

**Kingston, New Hampshire
Board of Selectmen
Meeting of June 29, 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 George Korn.

Surplus Property Disposal Discussion

Police Chief Don Briggs, Jr. and Road Agent Richard St. Hilaire were present to discuss with the Board the procedure for disposing of surplus property by auction this year. It was agreed that a listing of the available equipment and vehicles will be made, minimum bids will be determined on the larger ticket items, a local auction will be held with an auctioneer who has volunteered his services and, should the minimum bid not be received, the items will be posted for sale on E-Bay. Chief Briggs will prepare a listing of the items available along with minimum bid suggestions for the Board's review.

Buildings Maintenance Discussion

Selectman Korn advised Richard St. Hilaire that a gate needs to be installed in the new fence surrounding the playground at the Recreation site. At present the only access to the playground is through the building.

It was agreed that a porta-potty will be placed at the recreation site at a cost of approximately \$100 per month, including cleaning, for use of residents on weekends from now through the end of September.

It was agreed that the Town Hall front steps will be replaced with new granite slabs and brick work. A temporary repair could be done but the replacement will both allow the footings to be checked and will use larger granite pieces to minimize exposure to the elements. The cost will be between \$50,000 and \$60,000, to be paid from the Buildings Maintenance Capital Reserve.

It was agreed that replacement of the Central Fire Station roof will be bid. Mr. St. Hilaire estimates that the roof will require 32 Square of shingles.

Highway Department Discussion

Road Agent Richard St. Hilaire advised that the town will be receiving approximately \$31,000 in FEMA reimbursement funds for a January snowstorm. Due to the harsh winter, his plowing budget is \$4,000.00-5,000.00 over-expended; his sand budget is \$5,000.00 over-expended; and his salt budget has only \$1,300.00 remaining. He requested that, when the check comes in, the Selectmen formally accept the funds and allocate them to off-set the over-expenditures in his winter maintenance lines. Chairman Heitz advised that the town budgets for emergency expenditures and that actually making an expenditure from that line helps to illustrate to the Budget Committee and voters why the line is necessary.

Ambulance Fees Discussion

Fire Chief Bill Seaman advised that Comstar, the ambulance billing company, has notified the town of a 2% increase in the amounts that Medicare will allow for ambulance transports. He asked if the Board wants to adjust the town's rates correspondingly. The Selectmen pointed out that the town will be getting the higher Medicare rates in any case, and that private insurance companies don't pay the full amount of the rate anyway so there's nothing to be gained in raising the present rates. They will review the fee structure again in 2016.

Resident Discussions of Property Rights

Several property owners of the Main Street and Sands Lane area were present to discuss with the Board the status of the Sands Lane right-of-way and the town property abutting the area. Robert Ducharme of 36 Main Street, Joyce Francis of 38 Main Street and Marjorie Beals of 34 Main Street each own properties abutting that of a landowner who has posted a "Private Way" sign at the entrance of the right of way, which they believe is supposed to be open to the public as an access way to the

beach front. Mr. Ducharme discussed the history of the area and provided several documents - including some generated by the landowner in question - indicating the public nature of the access way. Selectmen advised that they aren't prepared to determine what the status of the access way is since it apparently is used only by the limited number of residents whose properties are right in the area and because it is not either owned or maintained by the town. Mrs. Beals related that the same landowner has been conducting harassment measures, up to and including excavating into a hillside atop which is located her septic system and which he claims is part of his own property. She also mentioned that this landowner has installed stakes and posts beyond the high water mark of the lake - property which she believes to be owned by the state - creating a danger for beachgoers. Chairman Heitz noted that if Mrs. Beals's septic system is located beyond her boundary lines, she has a problem that the Board hasn't jurisdiction to address. Further, if the markers or bounds installed by the landowner in question are on his own property, the town has no jurisdiction over that either. If the property is state-owned, it's to the state that any inquiries should be addressed.

Chairman Heitz read aloud a letter received by the landowner in question reporting that personal belongings of area residents have been left on the town property adjoining the neighborhood and that those personal items at times encroach onto his property. He advised that the town does not allow items of personal property to be left on town land and that such items should be removed. To the landowner's allegation that parties and cookouts - including alcohol consumption - have been held on the town's property, Chairman Heitz cautioned that the town doesn't allow parties or events to be held on town properties without a permit and that there is no consumption of alcohol allowed on town property at any time.

Selectmen advised that the neighborhood has been in conflict for several years and that the town has no interest in becoming entangled in the private issues that have arisen. If any of the property owners believe their rights are being infringed upon they have the option to request relief from the courts. If incidents of vandalism or encroachment occur that can be substantiated with a recorded survey, the police may be able to enforce applicable laws. The Board will discuss with Road Agent Richard St. Hilaire what he believes the status of the Sands Lane right of way to be, but there is no expectation that the town will be undertaking either regulation or maintenance of the access way.

Recreation Department Budget Discussion

Recreation Co-Directors Katy Stedman and Paul Butler were present to advise the Board that, due to the number of campers enrolled in this year's summer camp program, there will be instances when two busses will need to be rented for field trip transport rather than the one bus budgeted. The estimated over expenditure will be \$2,780.00 for the season. Additionally, even though field trip expenses other than transportation are reimbursed by camper fees collected, it's estimated that the budget line expense will be \$2,572.00 more than estimated. Chairman Heitz advised that the field trip expense overage will be off-set by a corresponding increase in fees, and that the transportation overage will be acceptable as long as discretion is used, i.e., a second bus won't be rented for only a small number over the capacity of a single bus. He would expect that in such a case, either counselors will be asked to drive their own vehicles (and be reimbursed for mileage) or parents will be requested to drive their children to the field trip location.

Resident Discussion of Private Parties and Disturbance of the Peace

Stephen and Mary Law of North Road were present to discuss events held on an abutting parcel of land that have led to their having to call police. In a letter prepared by Mr. and Mrs. Law, concerns were outlined involving noise ordinance violations; the presence of multiple campers that apparently are being occupied full-time without benefit of building permits; apparent violations of the property's Current Use Assessment status; and the presence of multiple campfires and/or bon fires without the property owner being present and without them being properly extinguished. Mrs. Law noted that the situation has been ongoing for many years, but that during the past weekend the noise was so excessive that they called police. When the responding police vehicles had left the site, abusive and threatening comments directed at her were heard from the abutting property. She phoned the police a second time on the same evening and discussed the situation directly with Police Chief Don Briggs the following morning, because she now believes the situation to be a safety issue for herself and her family.

Because of the number of issues involved, it was agreed that Mr. and Mrs. Law will attend the next Selectmen's meeting, on July 13th, at which time they hope that the town will be able to respond to their concerns.

Administrative Items

The Board issued a Junk Yard License for John's Auto at 71 New Boston Road.

The Board signed an Intent to Cut for the property at 4 East Way.

Sophie Smith was appointed to serve as a Youth Alternate Member of the Conservation Commission.

The Board approved having the Police Department provide a detail for the Kingston Days fireworks display at no cost.

A complaint involving allegations of site plan violations on a Route 125 property was read.

Purchase Orders were reviewed and approved.

Adjournment

There being no further business before the Board the meeting adjourned at 10:08 pm. The next meeting will be held on July 13, 2015.

Respectfully submitted,

Catherine Grant
Administrative Assistant