

Kingston, New Hampshire
Board of Selectmen
Meeting of May 13, 2019
FINAL MINUTES

The meeting was called to order at 6:30 PM in the Meeting Room at the Town Hall.

PRESENT: Chairman Mark Heitz; Donald Briggs, Jr., Phillip Coombs, Kevin St. James, Richard Wilson, Selectmen.

Non-Public Session

MOTION: Upon motion of Chairman Heitz, **SECOND** of Selectman St. James, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-A:3, II (b): The hiring of any person as a public employee.

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

The Board adjourned at 6:31 PM.

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Coombs, it was voted by roll call to return to public session at 6:59 PM.

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

Plumbing and Gas Inspector

MOTION: by Chairman Heitz, to hire David Fields as part-time on-call Plumbing and Gas Inspector.

SECOND: by Selectman Wilson

All in favor.

SCHEDULED APPOINTMENTS:

Ralph Murphy, Historic District Commission

Chairman Heitz said that the Board is in receipt of letter from Virginia Morse and Mr. Murphy's letter of interest, and is happy that he is willing to volunteer his time to the HDC.

Mr. Murphy shared a prepared statement of his background and experience. He has been a resident since 2002, and served on several committees, including Kingston Days, Recreation, Historic District Commission, and Citizens Court.

MOTION: by Selectman Coombs, to appoint Ralph Murphy to the Historic District Commission for a three-year term to expire on March 31, 2022.

SECOND: Selectman St. James

In Favor: Heitz, Coombs, St. James, Wilson; Abstain: Briggs; Motion carried.

Pete Broderick- Health, Code Enforcement

Mr. Broderick said that he had been planning to come to the Board about a complaint of junk in a yard, which could be either a code or a health issue. Coincidentally, Selectman Briggs had come in with a complaint about a failed septic system. He said that he and Selectman Briggs had talked about working in tandem on code and health issues, as it is often hard to determine which category a problem falls under, and they felt this would save time and confusion.

Chairman Heitz said that as the Town has no Code Enforcement Officer, Selectman handle Code complaints. Mr. Broderick said that when he was a Selectman he could do both, but at this time he is strictly the Health Officer, so needs to have the approval of the Board to get involved in Code problems. The Board had no issues with Mr. Broderick working together with Selectman Briggs to cover Code Enforcement.

Health Officer job description changes

Chairman Heitz said that the Board has been looking at the Health Officer's list of essential duties to make some changes. He went through the entire list, emphasizing the duties that had been added, mostly related to water testing. He added that some of these items have been handled by the Road Agent, but really should be in the purview of the Health Officer.

There was a discussion of the various duties, and Mr. Broderick said that for some of them, he would need some training, and will sit down with the Road Agent, Rich St. Hilaire. Selectman Coombs mentioned that the EPA was here recently about the barrel factory Superfund site; he said they are at the site this month doing further testing, which now includes testing for PFOAs. He said this is an example where Mr. Broderick will be the primary point of contact for the Town. Selectman Briggs suggested that numbers 5 a, b, and c on the list should read, "Acting as primary contact for State *and Federal* agencies".

These changes will be made and the revised job description will be brought back for approval on May 20.

Mary Cyr Newton-Kingston Taxpayers Association

Ms. Cyr said she was present to talk about getting the estimated tax impact for all special warrant articles printed on the Town Warrant.

Ms. Cyr said that the Town of Kingston, along with the Town of Newton and the school district, had passed articles (per NH RSA 32-V-a) to reflect Budget Committee and Board of Selectmen tally votes on appropriation warrant articles. The Town of Newton and the school district have also passed warrant articles to reflect the estimated tax impact of the budget and all warrant articles carrying a tax impact, per NH RSA 32-V-b. She said these were passed with overwhelming support, and asked the Board to discuss including tax impact on the warrant articles in Kingston.

There was a discussion of whether this can be done on the Board's own initiative or not, and whether a Selectmen's article or a petition article would be most appropriate.

Selectman Briggs said this question could be researched with New Hampshire Municipal Association (NHMA), or through the Department of Revenue Administration (DRA).

Selectman Coombs said that he is in favor of having this information on the warrant, but feels it should go to a warrant article. He said his concern about the Selectmen doing it on their own is that the information could be skewed. Ms. Cyr said the information would be the responsibility of the Finance Officer.

Ms. Cyr said all the others have been approved via citizens' petition. Chairman Heitz said that his personal reading of the RSA is that the Board has the authority, but he would prefer to leave it to the will of the voters. There was a discussion of whether the article should be by petition or put on the warrant by the Selectmen. It was decided to research the options through NHMA and DRA, and make a decision at a later date. Ms. Cyr asked the Selectmen to notify her by July 1, so that she can prepare a citizens' petition if necessary.

PUBLIC COMMENT:

Paving projects 2019

Road Agent Rich St. Hilaire took this opportunity to give the Selectmen his list of proposed paving projects for 2019 and to ask the Board if his process of calling the four large paving companies to solicit bids is acceptable again this year.

Mr. St. Hilaire said that all the figures on his chart are his estimates. He said that depending on the final cost, the roads might be removed or added to this list. Chairman Heitz asked if Simes, Bass and Circuit Roads, which some residents had recently come in to request paving, were included. Mr. St. Hilaire said that they will have to wait another year, as permission needs to be secured for cutting trees and widening the road area.

All were in favor of the Road Agent contacting the top four companies for bids.

OLD BUSINESS:

Electricity Supply Proposal - Neighborhood Energy

Selectman St. James said this proposal will be compared to the numbers the Rockingham Planning Commission comes up with for their aggregate.

NEW BUSINESS:

Heritage Commission - Event on June 8

The Chairman read an announcement from the Heritage Commission about an event planned for June 8 at 1:00 PM. This will be a New Hampshire Humanities event entitled "New Hampshire Cemeteries and Gravestones", led by New Hampshire historian Glenn Knoblock. It will include a tour through the historic Plains cemetery followed by refreshments. Questions may be directed to Ernie Landry.

Records Retention Policy

Selectman Briggs said that he, Town Clerk Tammy Bakie and Treasurer Jayne Ramey, as the Records Retention Committee, have been working on this policy. The Selectmen were given a rough draft to review, and it will be sent out to all Department heads for their input before completing the final draft. The State mandates a minimum retention time for various records, but the Town can opt to keep them longer.

Dragon Mosquito contract

The Selectmen reviewed the contract with Dragon Mosquito for 2019 for mosquito control. The contract and cost are the same as in recent years.

MOTION: by Selectman St. James, to engage in the contract with Dragon Mosquito for 2019.

SECOND: Selectman Wilson

All in favor

3 Cardinal Road - Lot line setback issue

Selectman Briggs said that the owner of this property came to see him. This owner bought the property in 2006; in the early 1990's a prior owner built a garage that has now been identified to be 116 square feet on neighboring property, which is owned by the Town. The current owner cannot sell the property until this is resolved.

Chairman Heitz pointed out that setbacks are needed, in addition to the 116 feet over the line. There was a discussion of solutions to this problem, including selling or giving land to the other property owner, and whether to include enough to cover the setback footage or have the owner go through the ZBA for a variance to this requirement. Chairman Heitz said that to make it a clean lot the setbacks need to be included. He said the frontage needs to be considered, as enough needs to be retained so that the Town lot remains buildable. Further research will be done.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman St. James to approve the public and non-public session meeting minutes of May 6, 2019, as written.

SECOND: by Selectman Coombs.

All in favor

PUBLIC COMMENT:

None.

ADMINISTRATIVE: APPLICATIONS, PURCHASE ORDERS, CORRESPONDENCE:

- Correspondence between the owner of 111 Route 125 and Planning Board Chairman Glenn Coppelman has been copied to the Board. This will be forwarded to Town Planner Glenn Greenwood, as if the owner wants to conduct any activity at the property in the future he will need to start the Planning process from the beginning.
- Gordon Gainty is waiting to know if the Selectmen will participate in the 325th parade. There was a question of whether they were to be on a viewing stand or in the parade. Selectman St. James was the only one available.
- A cease and desist letter regarding construction at 8 Lefevre Drive was signed and will be delivered to the property owner.
- A letter was received today, brought to the Planning Board office, from the owners of the Saddle Up Saloon, advising that they planned to hold an event on May 20 because they feel it is allowable since the prior owner did similar events. There was a discussion of the accepted uses according to the property's site plan, and that the owners had already been told by the Planning Board and the Selectmen that no restaurant activity was allowed outside the building. A letter has already been prepared to reiterate this information, and was signed for mailing/hand delivery.

- A note from Conservation Chair Evy Nathan was received, informing the Selectmen that she had given permission to NH Fish and Game personnel to conduct spotted turtle surveys in Town. Selectman Wilson, as Conservation Representative, will remind Ms. Nathan to ask permission ahead of time in the future.
- One disabled veteran property tax credit was approved.
- Appointment forms for the Fire Station Building Committee members, who all expire this month, were signed for a one-year term. It was agreed (Motion by Selectman St. James, second by Selectman Coombs, approved with one abstention) that the Board has seen these members recently, and they do not need to come before the Board at this time.

PUBLIC COMMENT:

None heard.

NON PUBLIC SESSION

Non-Public Session

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

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

The Board adjourned at 8:43 PM.

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Coombs, it was voted by roll call to return to public session at 9:15 PM.

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

Adjournment:

MOTION: by Selectman Briggs to adjourn at 9:17 PM

SECOND: by Selectman Coombs

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant