

**Kingston, New Hampshire
Board of Selectmen
Meeting of January 3, 2011
MINUTES**

The meeting was called to order in the Selectmen's Office of the Town Hall at 7:00 pm by Chairman Mark Heitz. Also in attendance were Selectmen Peter Broderick and Charles Hart.

Petitioned Zoning Article Reviewed

The Board reviewed a response from Town Counsel Sumner Kalman to questions about a citizens' petition proposing change in the zoning of Lots 1, 54 and 71B of Tax Map R34 to Commercial II. The legality of a sentence contained in the article was questioned by the Planning Board and had been removed by the first signer of the petition. It was determined that to change the text following affixation of the petitioners' signatures would exceed the authority of either the Planning Board or the Selectmen, so the article will appear on the ballot as originally submitted, subject to challenge due to incorrect or unenforceable language.

Resident Inquiry

Robert Ducharme of 36 Main Street was present to see if the Board had reached any conclusions concerning the unauthorized use of town property adjacent to Sands Lane. Mr. Ducharme had attended the 12/13/10 meeting with his concerns about that, as well as with concerns about the right of way extending from his property to the lake front. The Board will try to find some documentary evidence of the right of way width, although the usage rights granted by Mr. Ducharme's deed are a civil matter rather than one that is under the authority of the Board. Encroachment onto town property by a building on an adjoining lot was documented some years ago. Now that the holidays have passed, an inspection of the site will be made to determine if the level of encroachment has increased.

Highway Department Updates

Road Agent Richard St. Hilaire updated the Board on damage done to a department truck by a motor vehicle accident. A claim has been submitted to the town's insurance carrier.

A proposal for a design-build contract to construct the new Highway Garage was submitted for review. Mr. St. Hilaire advised that he would like to hire a construction manager to develop the job specifications and solicit bids for the individual project components. The Board will review the proposal and discuss further at the next meeting. A public hearing will be required to withdraw funds from the Infrastructure Improvement income account for the project.

Mr. St. Hilaire provided two bids for the work needed on the F550 cab and chassis due to be delivered this month. The work will include Installation of hydraulics, plow, and the spreader from the old dump truck.

MOTION: Upon motion of Selectman Broderick and second of Selectman Hart, it was unanimously voted to accept the bid of Howard P. Fairfield, LLC, amounting to \$21,000 for work on the new F550 dump truck.

At Mr. St. Hilaire's request, the Board agreed to submit Warrant Articles for highway department and building maintenance capital reserve funds in the amount of \$75,000.00.

Merrill Avenue and Snow Road Speed Limit Reduction

MOTION: Upon motion of Selectman Broderick and second of Chairman Heitz, it was unanimously voted to reduce the speed limit for Merrill Avenue and Snow Road to 25 MPH, in response to a petition of residents submitted to the Board in October, 2010, and with the approval of the state Commissioner of Transportation.

The Board moved the remainder of the meeting from their office to the main meeting room.

Library Presentation for Proposed New Facility

The Library Trustees and Library Director Sarah Sycz were present to review with the Board the final design concept for a proposed new building. Architect Ron Lamarre of Lavalle-Brensinger, and Michael Bruss and Ed Rimm of Bruss Construction, Inc., also were present.

Trustee Leslie Hume discussed the procedure by which the design was developed, with consideration given both to current needs and to the changing expectations of the facility over a 40-year period. A process of fine-tuning involving the amenities of the facility, the mechanical systems, and space usage had occurred over several months of frequent meetings attended by members of the public and town officials as well as by the design team. The final proposal is for an 8,957 sf facility with an additional 968 sf of attic space that will serve as the platform for the mechanical systems. The final cost - a guaranteed maximum price - is to be \$2,200,000.00.

Using slides and architectural renderings, Mr. Lamarre reviewed the design features for the proposed building, noting the construction materials to be used and the uses to which particular areas of the building will be put. He explained how the process of fine-tuning undertaken by the Trustees had led to design and construction modifications that will result in savings both in construction and in future utility, staffing and maintenance costs.

Mr. Bruss and Mr. Rimm discussed the role that their company will play in overseeing the construction of the facility, and they and Mr. Lamarre commented on the useful input received from town department heads who have contributed to the project.

The Trustees then advised that, according to a survey of voters exiting the polls during the November, 2010 elections, 87% prefer funding of the project to be handled by withdrawal of existing funds from the Infrastructure Improvement Fund. 35% of those polled wanted direct withdrawal of the \$2M project cost from the principle balance of the fund. Based on that information, the Trustees are working with Town Counsel and the state Attorney General's office to develop Warrant Articles for presentation at the 2011 Town Meeting that will revoke the \$6M Revocable Infrastructure Improvement Trust, allow use of \$2M of the fund for the library project, and reestablish the Trust with the remaining \$4M. Ms. Hume noted that an alternative funding route would be a bond issue, but that the cost to borrow the necessary amount over 10 years would be nearly \$.5M which seems inadvisable when the funds are readily available.

The Trustees are concerned that correct wording for the articles may not be available in time for the January 11th deadline to submit petition Warrant Articles, and asked if the Board will submit the articles for the warrant on behalf of the Trustees.

Selectman Broderick advised that he will not support withdrawal from the principle of the Infrastructure Improvement Fund, noting that the fund was set up expressly to provide an on-going income source with which to accomplish improvements that otherwise would be paid from regular line item appropriations. He stated the opinion that a bond issue is the preferred way to fund a major new facility.

Selectman Hart advised that he would be willing to submit the articles for the purpose of allowing voters the opportunity to decide the question.

Chairman Heitz advised that he had made clear early in the discussion process that he would support a new facility only if it could be developed at a cost of \$150 per square foot or less. He also had advised the Trustees some months ago that he would support a bond issue, and would support repayment of the bond from annual withdrawals from the Infrastructure Improvements income account to the extent possible, but could not support reduction of the principle of the fund. He stated that he will not sponsor an article the passage of which would contradict what he believes to be in the best financial interest of the town.

The Trustees pointed out that even if the Selectmen were the presenters of the articles, they still would have the opportunity to recommend or not recommend. The Board advised the Trustees to make sure they submit their petitions by the January 11th deadline.

Chairman Heitz thanked the Trustees, Ms. Sycz, Mr. Lamarre, Mr. Bruss, and Mr. Rimm for their presentation.

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Hart and second of Selectman Heitz it was voted to accept the minutes of the December 20, 2010 meeting as printed. Selectman Broderick abstained from the vote due to his not having been present at the meeting.

MOTION: Upon motion of Selectman Broderick and second of Selectman Hart it was unanimously voted to accept the minutes of the December 30, 2010 meeting as printed

Adjournment

There being no further business before the Board, the meeting adjourned at 10:37 pm and the Board retired to address administrative issues.

Respectfully submitted,
Catherine Grant
Administrative Assistant