

RESIDENTS OF EAST KINGSTON

**YOU ARE HEREBY NOTIFIED IN ACCORDANCE WITH SB-2,
THE FIRST SESSION OF ALL BUSINESS OTHER THAN
VOTING BY OFFICIAL BALLOT SHALL BE HELD ON
TUESDAY, FEBRUARY 8, 2011 AT 7:00PM
AT THE EAST KINGSTON ELEMENTARY SCHOOL,
5 ANDREWS LANE, EAST KINGSTON, NEW HAMPSHIRE.**

**THE SECOND SESSION OF THE ANNUAL MEETING, TO VOTE ON
QUESTIONS REQUIRED BY LAW TO BE INSERTED ON SAID
OFFICIAL BALLOT, AND TO VOTE ON ALL WARRANT ARTICLES
FROM THE FIRST SESSION ON OFFICIAL BALLOT
SHALL BE HELD ON TUESDAY, MARCH 8, 2011,
WITH THE POLLS OPEN 8:00AM – 7:00PM, AT THE
EAST KINGSTON ELEMENTARY SCHOOL, 5 ANDREWS LANE,
EAST KINGSTON, NEW HAMPSHIRE.**

THE PUBLIC IS ENCOURAGED TO ATTEND BOTH SESSIONS.

Deborah G. Gallant

Administrative Assistant

Date of Notice: January 13, 2011

The State of New Hampshire

To the Inhabitants of the Town of East Kingston in the [L.S.] County of Rockingham in said State, qualified to vote in Town Affairs:

You are hereby notified in accordance with SB-2, the first session of all business other than voting by official ballot shall be held on Tuesday, February 8, 2011 at 7:00PM at the East Kingston Elementary School, 5 Andrews Lane, in said Town, East Kingston. The first session shall consist of explanation, discussion, and debate of each warrant article. Warrant Articles may be amended, subject to the following limitations:

- (a) Warrant Articles whose wording is prescribed by law shall not be amended.
(b) Warrant Articles that are amended shall be placed on the official ballot for final vote on the main motion, as amended.

The second session of the annual meeting, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot shall be held on Tuesday, the Eighth Day of March, 2011, with polls open from 8:00AM – 7:00PM at the East Kingston Elementary School, 5 Andrews Lane, in said Town, East Kingston to act upon the following:

Given under our hands and seal, this 20 day of January, in the year of our Lord two thousand eleven (2011).

Handwritten signatures of the Selectmen of East Kingston over dotted lines.

Selectmen of East Kingston



A true copy of Warrant -- Attest:

Three horizontal dotted lines for attestation.

TOWN OF EAST KINGSTON, NEW HAMPSHIRE

- 1. To choose all necessary Town Officers for the year ensuing.**
- 2. 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 \$2,449,000. Should this article be defeated, the default budget shall be \$2,475,605, 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.
MAJORITY VOTE REQUIRED**
- 3. To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the existing Revaluation Capital Reserve Fund established at Town Meeting 1991 for the purpose of the next revaluation of the Town, as required every five years by NH RSA75:8-a.
MAJORITY VOTE REQUIRED**
- 4. To see if the Town will vote to raise and appropriate the sum of six thousand eight hundred dollars (\$6,800) to be added to the existing Library Building Maintenance expendable trust fund established at 2010 Town Meeting for the purpose of funding long-term maintenance for the library building.
MAJORITY VOTE REQUIRED**
- 5. To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be added to the existing Fire Apparatus Capital Reserve Fund established at the 1999 Town Meeting for the purpose of acquiring fire apparatus.
MAJORITY VOTE REQUIRED**
- 6. To see if the Town will vote to establish a Fire Department/Emergency Operations Center Land &/or Building Capital Reserve Fund under the provision of RSA 35:1, for the purpose of the acquisition of land and/or building or construction of building for a Fire Station/Emergency Operations Center and to raise and appropriate the sum of one thousand dollars (\$1,000) to be placed in this fund, and to further vote to appoint the Board of Selectmen as agents to expend from this fund and no further approval is required by the legislative body to expend.
MAJORITY VOTE REQUIRED**
- 7. To see if the Town will vote to raise and appropriate the sum of \$100,000 dollars (\$100,000) for the purpose of performing repairs, including, but not limited to, replace existing culvert pipe with upgraded box culvert for York Brook to Giles Road, as specified by the Town Engineer.
MAJORITY VOTE REQUIRED**
- 8. To see if the Town will vote to establish an Agricultural Commission, pursuant to RSA 674:44-e in accordance with RSA 673. The Board of Selectmen shall appoint not less than three (3) and no more than seven (7) regular members and not more than (5) alternate members. Whenever possible, the majority of both regular and alternate members shall be/shall have been actively engaged in agricultural pursuits. Upon passage of the warrant article, current regular and alternate members of the Agricultural Steering Committee shall automatically be nominated to the Agricultural Commission to serve the remainder of their existing terms. Subsequently, all new members shall be selected from a list of nominees provided to the governing body by the existing Agricultural Commission.
MAJORITY VOTE REQUIRED**

9. To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) for the purpose of improving Foss Wasson Field's safety and usability for the children and adults of East Kingston.
MAJORITY VOTE REQUIRED
10. On the petition of Martha Cashins and 34 other registered voters in East Kingston, shall the Town of East Kingston vote to raise and appropriate \$6,750 to be joined with \$3,000 from the Conservation Committee's budget to treat the Milfoil on the Powwow Pond. Permit fees of \$2,500 and re-notification fee of \$1,150 to be paid for by the Powwow Pond Council, Inc. The Town of Kingston will pay for their portion of the pond.
MAJORITY VOTE REQUIRED
11. On the petition of Bonnie Terrill and 34 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote that warrant articles must be written so that voting "NO" means the article fails, and voting "YES" means the article passes. It cannot be confusing to the voters, it has to be clear, so that when you vote "No" it doesn't mean that you're voting something new in.
MAJORITY VOTE REQUIRED
12. On the petition of Joseph F. Conroy and 32 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to close the town Offices on Mondays, which happens to be the day that most Federal Holidays fall upon.
MAJORITY VOTE REQUIRED
13. On the petition of Joseph F. Conroy and 32 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to make sure that the hours of the office staff work matches the hours that the town hall is open to the public. (presently we are open 30 hrs but the employees are paid for 35 hrs) At no time during working hours, is the public to be locked out of the town offices.
MAJORITY VOTE REQUIRED
14. On the petition of Joseph F. Conroy and 30 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to change the format of the town report to 8 1/2x11 to cut the costs and hours of preparation needed to publish the town reports.
MAJORITY VOTE REQUIRED
15. On the petition of Joseph F. Conroy and 48 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters in East Kingston, NH will vote to mandate that notice of all public meetings are to published in a local newspaper, on the town website, and posted at the town offices for a minimum of 5 days in advance.
MAJORITY VOTE REQUIRED
16. On the petition of Joseph F. Conroy and 45 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters in East Kingston, NH will vote to require all of the towns check disbursements for the year to be printed in the annual town report. The information published shall include the date, check number, amount, purpose of the check, and either the dept, or vendor, or job title associated with the disbursed amount.
MAJORITY VOTE REQUIRED

17. On the petition of Joseph F. Conroy and 49 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters in East Kingston, NH will vote to require detailed MS-7 budget worksheets to be printed in the annual town reports like Kensington does, and to have extra copies made and distributed at the town deliberative sessions so that voters can make informed decisions.

MAJORITY VOTE REQUIRED

18. On the petition of Joseph F. Conroy and 43 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters in East Kingston, NH will vote to adopt the provisions of the Municipal Budget Act (RSA 32) and to establish an elected Municipal Budget Committee to assist it's voters in the prudent appropriation of public funds.

MAJORITY VOTE REQUIRED

19. On the petition of Joseph F. Conroy and 49 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters in East Kingston, NH will vote to direct the selectmen to hire a bookkeeper (a part-time contractor) that has a degree in accounting to do the town bookkeeping and accounting, and to cut back the hours of the Administrative staff in the town offices in order to pay for the bookkeeper.

MAJORITY VOTE REQUIRED

20. On the petition of Joseph F. Conroy and 43 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote that permanent full or part-time employees cannot be hired without a public hearing and the approval of voters.

MAJORITY VOTE REQUIRED

21. On the petition of Joseph F. Conroy and 46 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to require a public hearing before any funds in expendable trusts, trust funds, or capital reserve funds, can be expenditures. Notice of the hearing shall be in a local newspaper and posted on the town website for a minimum of 7 days in advance.

MAJORITY VOTE REQUIRED

22. On the petition of Joseph F. Conroy and 45 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to pay off 80% of the towns outstanding debt (specifically conservation easements, library building, and police station totaling close to 5 million dollars) before incurring similar debt obligations for the town. (e.g. such as buying land and building a new fire station).

MAJORITY VOTE REQUIRED

23. On the petition of Joseph F. Conroy and 48 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to change the retirement plans of all town employees and elected officials to 401K plans. This will benefit employees by giving them more liquidity and access to their funds while saving the town the costs of future entitlements.

MAJORITY VOTE REQUIRED

24. On the petition of Joseph F. Conroy and 42 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to freeze all wage increases for 2011 and going forward for non-elected town employees.

MAJORITY VOTE REQUIRED

25. On the petition of Joseph F. Conroy and 46 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to adjust the hourly wage rates of all non-elected full and part-time employees. To rescind the wages of each employee to their 2006 hourly wage rate and adjust it upward by 3% annually as wage increases for the years 2007, 2008, 2009, and 2010 to determine their new hourly wage rate as of 2010. This is an across the board solution that will correct the pay inequities in East Kingston. It is also a very generous solution considering that employees in surrounding towns have had their wages frozen indefinitely or have been receiving 1% to 1.5% wage increases during this recession, especially in an economy where taxpayers are losing their jobs, struggling to feed their families, keep their homes out of foreclosure or afloat on a fixed income.
MAJORITY VOTE REQUIRED

26. On the petition of Joseph F. Conroy and 47 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to authorize the Tax Collector to allow a 1.5% deduction from Property Tax when payment is made within 30 days of billing.
MAJORITY VOTE REQUIRED

27. On the petition of Joseph F. Conroy and 48 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to direct the selectmen to stop using public funds in any way, shape, or form to give bonuses to town employees. Any money that has been budgeted in 2011 for this purpose is to be returned to the general fund and to be reimbursed to the taxpayers. Other towns don't give bonuses, and neither should we.
MAJORITY VOTE REQUIRED


28. On the petition of Joseph F. Conroy and 34 other registered voters in East Kingston, shall the Town of East Kingston vote to see if the voters of East Kingston, NH will vote to raise and appropriate the sum of \$6,000 and disburse it in a timely manner in one lump-sum to Barbara Clark who for the last 15 yrs has been our Tax Collector and Town Clerk. The purpose of this one-time appropriation is to give the voters of East Kingston, an opportunity to help make right an injustice we can only imagine she has endured for many years. While ALL the other full-time and some part-time employees, including her assistant, received annual bonuses with notes of appreciation, she received nothing. (The Selectmen can't fix this because only the voters can give an elected official more money.)
MAJORITY VOTE REQUIRED

Given under our hands & seal, this 20 day of January, in the year of our Lord Two Thousand Eleven.

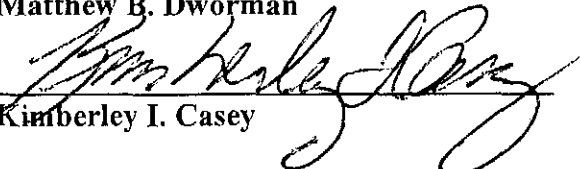
A true copy of Warrant - Attest:



David R. Pendell, Jr. Chairman



Matthew B. Dworman



Kimberley I. Casey

Town of East Kingston
Board of Selectmen

BUDGET OF THE TOWN

OF: EAST KINGSTON

Appropriations and Estimates of Revenue for the Ensuing Year January 1, 2011 to December 31, 2011

or Fiscal Year From _____ to _____

IMPORTANT:

Please read RSA 32:5 applicable to all municipalities.

1. Use this form to list the operating budget and all special and individual warrant articles in the appropriate recommended and not recommended area. All proposed appropriations must be on this form.
2. Hold at least one public hearing on this budget.
3. When completed, a copy of the budget must be posted with the warrant. Another copy must be placed on file with the town clerk, and a copy sent to the Department of Revenue Administration at the address below within 20 days after the meeting.

This form was posted with the warrant on (Date): 1/20/2010

GOVERNING BODY (SELECTMEN)

Please sign in ink.

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

David R. Pendell, Jr.

Matthew B. Dworman

Kimberley I. Casey

THIS BUDGET SHALL BE POSTED WITH THE TOWN WARRANT

FOR DRA USE ONLY

NH DEPARTMENT OF REVENUE ADMINISTRATION
 MUNICIPAL SERVICES DIVISION
 P.O. BOX 487, CONCORD, NH 03302-0487
 (603)271-3397

1	2	3	4	5	6	7
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	OP Bud. Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	Appropriations Ensuing FY (RECOMMENDED)	Appropriations Ensuing FY (NOT RECOMMENDED)
GENERAL GOVERNMENT			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4130-4139	Executive		102,300	98,835	101,001	
4140-4149	Election, Reg. & Vital Statistics		49,000	45,221	39,600	
4150-4151	Financial Administration		127,000	120,553	127,600	
4152	Revaluation of Property		20,000	18,033	20,000	
4153	Legal Expense		50,000	20,007	45,000	
4155-4159	Personnel Administration		235,500	179,806	219,500	
4191-4193	Planning & Zoning		36,350	24,543	32,850	
4194	General Government Buildings		165,000	127,774	165,000	
4195	Cemeteries		17,000	17,000	17,000	
4196	Insurance		55,000	55,465	60,000	
4197	Advertising & Regional Assoc.		0	0	0	
4199	Other General Government		10,000	40,691	11,499	
PUBLIC SAFETY			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4210-4214	Police		304,500	303,279	296,500	
4215-4219	Ambulance		9,500	15,191	17,000	
4220-4229	Fire		162,000	130,938	139,000	
4240-4249	Building Inspection		11,400	7,564	9,700	
4290-4298	Emergency Management		28,000	23,599	20,000	
4299	Other (Incl. Communications)		56,000	0	0	
AIRPORT/AVIATION CENTER			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4301-4309	Airport Operations					
HIGHWAYS & STREETS			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4311	Administration		0	0	0	
4312	Highways & Streets		313,000	320,369	313,000	
4313	Bridges		0	0	0	
4316	Street Lighting		3,000	2,521	3,000	
4319	Other					
SANITATION			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4321	Administration		0	0	0	
4323	Solid Waste Collection		178,000	164,069	174,000	
4324	Solid Waste Disposal		0	0	0	
4325	Solid Waste Clean-up		0	0	0	
4326-4329	Sewage Coll. & Disposal & Other		0	0	0	

1	2	3	4	5	6	7
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	OP Bud. Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	Appropriations Ensuing FY (RECOMMENDED)	Appropriations Ensuing FY (NOT RECOMMENDED)
WATER DISTRIBUTION & TREATMENT			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4331	Administration					
4332	Water Services					
4335-4339	Water Treatment, Conserv.& Other					
ELECTRIC			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4351-4352	Admin. and Generation					
4353	Purchase Costs					
4354	Electric Equipment Maintenance					
4359	Other Electric Costs					
HEALTH			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4411	Administration					
4414	Pest Control		3,000	1,690	3,000	
4415-4419	Health Agencies & Hosp. & Other		31,700	26,200	31,700	
WELFARE			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4441-4442	Administration & Direct Assist.		9,685	9,652	9,700	
4444	Intergovernmental Welfare Pymnts		13,045	13,043	11,600	
4445-4449	Vendor Payments & Other		12,270	2,074	10,700	
CULTURE & RECREATION			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4520-4529	Parks & Recreation		7,500	7,448	7,500	
4550-4559	Library		89,100	88,891	89,100	
4583	Patriotic Purposes		500	714	500	
4589	Other Culture & Recreation		300	0	300	
CONSERVATION			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4611-4612	Admin.& Purch. of Nat. Resources					
4619	Other Conservation		650	650	3,650	
4631-4632	REDEVELOPMENT & HOUSING					
4651-4659	ECONOMIC DEVELOPMENT					
DEBT SERVICE			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4711	Princ.- Long Term Bonds & Notes		251,500	251,400	255,000	
4721	Interest-Long Term Bonds & Notes		204,500	204,393	193,700	
4723	Int. on Tax Anticipation Notes		9,000	0	6,300	
4790-4799	Other Debt Service					

1	2	3	4	5	6	7
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	OP Bud. Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	Appropriations Ensuing FY (RECOMMENDED)	Appropriations Ensuing FY (NOT RECOMMENDED)
CAPITAL OUTLAY			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4901	Land					
4902	Machinery, Vehicles & Equipment		285,000	285,000	15,000	
4903	Buildings					
4909	Improvements Other Than Bldgs.					
OPERATING TRANSFERS OUT			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4912	To Special Revenue Fund					
4913	To Capital Projects Fund					
4914	To Enterprise Fund					
	Sewer-					
	Water-					
	Electric-					
	Airport-					
4915	To Capital Reserve Fund*		10,000	10,000	0	
4916	To Exp.Tr.Fund-except #4917*					
4917	To Health Maint. Trust Funds*					
4918	To Nonexpendable Trust Funds					
4919	To Fiduciary Funds					
OPERATING BUDGET TOTAL			2,860,300	2,616,613	2,449,000	

* Use special warrant article section on next page.

****SPECIAL WARRANT ARTICLES****

Special warrant articles are defined in RSA 32:3,VI, as appropriations: 1) in petitioned warrant articles; 2) appropriations raised by bonds or notes; 3) appropriation to a separate fund created pursuant to law, such as capital reserve funds or trust funds; 4) an appropriation designated on the warrant as a special article or as a nonlapsing or nontransferable article.

1	2	3	4	5	6	7
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	Appropriations Ensuing FY (RECOMMENDED)	Appropriations Ensuing FY (NOT RECOMMENDED)
4915	Revaluation CRF	3			10,000	
4915	Lib.Bldg.Maint. TRF	4			6,800	
4915	Fire Apparatus CRF	5			50,000	
4915	Fire/EOC Land Bld CRF	6			1,000	
SPECIAL ARTICLES RECOMMENDED			XXXXXXXXXX	XXXXXXXXXX	67,800	XXXXXXXXXX

****INDIVIDUAL WARRANT ARTICLES****

"Individual" warrant articles are not necessarily the same as "special warrant articles". Individual warrant articles might be negotiated cost items for labor agreements or items of a one time nature you wish to address individually.

1	2	3	4	5	6	7
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	Appropriations Ensuing FY (RECOMMENDED)	Appropriations Ensuing FY (NOT RECOMMENDED)
4312	Giles Rd repairs	7			100,000	
4520	Foss Wasson upgrade	9			25,000	
4619	Powwow Pond treatmnts	10			6,750	
4155	Town Clerk/Tax Coll.	28			6,000	
INDIVIDUAL ARTICLES RECOMMENDED			XXXXXXXXXX	XXXXXXXXXX	137,750	XXXXXXXXXX

1	2	3	4	5	6
Acct. #	SOURCE OF REVENUE	Warr. Art.#	Estimated Revenues Prior Year	Actual Revenues Prior Year	Estimated Revenues Ensuing Year
TAXES			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3120	Land Use Change Taxes - General Fund			5,660	
3180	Resident Taxes				
3185	Timber Taxes				
3186	Payment in Lieu of Taxes				
3189	Other Taxes				
3190	Interest & Penalties on Delinquent Taxes		23,000	26,270	24,000
	Inventory Penalties				
3187	Excavation Tax (\$.02 cents per cu yd)				
LICENSES, PERMITS & FEES			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3210	Business Licenses & Permits		2,100	2,505	2,400
3220	Motor Vehicle Permit Fees		363,000	390,557	383,800
3230	Building Permits		3,500	2,909	3,500
3290	Other Licenses, Permits & Fees		8,000	5,883	6,300
3311-3319	FROM FEDERAL GOVERNMENT				
FROM STATE			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3351	Shared Revenues		12,000		12,000
3352	Meals & Rooms Tax Distribution		75,000	101,249	80,000
3353	Highway Block Grant		40,050	47,362	47,350
3354	Water Pollution Grant				
3355	Housing & Community Development				
3356	State & Federal Forest Land Reimbursement		50	58	50
3357	Flood Control Reimbursement				
3359	Other (Including Railroad Tax)		20,500	16,389	13,400
3379	FROM OTHER GOVERNMENTS				
CHARGES FOR SERVICES			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3401-3406	Income from Departments		63,200	12,931	19,000
3409	Other Charges				
MISCELLANEOUS REVENUES			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3501	Sale of Municipal Property				
3502	Interest on Investments		1,200	915	1,000
3503-3509	Other		3,400	55,030	7,200

1	2	3	4	5	6
Acct. #	SOURCE OF REVENUE	Warr. Art.#	Estimated Revenues Prior Year	Actual Revenues Prior Year	Estimated Revenues Ensuing Year
INTERFUND OPERATING TRANSFERS IN			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3912	From Special Revenue Funds				
3913	From Capital Projects Funds				
3914	From Enterprise Funds				
	Sewer - (Offset)				
	Water - (Offset)				
	Electric - (Offset)				
	Airport - (Offset)				
3915	From Capital Reserve Funds		191,000	191,000	
3916	From Trust & Fiduciary Funds				
3917	Transfers from Conservation Funds				
OTHER FINANCING SOURCES			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3934	Proc. from Long Term Bonds & Notes				
	Amount VOTED From F/B ("Surplus")				
	Fund Balance ("Surplus") to Reduce Taxes				
TOTAL ESTIMATED REVENUE & CREDITS			806,000	858,718	600,000

****BUDGET SUMMARY****

	Prior Year	Ensuing Year
Operating Budget Appropriations Recommended (from page 4)	2,540,000	2,449,000
Special Warrant Articles Recommended (from page 5)	295,000	67,800
Individual Warrant Articles Recommended (from page 5)	25,300	137,750
TOTAL Appropriations Recommended	2,860,300	2,654,550
Less: Amount of Estimated Revenues & Credits (from above)	806,000	600,000
Estimated Amount of Taxes to be Raised	2,054,300	2,054,550

DEFAULT BUDGET OF THE TOWN

OF: EAST KINGSTON

For the Ensuing Year January 1, 2011 to December 31, 2011

or Fiscal Year From _____ to _____

RSA 40:13, IX (b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.

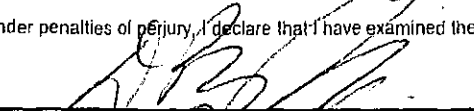
- 1. Use this form to list the default budget calculation in the appropriate columns.
- 2. Post this form or any amended version with proposed operating budget (MS-6 or MS-7) and the warrant.
- 3. Per RSA 40:13, XI, (a), the default budget shall be disclosed at the first budget hearing.

GOVERNING BODY (SELECTMEN)


or

Budget Committee if RSA 40:14-b is adopted

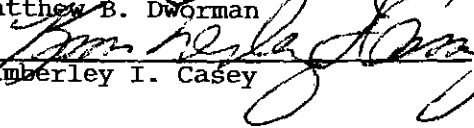
Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.



David R. Bendish Jr.



Matthew B. Dworman



Kimberley I. Casey

NH DEPARTMENT OF REVENUE ADMINISTRATION
MUNICIPAL SERVICES DIVISION
P.O. BOX 487, CONCORD, NH 03302-0487
(603)271-3397

Default Budget - Town of EAST KINGSTON FY 2011

1	2	3	4	5	6
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3.V)	Prior Year Adopted Operating Budget	Reductions & Increases	Minus 1-Time Appropriations	DEFAULT BUDGET
GENERAL GOVERNMENT		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4130-4139	Executive	102,300			102,300
4140-4149	Election, Reg. & Vital Statistics	49,000		-9,250	39,750
4150-4151	Financial Administration	127,000			127,000
4152	Revaluation of Property	20,000			20,000
4153	Legal Expense	50,000			50,000
4155-4159	Personnel Administration	235,500			235,500
4191-4193	Planning & Zoning	36,350			36,350
4194	General Government Buildings	165,000			165,000
4195	Cemeteries	17,000	+1,000	-1,500	16,500
4196	Insurance	55,000	+5,000		60,000
4197	Advertising & Regional Assoc.				
4199	Other General Government	10,000			10,000
PUBLIC SAFETY		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4210-4214	Police	304,500			304,500
4215-4219	Ambulance	9,500			9,500
4220-4229	Fire	162,000	-4,000		158,000
4240-4249	Building Inspection	11,400			11,400
4290-4298	Emergency Management	28,000		-8,000	20,000
4299	Other (Incl. Communications)	56,000		-56,000	0
AIRPORT/AVIATION CENTER		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4301-4309	Airport Operations				
HIGHWAYS & STREETS		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4311	Administration				
4312	Highways & Streets	313,000			313,000
4313	Bridges				
4316	Street Lighting	3,000			3,000
4319	Other				
SANITATION		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4321	Administration				
4323	Solid Waste Collection	178,000	-4,000		174,000
4324	Solid Waste Disposal				
4325	Solid Waste Clean-up				
4326-4329	Sewage Coll. & Disposal & Other				

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Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Prior Year Adopted Operating Budget	Reductions & Increases	Minus 1-Time Appropriations	DEFAULT BUDGET
WATER DISTRIBUTION & TREATMENT		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4331	Administration				
4332	Water Services				
4335-4339	Water Treatment, Conserv.& Other				
ELECTRIC		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4351-4352	Admin. and Generation				
4353	Purchase Costs				
4354	Electric Equipment Maintenance				
4359	Other Electric Costs				
HEALTH		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4411	Adminlstration				
4414	Pest Control	3,000			3,000
4415-4419	Health Agencies & Hosp. & Other	31,700			31,700
WELFARE		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4441-4442	Administration & Direct Assist.	9,685			9,685
4444	Intergovernmental Welfare Pymnts	13,045	-1,445		11,600
4445-4449	Vendor Payments & Other	12,270			12,270
CULTURE & RECREATION		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4520-4529	Parks & Recreation	7,500	-1,500		6,000
4550-4559	Library	89,100			89,100
4583	Patriotic Purposes	500			500
4589	Other Culture & Recreation	300			300
CONSERVATION		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4611-4612	Admin.& Purch. of Nat. Resources				
4619	Other Conservation	650			650
4631-4632	REDEVELOPMENT & HOUSING				
4651-4659	ECONOMIC DEVELOPMENT				
DEBT SERVICE		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4711	Princ.- Long Term Bonds & Notes	251,500	+3,500		255,000
4721	Interést-Long Term Bonds & Notes	204,500	-10,800		193,700
4723	Int. on Tax Anticipation Notes	9,000	-2,700		6,300
4790-4799	Other Debt Service				

Default Budget - Town of EAST KINGSTON FY 2011

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Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Prior Year Adopted Operating Budget	Reductions & Increases	Minus 1-Time Appropriations	DEFAULT BUDGET
CAPITAL OUTLAY		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4901	Land				
4902	Machinery, Vehicles & Equipment	285,000		-285,000	0
4903	Buildings				
4909	Improvements Other Than Bldgs.				
OPERATING TRANSFERS OUT		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
4912	To Special Revenue Fund				
4913	To Capital Projects Fund				
4914	To Enterprise Fund				
	Sewer-				
	Water-				
	Electric-				
	Airport-				
4915	To Capital Reserve Fund	10,000		-10,000	0
4916	To Exp.Tr.Fund-except #4917				
4917	To Health Maint. Trust Funds				
4918	To Nonexpendable Trust Funds				
4919	To Fiduciary Funds				
TOTAL		2,860,300	-14,945	-369,750	\$2,475,605

Please use the box below to explain increases or reductions in columns 4 & 5.

Acct #	Explanation for Increases	Acct #	Explanation for Reductions
4195	Contractural	4140	No additional elections
4196	Contractural	4195	Capital Expense
		4220	Capital Expense
4711	Contractural	4290	No drills/graded exercise
		4299	No Police Special Details
		4323	Contractural
		4444	Contractural
		4520	Capital Expense
		4721	Contractural
		4723	Contractural
		4902	No capital purchase
		4915	No transfer

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JAN 19 2011

BOARD OF SELECTMEN
EAST KINGSTON, NH 03827



Upton
& Hatfield^{LLP}
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Please respond to the Concord office

January 14, 2011

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RE: 2011 Warrant

Hillsborough Office

8 School Street
PO Box 13
Hillsborough, NH
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Fax 603-464-3269

Dear Deb:

This letter is in response to your request that I review the articles for the proposed 2011 Warrant. For the most part, the articles are in satisfactory form. Therefore, I shall concentrate my attention on those matters which may require further attention.

Attorneys At Law
Douglas S. Hatfield
Margaret-Ann Moran
Steven J. Venezia*

Article 8 calls upon the town meeting to establish an Agricultural Commission. I do not see that it was a petition amendment, so there is still time to amend it. First, the Board of Selectmen needs to make a decision about how many members and alternates there will be. The articles should not call upon the town meeting to vote on a range of numbers. Second, RSA 673:5 establishes 3-year terms. Therefore, the provision calling upon the members of the "Agricultural Steering Committee" "to serve the remainder of their existing terms," is invalid. New members should be appointed to staggered terms, and thereafter 3-year terms. For example, if there are to be 3 members, then 1 serves for 1 year, 1 serves for 2 years, and 1 serves for 3 years. This staggers the terms, thereby providing for continuity on the Commission. As each term expires, the next term is for a 3-year period.

North Conway Office

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Attorney At Law
Robert Upton, II

Article 10 is a petitioned article, seeking to raise and appropriate the sum of \$6,750 "to be joined with \$3,000 from the Conservation Committee's budget." However, the town meeting has no authority over the conservation fund. RSA 36-A:5 provides that moneys in the conservation fund shall only be paid out by the treasurer "upon order of the Conservation Commission." The town meeting cannot count on the Conservation Committee voting to withdraw funds from its conservation fund.

Portsmouth Office

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Article 11 seeks to establish a rule governing the form of warrant articles for future town meetings. While I may be sympathetic with the intent of this article, it should be understood that it is only an advisory vote. “[U]nless authorized by statute, a deliberative body such as a town meeting cannot pass procedural rules which will bind similar bodies at subsequent meetings, since rules of procedure expire at the adjournment of the body adopting them unless readopted in the future.” *Town of Exeter v. Kenick*, 104 N.H. 168, 171 (1962).

While not illegal, I expect Article 13 will lead to many problems in the future in interpreting and applying it. For example, does this article mean that the Board of Selectmen cannot assign overtime work to an employee, without keeping the town office open to public access? If the town office is open by the Board of Selectmen for a meeting, does that result in a commensurate increase in the hours of the office staff (“make sure that the hours of the office staff work matches the hours that the town hall is open to the public.”)? If a staff member has to work late (e.g. attempting to get the ballots printed or tax bills out), is this prohibited? Is there a safety issue with leaving the town offices accessible to the public?

Article 15 will likewise present interesting questions in the future. For example, does this rule out the possibility of emergency meetings, as provided for under RSA 91-A:2? If so, then how does the Board of Selectmen respond to an emergency? Is this article intended to withdraw from the Planning Board the authority to announce at the end of a given hearing that it will be taken up at the next meeting? If so, it should be understood that this could increase substantially the costs of land use applications. We will have to see how matters evolve.

There is a problem with Article 18, calling for the establishment of a Municipal Budget Committee. The article does not establish the number of budget committee members, as required by RSA 32:15. I am very concerned that this article could leave in doubt the legitimacy of the Budget Committee. Nevertheless, if the meeting wishes to proceed, it must amend the article to indicate the number of members-at-large, which must be between 3 and 12 members. RSA 32:15 does not really deal with how a community which has adopted the provisions of RSA 40:13 should deal with filling the positions of Budget Committee members for the first year. The only reasonable way to deal with this question is, if the town meeting votes to establish a Budget Committee, then the Moderator will appoint the members to serve until the next annual meeting, at which time there will be an election, with members filling staggered terms.

I believe that the Department of Revenue Administration will view Article 19 as advisory only. It calls upon the Board of Selectmen to hire a bookkeeper, but does not provide an appropriation. Therefore, the Board is without funds necessary to underwrite the cost associated with this article, and the article did not provide for same. Furthermore, there is no purpose of appropriation contained in the budget, which would permit the Board of Selectmen to expend funds therefor. See RSA 32:5, II (“All purposes and amounts of appropriations to be included in the budget or special warrant articles shall be disclosed or discussed at the final hearing. The governing body or budget committee shall not thereafter insert, in any budget column or special warrant article, an additional amount or purpose of appropriation which was not disclosed or discussed at that hearing, without first holding one or more public hearings on supplemental budget requests for town or district expenditures.”).

Article 20 is beyond the scope of the authority of the town meeting, and therefore is void, illegal and unenforceable. It seeks to establish a rule that the town meeting will be able to vote on the hiring of an employee. Note that this is not about creating positions, but rather hiring particular individuals. This is not a legislative act. The hiring of a particular individual is not a popularity contest, and it is not a proper subject matter for a town meeting vote.

Article 22 is invalid, void and unenforceable. As noted previously, “unless authorized by statute a deliberative body such as a town meeting cannot pass procedural rules which will bind similar bodies at subsequent meetings, since rules of procedure expire at the adjournment of the body adopting them unless readopted in the future.” *Town of Exeter v. Kenick* above. Article 22 seeks to preclude future town meetings from issuing debt unless 80% of the current outstanding debt is paid off first. Future town meetings have the prerogative of making the decision of whether or not to incur debt.

Article 23, which calls upon the Town to withdraw from the State Retirement System, is void, illegal and unenforceable. The Town may not withdraw from the State Retirement System. See RSA 100-A:3, I(a) (“Any person who becomes an employee, teacher, permanent policeman, or permanent fireman after the date of establishment, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the Retirement System as a condition of employment.”). Furthermore, the authority to determine whether to join the New Hampshire Retirement System is vested in the Board of Selectmen, not the town meeting. See RSA 100-A:20. “Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective.” RSA 100-A:22. There are procedures for withdrawal, which require a vote of three quarters of the employees of the Town who are members of the Retirement System to vote to withdraw, and there is a vote of the Board of Selectmen to do so. In such event, a new system must be established, based upon a certified report from an enrolled actuary which states that the alternative benefits which shall be provided to the employees shall be at least equal to the benefits which the employees currently receive under the Retirement System. See RSA 100-A:43 and 43-a.

Article 24, which seeks to “freeze all wage increases for 2011 and going forward for non-elected town employees” is void, illegal and unenforceable. As I have previously stated, the present town meeting cannot bind future town meetings. Furthermore, to the extent that wage increases are provided for in the budget, then the Selectmen have the prerogative to provide for wage increases.

Article 27 calls upon the town meeting to prohibit the use of public funds for the payment of bonuses. However, if the budget has appropriated sufficient funds for that purpose, I do not see Article 27 as validly amending the budget. If the budget and Article 27 are adopted, it is within the sound discretion of the Board of Selectmen to make a determination of how to spend the funds so appropriated.