

**Kingston, New Hampshire
Board of Selectmen
Meeting of June 26, 2017
MINUTES**

The meeting was called to order at 6:30 pm in the Selectmen's Office of Kingston Town Hall. In attendance were Chairman Mark Heitz and Selectman George Korn.

Discussion with Town Assessor

Fred Smith of Purvis Associates was present to review with the Board his preliminary findings relating to assessment of a commercial condominium unit on Route 125. Because prior years' valuation errors have been brought to light by the owner, Mr. Smith has reviewed sales, mortgage, and physical conditions of the property in order to arrive at an assessment upon which settlement arrangements can be based. Selectman Korn noted that the Board will begin work on a settlement once Mr. Smith has provided firm assessment numbers.

Richard Hume of Toppan Road was present with his realtors to discuss with the Board and with Mr. Smith his request that the three lots that comprise his property, which were involuntarily merged in the 1990's, be unmerged as required by RSA 674:39-aa. Mr. Smith advised that he had reviewed the history of the lots and believes that because two of the lots have always been conveyed as a single tract (although also called out by the original lot numbers of the approved subdivision), the owners have committed the "overt act" that precludes their using the RSA to unmerge the lots now. Realtor Robin Carter provided evidence to indicate that no overt action has been taken either by the present or by former owners to indicate that they considered the lots to be anything other than separate building lots. She also provided language from a court ruling indicating that neither the conveyance of multiple lots as a single "tract", nor acquiescence to taxation of several parcels as a single lot constitutes the overt action necessary to indicate a voluntary merge of the lots by the owner. Chairman Heitz advised he has issues with owners who have derived the tax benefit of administratively merged lots and who apply to unmerge those lots only when they want to derive the profits from their individual sales. Mr. Hume noted that he neither owned his properties at the time they were involuntarily merged or understood that the means by which they were taxed would affect his ability to consider them as separate lots. He noted that he had purchased the lots believing they were three separate, approved lots and that he had always treated them as such.

Chairman Heitz asked if Mr. Hume would agree to unmerging the lots as per the descriptions in the conveyances, i.e., two of the lots (Tract II) would remain merged, and the third (Tract I) would be unmerged. Mr. Hume advised that he has a pending sale contingent upon the property being the three separate, approved lots shown on the original subdivision and on a subsequent, 1990 recorded plan.

The Board agreed to seek an opinion from Town Counsel on the matter and will advise Mr. Hume of their findings.

Non-public Session

MOTION: Upon motion of Selectman Korn and second of Chairman Heitz, Chairman Heitz polled the Board for a unanimous vote to adjourn to non-public session under the provisions of NH RSA 91:A:3-II, b.

The Board adjourned to non-public session at 7:40 pm.

The Board returned from non-public session at 8:39 pm.

MOTION: Upon motion of Selectman Korn and second of Chairman Heitz, it was voted to seal the minutes of the non-public session for an indefinite period.

Discussion of Kingston Days Activities and Arrangements

Lynn Gainty and Carol Carbonneau were present to update the Board on Kingston Days plans. They noted that parking has been approved at Bakie School on Main Street and at the High School on Danville Road, with shuttle service to the Plains. Parking also will be allowed at the State Park. The Fire Works display will be set up at the Bakie School. The state license to hold a wine tasting event has been

approved and the sponsoring organization - Camp Lincoln - will be arranging for a special insurance rider for the event. The Kingston Days Committee will sponsor a camp scholarship in exchange for the Camp's cooperation in the event. Selectman Korn thanked Ms. Gainty and Ms. Carbonneau for their hard work in overseeing arrangements for the August celebration.

Review and Acceptance of Grant Agreement

The Board reviewed a Grant Agreement for partial funding of an update to the town's Hazard Mitigation Plan.

MOTION: Upon motion of Selectman Korn and second of Chairman Heitz, it was voted to accept the terms of the Pre-Disaster Mitigation grant Program (PDM) as presented in the amount of \$7,500.00 to update the community's Local Hazard Mitigation Plan and to acknowledge that the total cost of the project will be \$10,000.00. The town will be responsible to provide a 25% match (\$2,500.00) in cash and/or in-kind contributions.

Highway Department Updates

Road Agent Richard St. Hilaire advised that the paving contract for the Main and Church Street paving project will be awarded to low bidder Brox Industries. The next two higher bids were from Bell & Flynn and Pike Industries. Continental Paving declined to submit a bid.

Mr. St. Hilaire advised that he will have the contract to remove the Grace Daley House ready for signature at the July 10, 2017 meeting.

A letter from a Pheasant Run resident reporting that a neighbor had extended his driveway and now encroaches on the required 20' setback was read. Selectman Korn noted that the homeowner intends to have a survey of the boundary line done and, if he needs to seek a Variance, will do so. A letter will be sent to both parties for the record.

Administrative Items

A letter to the owners of the Carriage Towne Plaza relating to a sign violation was signed.

A letter to developers of a proposed Assisted Living facility was signed. The letter notes an increase in the square footage of a well easement to be granted on adjacent town-owned property, and calls for a corresponding increase in the compensation to be paid for the easement. The developers also are being given the option to pay a \$46,600.00 fee that the State DOT has determined to be the cost to release a reversionary clause in the town property's original deed.

An invitation to Lone Tree Camp's 70th Anniversary celebration was noted.

An email regarding the Dog Park from a Concannon Drive resident was reviewed.

Two Junk Yard license renewals were signed.

The 2017 Warrant to collect unlicensed dog fines was signed.

A veterans credit application was approved

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Korn and second of Chairman Heitz, it was voted to accept the minutes of the June 12, 2017 meeting as printed.

Adjournment

There being no further business before the Board, the meeting adjourned at 9:25 pm.

Respectfully submitted,
Catherine Grant
Administrative Assistant