

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of April 8, 2019  
FINAL MINUTES**

The meeting was called to order at 7:00 PM in the Meeting Room at the Town Hall.

**PRESENT:** Chairman Mark Heitz; Phillip Coombs, Donald Briggs, Jr., Richard G. Wilson, Selectmen.

**ABSENT:** Kevin St. James, Selectman

**SCHEDULED APPOINTMENTS:**

**Heritage Commission -Native American Phase 1-a**

Debra Powers and Ernest Landry of the Heritage Commission were present to continue discussion of the proposed Archaeological Assessment at the Recreation land, where trees have been removed to make way for a playing field. Two proposals have been received to do the study:

Monadnock Archaeological Consulting, LLC-- Total: \$545.20  
144 Greenwood Road  
Dublin, NH

Independent Archaeological Consulting, LLC-- Total: \$1,956.90  
801 Islington Street, Suite 31  
Portsmouth, NH

Ms. Powers said that the Heritage Commission had chosen the first proposal from Monadnock Archaeological Consulting, not only because it was less expensive, but also because they had worked with Dr. Goodby in the past. There was a brief discussion of both firms, including that both are State certified.

**MOTION:** by Selectman Wilson, to authorize the Heritage Commission to contract with Dr. Robert Goodby of Monadnock Archaeological Consultants.

**SECOND:** by Selectman Briggs

**All in favor.**

It was noted that Dr. Goodby can start right away, and a purchase order will be submitted to the Town for the cost. The Selectmen signed the proposal, which will be attached to the purchase order to save time.

**Nichols Museum Sign**

Walt Roy of the Historical Museum Committee was present to talk to the Selectmen about the sign proposed for the museum. He said they are still waiting for more price quotes, but showed the designs he had presented to the Heritage Commission.

Mr. Roy said the original design was for PVC pipe for the supports, but that they had looked at other options, including granite posts. He said they chose 4 vendors, then

narrowed them down to the 2 that were serious. They are waiting for one more price for the granite, but the estimated price is \$1,500 for plain white PVC vs. \$4,000 for granite.

Ms. Powers said that the Heritage Commission wants to know the Selectmen's opinion of the sign, if they think it's worth the extra money to have granite, and which fund will be used to pay for it. Selectmen's signatures will be needed for the sign permit, as owners of the Nichols museum.

Chairman Heitz said that he had attended a Heritage meeting when the sign was discussed, and mentioned that both designs have a medallion included, which will match those on other signs in town and tie them all in. Mr. Roy said there are medallions on the Tramp House and Carriage Shop, and the new entrance and exit signs will have them too, as it helps to connect all together.

Chairman Heitz said that the sign is slightly larger than the 24 square foot limit in the ordinance, but he needs to talk to the Building Inspector to see how the bump-out affects the total size. The Selectmen agreed to authorize the Chairman to sign the permit application form so that it can be processed.

Selectman Coombs asked if anyone had looked at bollard covers that look like granite. He said this is a *PVC* sleeve to go over a pressure-treated ~~the PVC~~ post to make it look like granite, which would be a substantial savings yet look better than the standard white. It was agreed this will be looked into; Selectman Coombs will pass along what information he can find.

There was further discussion about the sign; Mr. Roy said that both Virginia Morse of the Historical District Commission and Glenn Coppelman of the Planning Board had seen the design and reacted positively. He said he had also talked to Road Agent Rich St. Hilaire about placement on the property.

Ms. Powers asked about funding, whether this would be paid for from the Heritage Fund or from the Building Maintenance fund. Mr. St. Hilaire will be asked about whether there is money in his budget for this expense.

## **PUBLIC COMMENT**

Scott Harlow of Wadleigh Point Road said he wanted to know when the Phase 1a study will begin and how long it will take to complete. He said that the trees are already down at the Recreation property, and it does not look great there right now.

Chairman Heitz said he does not expect this to be a long project; he said it sounds like they can do it right away, and certainly within 30 days. Mr. Landry clarified that this is Phase 1a, but depending on what is found, they may request a Phase 1b, which would be a lengthier process. Selectman Coombs said that he thinks the goal is still to complete the Recreation field project this year. Mr. Harlow said that the Highway Department has other things to do, and that he would like to see them continue what they have started.

There was a discussion of what might be found, and Chairman Heitz said that they are not interested in just arrowheads and other commonly found items, but in more significant finds.

Mr. Harlow asked why the issue did not come up when the fire station was being planned for that site. Chairman Heitz said that site was identified during the Route 125 Corridor Study, but no one gave it any thought until they saw the work being started, and then the Heritage Commission brought the matter forward.

Selectman Coombs said that since this is a Town project being done without federal funding, the Town is able to pause the work in order to do due diligence.

Recreation Director Paul Butler stepped forward to say that he supports the Heritage Commission's efforts. He said that he was unable to attend the last meeting, so wanted to hear more about this. He said he was worried about how far the site investigation would set back the Recreation project, and is happy to hear there is hope to resolve this quickly.

**OLD BUSINESS (taken out of order while waiting for second appointment):**

**Cable channel recording replacement equipment**

Selectman Briggs reported on the status of the cable channel equipment the Town uses to record, broadcast and stream Town meetings, as well as to broadcast announcements on the Town's cable bulletin board. He said that the bulletin board is currently not running, and that meetings are able to be streamed but not broadcast on the cable channel live. He said he has quotes for repair/replace from two companies; one is Leightronix (which is currently used and would be easier to adapt); the other would be an entire new system. He said he has also talked to a third company that he is waiting for a quote from. There was a discussion of the options offered, such as providing training, and the budget available to be expended for the cable channel.

**Working group, NH DOT Route 125 project**

The list of people who will serve as the working group to discuss design of the Route 125 project with DOT personnel was briefly discussed. When completed, the names will be given to Tobey Reynolds of NH DOT, who will contact the group and set up meetings.

**NEW BUSINESS:**

**Dog Ordinance Violations**

The Chairman said that there has been an uptick in incidents of people not cleaning up after their dogs on the Plains. He read from Town Ordinance 411.2:

- A. An owner or person having custody of any dog shall not permit said dog to defecate on any public property including public streets, alleys, sidewalks, parks, or any other public grounds within the Town unless said defecation is removed immediately and disposed of in a lawful and sanitary manner.
- B. Persons violating this Town Regulation shall be subject to a fine of fifty dollars (\$50.00) for the first offense; one hundred dollars (\$100.00) for the second and each subsequent offense.

Chairman Heitz concluded that it would be nice if everyone could give conscious effort to cleaning up after their animals.

#### **Porta-potty for Kingston Dog Park**

The Selectmen reviewed a request from Bob Bennett of the Kingston Dog Park to set up a porta-potty on site. The cost would be borne by the dog park association, and they will not enter a long-term contract.

**MOTION:** by Selectman Coombs, to authorize the board of the Dog Park to install a porta-potty at their own expense.

**SECOND:** by Selectman Wilson

**All in favor**

#### **Cemetery Sexton retiring**

The Trustees have requested that this part- time position be posted on website. The Selectmen had no objection to this.

#### **Babscott lane code complaint**

Selectman Briggs said he spoke to the resident who made this complaint. He said the person recently bought the property and that others are under the impression that they have access to the lake through his back yard. Selectman Briggs said that this may be a title issue, that this right-of-way was not investigated; he will be working with the owner.

#### **Illegal dumping sites**

Selectman Wilson said he has been trying to clean up several dump sites around town and wondered what to do with the garbage, some of which is large items such as mattresses. He said he is willing to look into taking things to the Newton transfer station if there is no cost. Setting up a dumpster was also suggested.

#### **APPOINTMENTS:**

##### **Magnusson Field Camping- Kingston Days**

This topic was opened once all were present to discuss it. Lynn Gainty, Chair of the Kingston Days Committee, explained that as in the past two years, carnival workers will be housed at Magnusson Field with their trailers. She said this will be only for the first weekend, July 27 and 28, but that they will start coming in on Monday or Tuesday to set up, so will have use of the field for about a week, total.

Chairman Heitz said that knowing this has been a contentious issue in the past, the Board opted to notify the abutters to Magnusson Field before approving the Facilities Use application. Several abutters were present to give their opinion on the use of the field for this purpose:

Susan Slocombe of 3 Exeter Road said that she has lived there since 1976 and has made updates to her property. She said she understands she is in the Single Family Residential zone and wondered how it became acceptable for workers and housing units to come to the field. She said she objects to this use, as she can see everything from her house and also has a 10- year old granddaughter that comes to visit. She said she is concerned because of the transient workers that work at carnivals. Ms. Slocombe

said that last year the board was asked to find a more appropriate place that is more visible to the public, and thought over the course of a year one could be found. She suggested Chase Field. She also said she knows the police have their hands full in the center of town during Kingston Days, and she does not see them going back to check on Magnusson Field.

Chairman Heitz said he will see if he can get answers, but that he and Chief Briggs and Ms. Gainty have explored different areas in the past and were unable to find one that is better and less disruptive. Selectman Briggs said that water is an issue, and also that he has spoken to the school, and this is not acceptable for them. He said they have talked about the fairgrounds as well, but the water is not potable. Ms. Slocombe said that the water is not potable anywhere.

Ms. Gainty said she has met all the carnival workers personally, and had nothing but pleasant experiences with them. She said that after being on the Plains all day, all the workers wanted to do was eat and go to sleep. She added that she lives up the road also, and that if the police department had identified any problems, she would have known about it. She said that she understands the concerns, but that she has done due diligence in searching for suitable areas for the campers, adding that Chase Field is owned by the school.

Selectman Coombs said that at the fairgrounds there is a water pressure issue. He said another option was the highway garage area, but that having the campers there would be too disruptive to daily activity, as the highway workers start early.

Carol Briggs, 8 Exeter Road, also expressed her opposition to the campers at Magnusson Field and asked why they don't go to a camp site. She said that last year they were only supposed to stay a week but one stayed longer. Ms. Gainty said that that was for parking only of the mobile home, uninhabited, for one more week, which they asked permission for. Ms. Briggs said that the campers have water and generators, that they don't drink the water and can take showers.

Chairman Heitz asked if Ms. Briggs had experienced any issues in the last two years. Ms. Briggs said that she hadn't really, except for a man roaming around her yard at 5:30 AM, which she found scary as she lives alone.

Alice Getchell, 6 Exeter Road, said she is also concerned, and that there are about four campgrounds so she did not understand why they don't go there. She said that Magnusson was originally supposed to be a park, and by becoming a ball field it has already changed use once. She said she feels that to change again would set a very dangerous precedent. She also said she has read about gangs trying to gain a foothold in New Hampshire and that many of the workers may be nice but are still transients entering town. She said that another location should be found, that Magnusson is very secluded and that concerns her.

The Chairman asked the board for their opinion. Selectman Coombs said that as he is also an abutter, he will recuse himself. Selectman Wilson said he is trying to think of an alternative. Selectman Briggs said he could still research the Boy Scout camp.

The Chairman said that any site has abutters. Ms. Gainty said that she recognized that not everyone embraces this arrangement, but that a number of sites were looked at in the past. She said she disagreed with Ms. Getchell's comment that nothing was done; she said that an alternate site could not be found but the police checked in on a regular basis and there were no incidents.

The Board agreed to have Selectman Briggs look at the Scout camp and any other options that come up. Ms. Briggs said that was what they were told last year. Chairman Heitz said that if a viable alternative can be found, they will look into it, but that he will say up front that another option may not be found.

Ms. Slocombe said that she has to say the campers were quiet last year, but that the Town has not interviewed everyone who works for the carnival, and can't say there will never be a problem. She said this is her town and she feels that no one is listening to her concerns, and that a ball field should stay a ball field.

Chairman Heitz said that it is still a ball field, that this is a temporary use, the same as using the Plains for the carnival once per year.

Ms. Gainty said that when the workers arrive, she spends a lot of time with them, and has told them she does not want to hear complaints or the carnival will no longer be allowed. She said again that she understands the concerns and doesn't dismiss them, and did try to find an alternative. She said Magnusson is a good place to keep the campers contained and away from harassment or confrontations.

Chairman Heitz said that one reason for this discussion is that the first year nobody knew ahead of time that the carnival workers would be camping at Magnusson, and that was not the best way to go. However, he said that if there are no issues and another location can't be found, and if the town enjoys a carnival once per year, it is possible the campers will continue to stay at Magnusson. Ms. Gainty said, in fairness to the carnival people, they have not done anything. She said something could happen any time anywhere.

The Board authorized Selectman Briggs to look at potential alternatives. Selectman Wilson will think about safety issues.

#### **Selectmen Representative report: Planning Board**

Selectman Coombs reported that the Planning Board held a discussion on Agritourism. He said the Bakie Farm dinner held in January was brought up as a large, one-time event needing permits, and other activities that are ongoing, such as a petting zoo, would be deemed a business subject to site plan review. An activity could also be seen as educational if not a primary part of the business. He said that the Planning Board was

trying not to place too many restrictions on Agritourism activity, while allowing for enforcement.

**APPROVAL OF MEETING MINUTES:**

**MOTION:** by Selectman Wilson to approve the public session meeting minutes of April 1, 2019, as written.

**SECOND:** by Selectman Heitz.

**In favor: Heitz, Briggs, Coombs, Wilson.**

**MOTION:** by Selectman Briggs to approve the non-public session meeting minutes Session 1 and 2 of April 1, 2019 and March 25, 2019, as written.

**SECOND:** by Selectman Wilson.

**In favor: Heitz, Briggs, Coombs, Wilson.**

**PUBLIC COMMENT:**

None.

**Non-Public Session**

**MOTION:** Upon motion of Selectman Coombs, **SECOND** of Selectman Briggs, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-A:3, II (I): Consideration of legal advice.

**In Favor: Heitz, Briggs, Coombs, Wilson; Motion passed.**

The Board adjourned at 8:24 PM.

**MOTION:** Upon motion of Chairman Heitz, **SECOND** of Selectman Coombs it was voted by roll call to return to public session at 9:10 PM.

**In Favor: Heitz, Briggs, Coombs, Wilson; Motion passed.**

**MOTION:** By Selectman Briggs, to seal the minutes of the non-public session for an indefinite length of time, as releasing the minutes would affect adversely the reputation of any person other than a member of this board.

**SECOND:** By Selectman Wilson

**In Favor: Heitz, Briggs, Coombs, Wilson; Motion passed.**

**Adjournment:**

**MOTION:** by Chairman Briggs to adjourn at 9:15 PM

**SECOND:** by Selectman Heitz.

**All in favor.**

Respectfully submitted,  
Susan Ayer  
Administrative Assistant