

**Kingston, New Hampshire
Board of Selectmen
Meeting of February 6, 2012
MINUTES**

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

Non-public Session

MOTION: Upon motion of Selectman Heitz and second of Selectman Hart it was unanimously voted to adjourn to non-public session under the provisions of NH RSA 91-A:3, II-b. The Board adjourned at 6:31.

The Board returned to public session at 7:07 pm.

Ambulance Billing Rates Discussion

Fire Chief Bill Seaman presented to the Board a proposal to raise ambulance billing rates to correspond with recommendations from Comstar, the ambulance billing service used by the Town. It is their opinion that billing rates should be 50% to 75% over what's allowed by Medicare. Insurance companies will cover at those rates and they're more in line with the actual cost of providing service. At present, Kingston's rates are at 40% of Medicare rates; the Chief proposes an increase to 50%. The Board approved the change, noting that residents are not required to pay over what is covered by their insurance.

State Homeland Security Grant Awards Accepted

Paul Hatch of the N. H. Emergency Management and Homeland Security Office advised that the Fire Department has been awarded a matching grant in the amount of \$2,277.00 for purchase of a dual head radio for the Chief's new command vehicle. The Chief encumbered the town's share of the purchase from his 2011 department budget. It's expected that the new vehicle - to be transferred from the Police Department - will be available to the Fire Chief this spring.

MOTION: Upon motion of Selectman Hart and second of Selectman Heitz, it was unanimously voted to gratefully accept from the N. H. Department of Emergency Management and Homeland Security a matching performance grant award in the amount of \$2,277.00 to be used for the purchase of a dual head radio for the Fire Department.

The Board signed the grant agreement documents.

Mr. Hatch then advised that, based on FEMA approved scope of work changes on the Ball Road culvert replacements project, the governor's Council has approved an amendment to the original grant, in the amount of \$11,416.00.

MOTION: Upon motion of Selectman Hart and second of Selectman Heitz, it was unanimously voted to gratefully accept from the N. H. Department of Emergency Management and Homeland Security an additional \$11,416.00 to be added to the Ball Road project grant, to help in funding of scope of work changes approved by FEMA for that project.

The Board signed the grant agreement documents.

Chairman Broderick thanked Mr. Hatch both for his assistance in securing the grant funds awarded and for his presence to make the awards.

Fire Department Engine Tires Purchase Approved

Fire Chief Bill Seaman presented for Board approval a purchase order in the amount of \$1,300.00, to cover a pair of tires for Engine 2. He advised that there is a cut in the sidewall of one tire that will keep the engine from passing inspection in March, and that it's necessary to replace the pair when one tire is damaged. The Board signed the purchase order.

Police Department of Safety Grant Accepted

Chief Briggs requested Board acceptance of a \$6,000.00 radar patrol grant from the NH Department of Safety, to cover 30 four-hour speed patrols to be conducted over the course of the summer.

MOTION: Upon motion of Selectman Hart and second of Selectman Heitz, it was unanimously voted to gratefully accept from the N. H. Department of Safety a Radar Patrol Grant in the amount of \$6,000.00.

Emergency Management Discussion

Emergency Management Directors Richard St. Hilaire, Don Briggs and Bill Seaman presented to the Board a purchase order in the amount of \$5,000.00 for preparation by Mapping and Planning Solutions, Inc. of an update to the town's Hazard Mitigation Plan. It was noted that the state's RERP award this year was adjusted by \$5,000.00 to allow for the update. Mr. St. Hilaire advised that the town is responsible to keep the plan updated on at least a yearly basis.

A copy of the updated Radiological Emergency Response Plan was presented to the Board. The Directors noted that there needs to be a provision for continuity of government, both at an out-of-town location for emergencies that require evacuation and locally for emergencies that might involve the damage of town buildings. It was agreed that discussion will be held in the near future.

A letter to the Director of the Emergency Management and Homeland Security Office, advising that the town will not participate in the scheduled March 13th training exercise, was signed by the Board. The scheduled date poses a conflict with the Town Election. Mr. Hatch advised that non-participation by Kingston will afford his office the opportunity to train under their compensatory planning program. Town personnel will take part in the April 17th graded exercise.

Discussion of Church Street Right of Way

Charles Miller and Jeffrey Dowd of the Masons, and Charlton Swasey of the Sanborn Seminary Trust, were present to propose an alternative to a land transfer arrangement that has been under consideration by the First Congregational Church, Sanborn Seminary and the Town of Kingston. The original proposal, first discussed at a meeting held on October 18, 2010, at which Mr. Miller was present, involved abandonment by the town of its right of way from Church Street to Greenwood Pond, located between the Masons Hall and the Church. Selectmen advised at that time that the town's title to another parcel - located between the Kingston Children's Center and the Masons Hall - had been called into question and they would not be willing to relinquish title to the right of way near the Church without having first secured another, deeded access to the pond, particularly since the Fire Department maintains a standpipe for firefighting purposes on the shore of the lake. A surveyor under contract to the Church had

determined that the parcel between the Children's Center and the Masons Hall, to which the town holds a deed (unfortunately from a grantor who never owned the property), actually is owned by Sanborn Seminary.

The Church approached the Seminary Trustees at that time to ascertain whether the Trust would donate its parcel to the town in return for the town abandoning its title to the right of way that runs through the Masons and Church properties. Because the Seminary's parcel has been openly used by the town for decades as a public beach area as well as a site for the fire standpipe, and because the town held a deed and thought they had title, the Seminary Trustees appeared willing to make the donation in return for the town's abandonment of its title to the right of way. The Trustees indicated that they had been unaware that the Trust owned the parcel until informed by the Church, and were interested in divesting themselves of a potential liability. Under that understanding, the Church proceeded to draw up plans for the division and abandonment of the town's right of way to the adjacent Church and Masons parcels. Planning Board approval has been sought and Warrant Articles to get voter approval are to be presented to the 2012 Town Meeting.

Mr. Miller and Mr. Dowd's proposal is that the Seminary parcel be divided, with a portion to be donated to the town and the remainder to be transferred to the Masons. Mr. Dowd stated that the Masons had never been made aware of the Church's proposal nor had they been included in any discussions. Selectman Heitz noted that the Masons hadn't been included in discussions because none of their property is at issue. It had been put forth at the 2010 meeting that the proposal was between the Town and Seminary, with both the Masons and Church properties to benefit from division of the town's right of way between them. The abandonment of the town's right of way will give them that portion of the town property that goes through their land, but they will not be losing any part of their property nor do they have any other stake in the arrangement. Additionally, the question of title throughout that area of Church Street has been under discussion at least since the mid-1960's. Both at that time and in the mid-1990's, extensive research was undertaken and attempts were made to establish property lines, but the Masons had chosen not to enter into agreement. Mr. Dowd noted that the Masons hold a deed from the same grantor that had issued a deed to the Town for the Seminary property. Selectman Heitz advised that all that indicates is that neither the town nor the Masons actually own the property that they thought they did. Mr. Dowd noted that his proposal allows for the town to gain a parcel that provides for a 30' strip at the road, widening to 60' along the waterfront. The Masons would acquire the remainder of the Seminary parcel. Mr. Swasey indicated that he believes the proposal to be a fair one.

Selectmen indicated that they have no interest in the Masons' proposal. The town had proceeded with a proposal put forth by the Church, at the Church's expense and under the understanding that the Seminary Trustees had agreed to donation to the town of the entire parcel between the Children's Center and the Masons Hall - a parcel that has been openly used by townspeople as a public beach for at least four decades - in exchange for the town's abandonment of its title to the right of way between the Masons and Church. The Church has gone to considerable expense; the town is giving up title to a right of way owned by it; and the Seminary Trustees are donating title to a parcel of property, albeit one that until very recently they weren't aware that they owned. The Masons - other than in standing to gain by acquisition of a portion of the town's right of way - have no stake in the exchange that the Selectmen were led to believe was at issue. Selectman Hart added that he is aware that representatives of the Church had

tried on numerous occasions to discuss the proposed arrangements with the Masons, whether or not they were successful in doing so.

Selectman Heitz advised that Mr. Swasey and the other Seminary Trustees need to decide whether they wish to donate the Seminary property to the townspeople to continue using as they have for decades, or to a private entity that may or may not preserve the property in its present condition and for its present, longstanding use. Chairman Broderick agreed that the Board needs to protect and secure the interests of Kingston's townspeople, who have openly used the property as beachfront and for special events for decades. They also need to preserve access to the fire safety standpipe located on the shore. Mr. Swasey stated that he just would like to have the matter resolved with all parties satisfied.

It was agreed that further discussion may be held following Town Meeting on March 13th, when voters will determine whether they approve abandonment of the right of way running between the Church and Masons' property in return for receiving donation of the Seminary property. At that time, it will need to be determined if the Seminary Trustees are in favor of donating their property to the Town.

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Heitz and second of Chairman Broderick, it was voted to accept the Minutes of the January 30, 2012 meeting as printed. Selectman Hart abstained from the vote due to his not having been present at the meeting.

There being no further business, the meeting adjourned at 9:07 pm and the Board retired to address administrative issues.

Respectfully submitted,

Catherine Grant

Administrative Assistant