

**Kingston, New Hampshire
Board of Selectmen
Meeting of April 27, 2015
MINUTES**

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

Discussion of Proposed Fireworks Regulation

Ordway Lane Residents Jill Muller and Annette Fischer were present to discuss with the Board their hope that the Selectmen will adopt some level of regulation of fireworks in Kingston. At the request of Ms. Muller, Fire Chief Bill Seaman and Police Chief Donald Briggs also were present.

Ms. Muller presented a video/audio recording that she had taken of one of her neighbors' fireworks displays held in 2014. She also listed several surrounding towns that regulate fireworks to differing degrees. She reported that her neighbor frequently uses fireworks; that she believes she has the right to be notified in advance of a fireworks display so that she can make arrangements for her horses; and that she suspects that some of the fireworks used are larger than the Class C type that the state allows. She recounted several particular incidents during which her animals became agitated, noting that if she's in one of the horses' stalls and the fireworks start suddenly, she then is in physical danger. She has been granted a temporary judgement by the court enjoining her neighbor from using fireworks on Ordway Lane and/or from his property, but there are other residents in the area who also use fireworks. She is awaiting a mediation meeting that's been scheduled for September 17th.

Fire Chief Bill Seaman noted that he isn't able to determine the class of a particular device without seeing the packaging, although he noted that he lives in the same area and agrees that the fireworks used are very loud. Chief Briggs noted that he or his officers had been called out to the area numerous times but that the fireworks displays had ceased prior to their arriving. He suggested that the course that Ms. Muller has followed, i.e., petitioning the court for relief, probably is the most effective.

Chairman Heitz noted that Ms. Muller had submitted a petition Article for consideration of the 2015 Town Meeting requesting that private fireworks displays be regulated. That Article, by a vote of 676 to 307, was defeated. He stated that he will not support regulation of fireworks when voters had so decisively voted against it. Additionally, he believes that the present situation is predominantly one between neighbors and that the dispute involved shouldn't result in actions that affect the entire town. He reminded Ms. Muller that she lives in a Single Family Residential Zone, in which the keeping of horses is not an allowed use. The Board has typically allowed the keeping of one horse in cases where there is sufficient land and a care plan is submitted, considering that to be incidental to a residential use, but Ms. Muller has been allowed to keep two horses. He advised that there no doubt are residents in the area that don't agree with the keeping of horses outside of agricultural use zones.

Ms. Muller advised that her attorney will be drafting an Article for consideration of the 2016 Town Meeting and that in the interim she will rely on the court to permanently enjoin her neighbor from using fireworks. Chief Briggs advised that she also can consider the fact that prolonged episodes of fireworks or displays held late in the evening may be considered disorderly conduct or nuisances and that she should feel free to report such incidents to the police or to document them in some way so that action can be taken.

Highway Department Updates

Road Agent Richard St. Hilaire reported that the frame for the new Highway Garage is up and that the contractor should begin closing it up over the next two weeks. The engineering firm that's overseeing the project - SFC Engineering - is checking on progress and adherence to specifications on a random, unannounced basis.

Mr. St. Hilaire then reported that the part-time employee who he initially had hoped would accept the open position on the department has unexpectedly become available. He said that he had received some very good applications and that he intends to keep them in case another position opens up, but requested authorization from the Board to offer the position to his part-time employee, who meets every qualification for the position. Both Chief Briggs and Chief Seaman, who are familiar with the employee in question, spoke in favor of his being hired. The Selectmen agreed to authorize Mr. St. Hilaire to offer the position to that employee. Chairman Heitz asked that Mr. St. Hilaire make it clear that the town is expecting that the new hire will remain in the position for some time.

Administrative Issues

The Board agreed to accept an invitation from the Newton Selectmen to attend a meeting of the Boards from Newton, Kingston and Fremont as well as the SRSD School Board on May 11th. The Selectmen will not be meeting in Kingston on that evening.

Intents to Cut were approved for properties on Cheney Road and Route 107A.

Permits were signed for a Triathlon event in August at Camp Lincoln and for the annual Lobster Feed and Road Race by the Volunteer Firefighters Association.

Holly Ouellette was appointed to the position of Deputy Town Clerk-Tax Collector at the request of Town Clerk-Tax Collector Melissa Beal.

MOTION: Upon motion of Chairman Heitz and second of Selectman Broderick, it was voted to authorize Chief Briggs to enter into an Agreement with DRED for traffic control at Kingston State Park was signed and notarized.

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Broderick and second of Chairman Heitz it was voted to accept the minutes of the April 20, 2015 meeting as printed.

Adjournment

There being no further business before the Board, the meeting adjourned at 8:07 pm.

Respectfully submitted,

Catherine Grant

Administrative Assistant