

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of March 28, 2011  
MINUTES**

The meeting was called to order at 7:00 pm in the Main Meeting Room at the Kingston Town Hall. In attendance were Chairman Peter Broderick and Selectmen Charles Hart and Mark Heitz.

**Public Hearing to Review Hazard Mitigation Projects**

Chairman Broderick called to order a posted Public Hearing for the review and discussion of two FEMA Hazard Mitigation projects for which the town has been awarded 75% matching grants by FEMA and the N. H. Emergency Management and Home Land Security Office. He welcomed those present and introduced Road Agent Richard St. Hilaire and project engineers Roch Larochelle and Josh Bouchard of CMA Engineering, Inc. in Manchester.

Mr. Larochelle provided a history of the flooding situation in the Great Pond Road/Ball Road area, beginning with the May, 2006 floods. Pictures of the areas during flood events were shown and the four points at which culvert replacements are proposed to occur were reviewed. The two grants will provide 75% of funding for the replacement of one culvert on Great Pond Road (Site #3), and three culverts on Ball Road (Sites #1, 2, and 4) along with some minor road profile adjustments. Site 4 on Ball Road, the northernmost of the 4 sites, is at a point where there is a curve and dip that Mr. St. Hilaire and the engineers propose to be straightened during construction, entailing a maximum 50' adjustment from center line to center line. The State has provided an additional \$37,000.00 over the amount of the original grant application that the town can use to do that work, however the work is projected to exceed the grant amount by \$153,000.00, 100% of the amount of which over \$37,000.00 would need to be contributed by the town. It's expected that the two projects - Great Pond Road and Ball Road - will be bid as a single package. If bids come in lower than projected on the Ball Road sites, those savings could be applied to 75% of the cost for the extra road improvements. Straightening of the road also will entail some permanent easements and/or acquisitions of abutting property. Mr. Larochelle noted that some temporary releases to allow entry onto abutting parcels only during construction are in process of being obtained. Some of the permanent easements will be for guard rails, necessary for the safe removal of snow while traffic flow is maintained. Others will be necessary to allow for ongoing maintenance and repair of slopes or drainage structures. The process of obtaining permits for the work from the DES Wetlands Bureau is underway. The permits will be requested for the work including the road straightening. If after review of the bids it's determined that the extra road work won't be undertaken, the permits can be altered to a lower impact by notifying DES.

Total project costs were reviewed. The three sites on Ball Road will cost a total of \$410,600.00, with the grant covering \$307,950.00 and the town contributing \$102,650.00. The site on Great Pond Road will cost \$158,100.00 with the grant covering \$118,575.00 and the town contributing \$39,525.00. If the road repairs on Ball Road are undertaken, total cost for the four sites plus the extra road repairs will be \$721,700.00.

Its projected that easements will be obtained, permits granted and bids advertised in time for a final bid award and a construction start date in the Fall of 2011.

Chairman Broderick opened the floor to questions from the public.

Lindsey Cunningham asked what provisions will be taken to keep access to the Great Pond area open. Mr. Larochelle explained that only one lane will be under construction at a time,

leaving one lane open for traffic. Mr. Cunningham advised that any amount of inconvenience will be worthwhile if future flood impact is lessened.

Benedetto Romano asked if the project design on Ball Road Site #1 can include features to address a change to his property that has occurred during recent flood events, noting that the projects are meant to mitigate adverse impacts from flooding and that his property has been adversely altered during past flood events. It was agreed that Mr. St. Hilaire and the CMA engineers will meet on site with Mr. Romano to review the property and see if there are ways that it can be restored to pre-flood condition without exceeding DES or FEMA guidelines or requiring excessive permitting and expense. Mr. Larochelle noted that the grants are awarded for the mitigation of impact from future rather than past flood events. Mr. Romano advised that he would like to sign the release allowing entry onto his property during construction, but wants to be clear about what the project will entail and what effect it will have. Mr. St. Hilaire advised that part of the current problem in the area may be caused by an upstream beaver dam that he intends to remove this year.

There were no further comments forthcoming.

**MOTION:** Upon motion of Selectman Heitz and second of Selectman Hart, it was unanimously voted that the projects will promote the public good and that the Town will move forward to utilize the FEMA grants to complete work as discussed; that CMA Engineering is authorized to move forward with the process of permitting - including permitting for option 2 of Site #4 (that includes straightening of a portion of the roadway); and that Mr. St. Hilaire and CMA Engineering are authorized to proceed with obtaining the necessary easements and/or acquisitions necessary to complete the work.

Chairman Broderick thanked those who had attended and closed the hearing at 7:58 pm.

#### **Library Trustees Update on Building Project**

Library Trustees Lesley Hume, Anthony Whitcomb, Jane Christie and Elaine Van Dyke, and Library Director Sarah Sycz, were present to provide to the Board an update of their progress with the Library building project.

Ms. Hume reported that the Trustees, with assistance from Atty. Daniel Crean, have been working to finalize construction contracts and expect that they will be ready for signing by April 18<sup>th</sup> so that a bid package can be developed and available by late June. The Trustees hope to set up a Building Committee to assist with project decisions and would like to have one of the Selectmen involved. Selectman Hart volunteered to serve on that Committee. The Board agreed that local permits will be issued with no fee. Richard St. Hilaire agreed to prepare test pits and to assist in locating the property bounds set at the time of subdivision. A Clerk of the Works is to be engaged to provide an additional layer of oversight to the project, independent of the architect and construction company.

Ms. Hume advised that the project's financial account is to be set up in such a way that there will be dual oversight by a designee of the Trustees and by the Town's Finance Officer. She noted that Finance Officer Cindy Kenerson had been extremely helpful leading up to the Town Meeting and that the Trustees will appreciate her expertise if the Selectmen will allow her to assist with the account. It's their hope that with joint account control, the financial aspects of the project will be continually audited and any problems will be immediately identified. It's their intent to demonstrate to the Selectmen and to the public that their money is being overseen and disbursed prudently. Selectman Heitz will speak with Ms. Kenerson.

Selectman Heitz asked if the Library Trustees have contacted the Trustees of Trust Funds, since the money will come from a Trust Fund and the Trustees generally make withdrawals only once a bona fide invoice is presented. Ms. Hume has spoken with Town Counsel concerning the statute relating to Library funds as opposed to other types of public funds, but she will speak with the Trustees of Trust Funds directly to ensure that they are on the same page.

Selectman Hart expressed concern that, by removing the entire \$1,897,000.00 from the Trust Fund and placing it in a separate account under Library control, the original Trust Fund will be losing interest that it would earn were the funds left intact until expended. Conversely, the Library Trustees will be earning additional money that he's not sure should be available for the project since taxpayers only appropriated a specified amount. Ms. Hume advised that the issue will be discussed at a later time; the focus at this time is how the funds will be accounted for.

Chairman Broderick asked what provisions will be made should the project come in under budget. Ms. Hume advised that she doesn't anticipate an overage of funds; the Trustees have cut their budget repeatedly and will be delaying purchases in order to fall within the appropriation, so even if bids come in lower than expected, they still will not be able to complete all of the work that they originally had hoped to include in the project.

Ms. Hume advised that, by setting up a pay system whereby both the contractor and any subcontractor's names appear as payee on checks for payment of invoices, they have been able to avoid certain lien risk insurances. They now are considering whether a Performance Bond will be necessary. Road Agent Richard St. Hilaire advised that in the present economy, with businesses going under on a daily basis, he would advise that a Performance Bond be in place. Selectman Heitz agreed that, particularly if there is to be any money paid up front, a bond is absolutely necessary. Ms. Hume advised that the contracts all call for payment only for work done and material delivered; there is no up front money to be paid.

Ms. Hume advised that the contractor has been informed that, all other things being equal, local contractors are to be engaged whenever possible. Forms will be made available in advance of bidding. Also, the Trustees will continue with fundraising efforts and try to involve the public in the project through those efforts. There will be periodic updates to the Selectmen so that they stay aware of progress.

In conclusion, Ms. Hume offered her thanks to those who had supported the project at the Town Meeting.

### **Review of Previous Meeting Minutes**

**MOTION:** Upon motion of Selectman Heitz and second of Selectman Hart, it was unanimously voted to approve the minutes of the March 21, 2011 meeting as printed.

### **Request for Dog Park Street Light Discussed**

Selectmen reviewed a request from Barbara Whitcomb that a street light be installed near the Dog Park and the Fairgrounds. Because the light could bother area residents and present a problem by attracting mosquitoes, it was determined that no light will be installed.

### **Broadcast Schedule for Public Meetings to be Determined**

The Board agreed that the schedule for re-broadcast of public meetings will be determined by operator Larry Middlemiss.

### **Distracted Driver Policy Tabled**

A proposed addendum to the Personnel Policy relating to distractions to drivers was tabled.

**Non-Public Session**

**MOTION:** Upon motion of Selectman Hart and second of Selectman Heitz, it was unanimously voted to adjourn to non-public session under the provisions of N. H. RSA 91-A:3, II-b . The Board adjourned to non-public session at 9:07 pm.

The Board returned to public session at 9:14 pm.

**Adjournment**

There being no further business before the Board, the meeting adjourned at 9:17 pm and the Selectmen retired to address administrative issues.

Respectfully submitted,  
Catherine Grant  
Administrative Assistant