amendment seconded by: Richard Poelaert

Marilyn Bott, Conservation Committee member, said that the money that is in the fund comes from the land use change tax so that when a property comes out of current use and is developed, the developer pays the tax. She said that is the only place the money comes from. She said that they have funded other things out of the fund as well. Children, from this town, get to go to the conservation camp in Berlin, NH every year. Marilyn said the Conservation Committee has received a lot of grant monies that have extended the range of the money. She said that money is what is used to do what we do for the town.

Richard Poelaert withdrew his amendment second on Robert Caron’s motion to amend. Robert Caron withdrew his motion to amend.

Joanna Postle made a motion to amend this warrant article to read, “to see.”

Seconded: Richard Poelaert

Ronald Morales made a motion to move the question.

A vote was taken on Article 12 as written: **Failed**

A vote was taken on Article 12 as amended: **Passed**

Article 12 will be placed on the ballot as amended.

David Miller motioned to restrict further consideration of Article 12 and Richard Poelaert seconded the motion. The motion passed by a favorable vote.

13. Shall the Town of East Kingston 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 \$2,550,000? Should this article be defeated, the default budget shall be \$2,436,000, which is the same as last year, with certain adjustments required by previous action of the Town of East 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.

Motion made by: Richard Poelaert
Seconded: Robert Caron

Discussion:

Daniel Guilmette asked for a point of clarification with regard to the handout. He said that the Board of Selectmen recommended approval of the article 2-1. He asked if someone could explain why it was 2-1 and not 3-0.

David Pendell said that he voted against it because he said when they were developing the budget, times got worse and he thought that if he didn't recommend it that they would tighten their belts a little bit next year and release some of the tax burden.

Nancy Reiss made a motion to amend the article to reflect the default budget of \$2,436,000.

Richard Poelaert said that if you don't vote for the actual budget of \$2,550,000, it would automatically revert back to the default budget of \$2,436,000.

Ronald Morales said that by voting to change the budget back to the original budget, it guarantees what the outcome would be when we vote on March 10, 2009.

Nancy Reiss asked for her motion to amend to stand.
Seconded: Ronald Morales

David Pendell explained that the default budget is last year's budget plus contractual increases. He said that last year's budget wasn't \$2,436,000. He said it was lower, but they had to make certain adjustments because of certain contractual obligations. He said that departments came to the Selectmen with their budgets, which had other requests in them, and that is what gives us the \$2,550,000.

David Miller said he understands what the amendment means. He said it basically enables the people here to decide what the default budget is. He said if you leave the article as written, which he supports, you also bring the question to everyone who is not

able to be here tonight and it will be on the ballot. He said that is really the intent of the SB2 process, to let people decide even if they are not here at the deliberative session.

Ronald Morales motioned to move the question.

The amendment was voted on by a show of cards: **Failed**

The original article was voted on by a show of cards: **Passed**

Article 13 will be placed on the ballot as written.

14. To see if the Town will vote to raise and appropriate the sum of twenty five thousand dollars (\$25,000) for the purpose of purchasing five (5) self-contained breathing apparatus (SCBA's) to replace the outdated equipment for the Fire Department.

Motion made by: David Pendell

Seconded Robert Caron

Discussion:

The Moderator acknowledged Fire Chief, Salvatore Richard, and stated for the record that he wasn't a registered voter/resident of the town, but that she would grant him permission to speak as the Fire Chief of the Town of East Kingston.

Fire Chief Richard said that the Fire Department is in the process of replacing their self-contained breathing apparatus. He said they are currently 15 years old. He said that the process has already begun; instead of replacing all 15 at once, they have been doing it in little increments at a time.

Peter Gilligan asked if it is \$5,000 per unit or are there accessory units that come with that.

Fire Chief Richard said that each unit is approximately \$5,000 and that includes two cylinders, a mask, pack, and all the accessory harnesses that go with it.

No further discussion:

The original article was voted on by a show of cards: **Passed**

Article 14 will be placed on the ballot as written.

15. To see if the Town will vote to raise and appropriate the sum of sixty five thousand dollars (\$65,000) to be added to the existing Fire Apparatus Capital Reserve Fund previously established at the 1999 Town Meeting.

Motion made by: Robert Caron

Seconded: Richard Poelaert

Discussion:

Fire Chief Richard said that this particular warrant article was created a few years ago to help defray the large cost of purchasing fire apparatus. He said that they have \$191,000 currently sitting in the account and that this has been part of the plan to continue to add to it. He said they are looking to replace their one and only tanker truck some time next year. He said it was currently well over 20 years old, and they are looking at a cost of \$250,000 - \$280,000. He said that by adding this \$65,000 to the existing fund, it would obviously offset almost the entire cost of a new tanker truck when it is time to replace it next year.

Ronald Morales asked if the Fire Chief saw any further expenditure beyond this \$65,000. Fire Chief Richard said he didn't foresee anything in the near future, after the purchase of the tanker next year. He thought that they would be all set for a few years after that.

The original article was voted on by a show of cards: **Passed**
Article 15 will be placed on the ballot as written.

Edwin Decatur motioned to restrict further consideration on Articles 13, 14, and 15 and David Miller seconded the motion. The motion passed by a favorable vote.

16. To see if the Town will vote to authorize the Selectmen to enter into a three-year lease/purchase agreement for \$26,000 for the purpose of lease/purchasing a fully equipped police vehicle for the Police Dept. and to raise & appropriate the sum of eight thousand seven hundred dollars (\$8,700) for the first year's payment for that purpose. This lease agreement contains an escape clause.

Motion made by: Richard Poelaert
Seconded: Robert Caron

Discussion:

Ted Lloyd asked what the escape clause was and Richard Poelaert said that it didn't have to be funded in future years. Mr. Lloyd asked if we could appropriate this money for the first year and then do away with it after that. Richard Poelaert answered yes but that they would take the cruiser back.

Patricia Tilden asked how many police vehicles we presently have in town.

Chief of Police Simpson said we have 4 police cruisers: 2001 police cruiser with 139,000 miles, 2003 Chevy with 60,000 miles, 2005 police cruiser with 103,000 miles, and a 2007 Ford with 48,000 miles. He also said the Police Association purchased a 2004 Ford Explorer with 150,000 miles.

Patricia Tilden asked how many full-time officers there are in town and the response was 4.

The original article was voted on by a show of cards: **Passed**

Article 16 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 16 and David Miller seconded the motion. The motion passed with a favorable vote.

17. To see if the Town will vote to raise and appropriate the sum of forty-three thousand five hundred dollars (\$43,500) to conduct a revaluation and authorize the withdrawal of forty-three thousand five hundred dollars (\$43,500) from the Revaluation Capital Reserve Fund created for that purpose.

Motion made by: David Pendell
Seconded: Richard Poelaert

Discussion:

Daniel Guilmette questioned why there were no budgeted monies for the next reevaluation.

Robert Caron said the funds are already in the capital reserve and that they will be pulled out for this year's reevaluation.

Richard Poelaert said they are taking a year hiatus and Robert Caron said one of the things that has to happen this year is contract negotiations for the following reevaluation, and they don't know what that figure is yet.

The original article was voted on by a show of cards: **Passed**
Article 17 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 17 and Richard Poelaert seconded the motion. The motion passed by a favorable vote.

18. To see if the Town will vote to discontinue the Highway Department Salt Shed Capital Reserve Fund established at the 2005 Town Meeting for the purpose of erecting a Highway Department Salt Shed. The funds of \$35,800 with accumulated interest to date of withdrawal are to be transferred to the Town's unreserved fund balance.

Motion made by: Robert Caron
Seconded: Richard Poelaert

Discussion:

Nancy Reiss asked for clarification as to why the Salt Shed Capital Reserve Fund is being discontinued.

Robert Caron gave a brief history on the salt shed. He said our ex road agent, Robert Rossi, retired in June and for several years the storing of salt and sand was on his own land. It was determined that the best section to use was behind the town hall. He said

they actually took funds from the town road agent's budget in 2008; thus there were some road repairs and other items that were not done last year. He said they are asking for permission to remove the funds and close out the salt shed account and take those funds to support Article 19 so that the roads and items that weren't repaired last year will be picked up this year.

The original article was voted on by a show of cards: **Passed**
Article 18 will be placed on the ballot as written.

David Miller motioned to restrict further consideration on Article 18 and Robert Caron seconded the motion. The motion passed by a favorable vote.

19. To see if the Town will vote to raise and appropriate the sum of \$35,800 for the purpose of repairing and maintaining Andrews Lane, Forest Drive, Pheasant Run and Sanborn Road that were not able to be addressed last year. This sum to come from unreserved fund balance and no amount to be raised by taxation.

Motion made by: Richard Poelaert
Seconded: Robert Caron

Discussion:

Nancy Reiss asked if this amendment was defeated and the other one approved, what happens to the \$35,800?

Robert Caron said the monies would go back into the general fund.

Peter Gilligan asked if these roads were unaccepted roads and Richard Poelaert said they are accepted town roads that are in need of general resurfacing repairs and all town roads are done in intervals.

The original article was voted on by a show of cards: **Passed**
Article 19 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 19 and Daniel Guilmette seconded the motion. The motion passed by a favorable vote.

20. To see if the Town will vote to authorize indefinitely, until rescinded, in accordance with the provisions of New Hampshire RSA 72:27-a, to provide a property tax exemption for the blind in the amount of fifteen thousand dollars (\$15,000).

Motion made by: David Pendell
Seconded: Richard Poelaert

Discussion: None

The original article was voted on by a show of cards: **Passed**

Article 20 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 20 and Richard Poelaert seconded the motion. The motion passed by a favorable vote.

21. To see if the town will vote in accordance with the provisions of New Hampshire RSA 31:95-b, providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the selectmen to apply for, accept and expend, without further action by the town meeting, unanticipated money from a state, federal, or other governmental unit or a private source which becomes available during the fiscal year.

Motion made by: Robert Caron
Seconded: Richard Poelaert

Discussion:

Peter Gilligan asked if this, in effect, becomes a revolving fund in which the Selectmen can entertain expenditures during the year without approval of the voting body.

Robert Caron said that there are RSA's where Selectmen can accept funds, donations, or inheritances, and one of them is RSA 31:19 which the town adopted several years ago and that is the only one they have had. He said 31:95-b is the other version, which has never been adopted. By adopting 31:95-b, if something comes in under that stipulation, it can be accepted. Robert Caron said monies could be accepted only if it is a gift or grant.

Barbara Metcalf asked what the differences were between the two RSA's. Barton Mayer, Town Counsel, said that RSA 31:19 permits and authorizes Selectmen to accept trusts. He said RSA31:95-b permits the Board of Selectmen to apply for grants from the state or Federal government or to receive gifts. He said these could be applied for, accepted, and expended without further action from the town.

Ted Lloyd asked town counsel if someone wanted to give monies to the library, the library trustees would receive and accept that gift and they would act on it, not the Board of Selectmen. Barton Mayer said that was incorrect.

Ronald Morales said this gives the Board of Selectmen a little more flexibility to apply for grants. He said they wouldn't have to wait for a town meeting. It would appear that this would be something good for the town and it gives them more of an opportunity to seek funds in other ways that they can't do right now.

The original article was voted on by a show of cards: **Passed**
Article 21 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 21 and Richard Poelaert seconded the motion. The motion passed by a favorable vote.

22. To see if the Town will vote, as required by RSA 154:1, (b) to establish the organizational structure of the Town of East Kingston Fire Department, which requires the appointment of a fire chief by the Board of Selectmen, with firefighters appointed by the Board of Selectmen, upon recommendation of the fire chief.

Motion made by: Richard Poelaert
Seconded: Robert Caron

Discussion:

Richard Poelaert said that this is a housekeeping issue and has been followed over the last 9-10 years; however, it was never adopted. Mr. Poelaert said that the state said that they needed to get their paperwork in order.

Edward Warren made a motion to amend this article to read “RSA 154:1, I (b)” to make it appropriate.

Seconded: Ronald Morales

The amendment was voted on by a show of cards: **Passed**

A vote was taken by a show of cards on the amended warrant article: **Passed**

Article 22 will be placed on the ballot as amended.

David Miller motioned to restrict further consideration on Article 22 and Richard Poelaert seconded the motion. The motion passed by a favorable vote.

23. To see if the Town will vote to authorize the Board of Selectmen to accept the deed from the East Kingston School District, removing the limitation on the use of the Pound School for library purposes only, and allowing the Town to use the Pound School for all Town purposes.

Motion made by: David Pendell
Seconded: David Miller

Discussion:

Nancy Reiss said that it was her understanding that the town uses the library facility now. She said she doesn't understand the purpose of this.

David Miller, School Board Chairman, said that the way the deed was written for that property, there is some restricted language in it that says it has to be used for library use. He said this is really just a technicality.

The original article was voted on by a show of cards: **Passed**

Article 23 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 23 and David Pendell seconded the motion. The motion passed by a favorable vote.

24. To see if the voters of the Town of East Kingston will authorize the Planning Board to amend (but not limited to) the recorded plans, covenants, and by-laws, at the expense of the individual elderly housing developments homeowners associations, for the removal of “private” trash pick-up at Cricket Hill, Maplevale Farms & Woods, Country Hills and Cornerstone for trash services to be provided by the Town, with the additional expense of the services provided for by all taxpayers.

Motion made by: Robert Caron
Seconded: Richard Poelaert

Discussion:

David Sullivan, Chairman of the Planning Board, made a motion to amend this article to include recycling, “removal of trash pick-up and recycling.”

Seconded: David Pendell

Peter Gilligan said “we would appreciate if you would provide the services to us that are provided to everyone else.”

Edward Warren said that whether you are in favor of this article or not, simply by voting in favor of it does not automatically mean the trash and recycling will be picked up. He said these individual communities have to change their covenants, have more meetings, and then come back to the Planning Board. He said it was a multi step process. He said that this is just the first step.

Peter Gilligan said that it was his understanding that the town has a 5-year trash pick-up contract with Waste Management. He asked if it is possible that if the Planning Board gave their approval that there will be a five-year wait because there would be no provision in the contract that will be negotiated.

Robert Caron said that we are in the last year of our contract with Waste Management and that this year they would be getting quotes from other suppliers besides Waste Management. He said the town would like to put more of an emphasis as far as recycling because in the past contracts what was happening was that Waste Management was taking all the proceeds that they were making on the recycling and town wasn't getting anything back. He said with the next contract go around that the Board of Selectmen will make sure that they have that provision. Mr. Caron told Mr. Gilligan that the answer to his question was that they could be added into the contract as a provision.

Patricia Tilden asked the citizens to support this. She said that they are taxpayers like everyone else in the community. She said she felt like they were entitled to have the trash pick-up. She said she noticed that there was emphasis that there will be the additional expense of the services provided for by all taxpayers. She asked to have that

amended. She said that she didn't think it was necessary to use a scare tactic that there are going to be additional expenses.

Marie Paling asked if each association had to amend their bylaws and covenants in order to get trash pick-up and recycling. She also asked if each association has to hire an attorney to do so.

Town counsel, Barton Mayer, said if their bylaws or condominium documents have rules governing trash pick-up then they need to amend them to conform to what they are allowing as far as the town picking up their trash.

David Miller supports this article and the amended article to include recycling. He said he thinks providing them the same services that we all receive is the right thing to do.

Matthew Dworman asked which Selectman didn't vote in favor of this article and why. Robert Caron said he didn't vote in favor of the article at the time because it didn't include recycling.

The amendment to include the words "private" trash and recycling pick-up" was voted on by a show of cards: **Passed**

Patricia Tilden made a motion to amend the article to exclude the words "with the additional expense of the services provided for by all taxpayers."
Seconded: Richard Poelaert

John Cote said that one of the Selectmen said that these words had to be added in order to make it legal and he was informed that they do not have to be included.

The amended article, striking all the words after town, was voted on by a show of cards: **Passed.**

The amended article, including the words "private trash and recycling pick-up" and striking all the words after town in the final line was voted on by a show of cards: **Passed**
Article 24 will appear on the ballot as amended.

Robert Nigrello motioned to restrict further consideration on article 24 and Gary Tilden seconded the motion. The motion passed by a favorable vote.

25. To see if the Town will vote to accept Bowley Road as a town-owned road as recommended by the Town Engineer.

Motion made by: Richard Poelaert
Seconded: Robert Caron

Discussion: None

The original article was voted on by a show of cards: **Passed**
Article 25 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 25 and David Miller seconded the motion. The motion passed by a favorable vote.

26. To see if the Town will vote to accept Sullivan Drive as a town-owned road as recommended by the Town Engineer.

Motion made by: David Pendell
Seconded: Robert Caron

Discussion: Patricia Tilden asked for clarification on why these roads are to be taken over by the town.

Richard Poelaert said that when the roads are built that they are built to the specifications of the town and there is a bond that has to be due to make sure it is done right. He said, after two years and if everything goes well with the road, that the town engineer then reinspects it and tells us if it is okay for the town to accept it as one of its roads. He said what we are doing is waiting over a period of time to make sure the road wears well and performs up to the standards. He said we then vote, in a town meeting setting, to accept the road.

Patricia Tilden asked if every road in town is built up to town standards. She was answered that town accepted roads are. Patricia said, "So you are saying that not all new town roads are accepted."

Robert Caron explained that when a developer comes into the town, it goes through the Planning Board. He said there is also going to be an access road with that whole planning process of the road. He said it is up to the town engineer and the Planning Board to what the stipulations of the road will be or if the road is going to be a town public road.

Ronald Morales said if it ultimately is going to be a town road, then the process would have to be built to town-engineered specifications.

The original article was voted on by a show of cards: **Passed**
Article 26 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 26 and Robert Caron seconded the motion. The motion passed by a favorable vote.

27. To see if the Town will vote to accept Taylor Way as a town-owned road as recommended by the Town Engineer.

Motion made by: Robert Caron
Seconded: Richard Poelaert

Discussion: None

The original article was voted on by a show of cards: **Passed**
Article 27 will be placed on the ballot as written.

Robert Nigrello motioned to restrict further consideration on Article 27 and Robert Caron seconded the motion. The motion passed by a favorable vote.

28. On the petition of Edward A. Lloyd Jr. and 36 other registered voters of the Town of East Kingston we, the undersigned registered voters present the following petition to the selectmen to have the following question placed on the 2009 Warrant Article as provided in RSA 49-D:3, II-a. "Shall we repeal the provisions of RSA 40:12-:16 (known as SB2) to allow the town to return to the Official Ballot Town Meeting voting process on all issues before the Town of East Kingston and the East Kingston Elementary School?" We put forth the Town Meeting to be held on the same Saturday as the School Budget meeting.

Motion made by: Richard Poelaert
Seconded: Robert Caron

Discussion:

David Pendell made a motion to amend the article to read "shall we rescind the provisions of RSA 40:13 (known as SB2) as adopted by the Town on March 11, 2008, so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law?"

Barton Mayer, Town Counsel, explained that we all understood what was intended by this article but that there is a specific format the question prescribed in the statute that you must use.

Second to amendment: Ted Lloyd

David Miller said that the elementary school district would be doing this separate. He said that a vote to go back to town meeting would be considered on the school ballot as well. He said that the town and the school shouldn't have been commingled in this article.

Ronald Morales asked and received confirmation from town counsel that after this amendment to this article that it now would be a legal warrant article.

Daniel Guilmette said that in fairness we have to give it a couple of years to see how it works out.

Barton Mayer, Town Counsel, wanted to make it clear that this is the form of the question prescribed by statute so it can't be amended.

Peter Gilligan was confused that it appeared twice, here tonight and with the school.

Keri Marshall explained that you could use two different forms of town meeting for each of the elections.

Matthew Dworman said that he thought this amendment should pass and then let the town vote on it.

James Nicolosi spoke of the people in his community that go away for the winter. He said that they are very active in the community and they don't have a chance to vote. He said it was mentioned by a selectman recently that if the people that are in Florida thought enough of the town, they would come back and vote.

Patricia Tilden agreed with James Nicolosi and said that SB2 is the fairest way of voting. She said that the town meeting is a very antiquated system.

Henry Lewandowski spoke of past town meetings where 300-400 residents would come to these meetings and they would make decisions for the rest of us that can't make it. He said SB2 gives everybody an opportunity to vote. He said he thought it was extremely unfair that anybody could deny anybody his or her right to vote.

David Sullivan spoke of past town meetings and that there was a horrible sense of intimidation. He said that people would stare people down for their vote. He said that groups, that had something important, would wait until the last minute at the end of the night.

David Miller said that SB2 is more truly representative of every voter in the community. He stressed the importance of everyone understanding the issues, and that you have asked the questions and got the answers before you vote. He said if you are uninformed and you are going in there to vote no on every article then you really aren't doing your duty.

The amended article to read "shall we rescind the provisions of RSA 40:13 (known as SB2) as adopted by the Town on March 11, 2008, so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law" was voted on by a show of cards: **Passed**

A vote was taken by a show of cards on the amended warrant article: **Passed**
Article 28 will be placed on the Election of Officers ballot as amended.

The Moderator, Keri Marshall, asked if there was any further business to be discussed.

Daniel Guilmette asked if Article #11 would be on the ballot as is. He was told by town counsel that it will be on the zoning ballot as is.

Sharon Day thought that if you had a zoning amendment that it had to go to a public hearing before the Planning Board. Town Counsel said that it will go on the ballot but it was be unenforceable.

Joan Kasinskas said there were not enough handouts and said that all that come to the deliberative session should get a copy.

Ted Lloyd said that he and his wife were putting together a “Meet the Candidate’s Night” on February 25, 2009 at 7:00PM at the Library. He asked that all candidates be there to answer questions from the public.

Ronald Morales motioned to restrict further consideration on Article 28 and Richard Poelaert seconded the motion. The motion passed by a favorable vote.

Peter Gilligan asked that the subject matter be more widely available to the community before the deliberative session, either at the library or post office.

No further discussion.

Meeting adjourned at 9:10PM

Respectfully submitted,

Barbara A. Clark, Town Clerk

***The following Articles were amended at the Deliberative Session: Article 12, Article 22, Article 24, and Article 28. Article 28 will appear on the Election of Officers ballot.**