

**"Kingston, New Hampshire
Board of Selectmen
Meeting of May 20, 2019
FINAL MINUTES**

The meeting was called to order at 7:07 PM in the Meeting Room at the Town Hall.

PRESENT: Kevin St. James, Vice-Chair; Donald Briggs, Jr., Phillip Coombs, Richard Wilson, Selectmen.

ABSENT: Chairman Mark Heitz

Vice-Chair St. James opened the meeting with the pledge of allegiance.

Town Hall Computers Down

Selectman St. James said that the Town Hall has been experiencing computer problems that have caused the offices to be closed, and apologized for the inconvenience. The Selectmen then discussed the issue, which is a failed firewall, and the cost of replacing it. Noting that the warranty is expired, and that the company may not agree to replace the part, the possible cost was identified as up to \$2,000. This was based on the 2016 cost of \$1,571 plus service costs.

MOTION: by Selectman Briggs, to allow the emergency expenditure of up to \$2,000 to replace the firewall for the Town Hall computer system.

SECOND: by Selectman Wilson

All in favor.

SCHEDULED APPOINTMENTS:

7:00 PM - Appointee to Fire Station Building Committee

This appointment will be rescheduled.

7:15 PM Dan Kight re: Purchase of 4 Main Street

Mr. Kight introduced himself to the Board and said he has a contract to buy 4 Main Street, subject to being able to obtain the necessary permits to run a salvage yard there. He said it has been used for this purpose but the current owner's junkyard license is expired. He said he is aware of the environmental testing that is required by the Board, and Tom Duffy of Verani Realty told him it has been scheduled. He was not sure when the results would be in.

Selectman St. James explained that the current owner had Level One environmental testing done, and in the report it was recommended to follow up with Level Two testing. Mr. Kight said that he wants this done to be sure there is not contamination on the property. He said he does not want to own a potential multi-million-dollar problem.

Selectman Briggs said that during a site walk of the property he could see that water on the property flows to the pond behind it; the property extends a short distance into the water and a pipe dumps into the pond. Mr. Kight asked if this is connected to cleanouts with filters, and Selectman Briggs said that on the lot itself there is a large oil trap that pipes into the pond, and he would like to see that tested. Mr. Kight asked if the pond

itself should be tested. It was noted that this has never been done, and doing it now would require the permission of the neighbors.

Selectman Coombs said that the biggest thing for the Board at this point is to see that the engineering firm performs Phase Two testing. He added that they also want to see a remediation plan going forward to avoid being in the same situation all over again in the future.

There was a discussion of regulations governing approval for a recycling or salvage yard; Selectman Briggs read portions of some of the statutes involved. Fleet maintenance on this property is approved, but only inside. Selectman Coombs said that the Board is not trying to stop anyone from using the property for the approved purpose, but he recommended that Mr. Kight stop by the Planning Board office to review the site plan and exactly what is allowed on the property.

Mr. Kight said his intent is to run his business to not look like a junkyard, that he is aware that no one wants to look at that. He gave some of his own background, which is in the trucking business and also real estate, and said that three of his four sons work with him every day. He said he won't close on the property unless he can obtain the necessary permits. Selectman Coombs said that the Town needs to see the Phase Two testing and a plan to deal with contaminants. He added that the Board will do a site walk each year before signing a renewal on the permit.

7:45 PM: Road Agent, Health Officer re: Water testing procedures, Job Description

Road Agent Rich St. Hilaire was unavailable, but Health Officer Pete Broderick was present to discuss water testing with the Board. He said that at first read of the additions to his job description, he thought the Board expected him to go out and physically do the water sampling. After meeting with Mr. St. Hilaire, he said it was agreed between them that Highway/Buildings personnel will still do the physical sampling, that he does not have keys to all the areas he would need access to. He said his own role will be to make sure the sampling is done, do the scheduling, get the reports, and report to the Board with any problems. He said he will bring the samples to Concord, and oversee the process, taking over Mr. St. Hilaire's administrative duties, but the Highway Department will continue doing the rest as they have been doing. He said he would have them teach him how to do the sampling so that they have him for backup.

Mr. Broderick also discussed an item on his job description, #11 on the list of "examples of essential duties", which reads, "Ensures that food service, beauty parlor, and electrolysis licenses to operate are current." Mr. Broderick said that he spoke with a local hairdresser, who told him the state makes unannounced visits and makes sure they are in compliance. He said it seems redundant to have him check on them as well. He added that he does not inspect food service and never has.

After some discussion, it was agreed that the state will be contacted to ask if the local health officer needs to be involved with beauty parlors and food service.

Mr. Broderick also reported that he and Selectman Briggs, acting as Code Enforcement Officer, have been working together to come up with a process for coordinating Code Enforcement and Health issues. Selectman St. James thanked him for being accessible.

OLD BUSINESS:

Warrant article - tax impact

The Administrative Assistant has called Penny Touchette, the Town's contact at the Department of Revenue Administration, to clarify some information on this matter. Ms. Touchette affirmed that the question of whether to include tax impact on warrant articles needs to be voted on at Town Meeting. This can be either a Selectmen's article or a petition article.

It was decided to table the discussion on this until the full board is present.

3 Cardinal Road property (Map R 21, Lot 26-12)

There was a discussion of this property which is adjacent to a parcel belonging to the Town (R 21, Lot 26-13). It has a garage that is partially on the Town's parcel, and the owner can't sell his property until this matter is resolved. After this was brought to the Board's attention on May 13, Selectman Briggs said he had a long discussion with the property owner. The frontage of both properties has been verified, and the Town's lot has a total of 552', enough that some could be given up and still have a viable building lot for future use. Selectman Briggs said he had discussed both options for moving the lot line between the properties, to either include enough property to meet setback requirements, or to sell just enough to accommodate the garage and have the owner go to the ZBA for a variance.

Selectman Coombs said he would not want to sell property into a non-conforming situation; the Board was in agreement that they felt better including enough setback footage to bring the garage into compliance with the Town's ordinance.

Selectman St. James said it would be best if the owner of 3 Cardinal Road came in to the full board with an offer. Selectman Briggs said he had already informed the owner that it would be up to him to cover all closing, survey and mapping costs.

NEW BUSINESS:

Tax Collector warrant

MOTION: by Selectman Briggs, to approve the tax warrant for the first half of 2019, and authorize the Tax Collector to collect the amount of \$8,685,133.47.

SECOND: by Selectman Wilson

All in favor

Mill Stream Cemetery

Selectman Briggs said he had a long discussion with the son of the owner of a parcel up the hill which is going to be for sale, and was asked if the Town would be interested in adding land to the cemetery. This question will be referred to the Cemetery Trustees.

Access A/V: Quote for audio equipment

There was a discussion of this quote for new audio equipment for the meeting room, including an amplifier, processor and a pair of speakers, and the installation work. The bid is for \$2,045. In discussion, it was noted that this is not a budgeted expense.

Selectman St. James suggested that a sound engineer be brought in to do an analysis first, if that much can be found within the budget.

Selectman Coombs said that as long as an upgrade is being done, a projector is needed for putting plans up on a screen at Planning Board meetings. An LCD projector is in the budget, and he said maybe this can be integrated.

Selectman Briggs will get pricing and a warrant article will be considered.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman Coombs to approve the public and non-public session meeting minutes of May 13, 2019, as written.

SECOND: by Selectman Wilson

All in favor

PUBLIC COMMENT:

None.

ADMINISTRATIVE: APPLICATIONS, PURCHASE ORDERS, CORRESPONDENCE:

- The Town Clerk has asked for approval to refund part of a registration payment; details were provided including a recommendation from the state. On a motion by Selectman Briggs, seconded by Selectman Wilson, all were in favor of following the recommendation of the state, and authorizing the Clerk to issue the refund.

COMMITTEE LIAISON REPORTS:

(This heading will be added to future agendas.)

Selectman Wilson, Historic District Commission

Selectman Wilson reported on the recent meeting of the Historic District Commission, saying there were two issues he felt should come to the Board's attention.

First, he said the Commission wanted a legal opinion from Town Counsel on whether condominium documents should be made available to the HDC before they consider an application. It was agreed that if a committee wants to consult legal counsel, the right way is to bring the question to the Selectmen, who can contact counsel if they need to. It was decided that requiring condominium documents, where they exist, is necessary so that the commission is aware if a change or use is not allowed before wasting time on an application.

The second issue Selectman Wilson wanted to discuss was the HDC's authority in approving a plan. He asked if they are approving a concept or a plan, and wondered how they can make a decision on a building plan when they do not know the building code. Selectman Coombs said that even the Planning Board will send plans to the Building Inspector to review before approval. Selectman Wilson said that, as an example, he could see rain and snow issues with a roof plan that the HDC was not addressing. He said rainwater collection is in the building code, not the Historic District ordinance.

After further discussion, it was agreed that Selectman Wilson will bring the thoughts of the Board, that the Building Inspector should be consulted on building code issues, to the HDC.

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 (c): Matters which likely affect adversely the reputation of any person not on this Board, and NH RSA 91-A:3, II (l) Legal matters

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

The Board adjourned at 8:05 PM.

MOTION: Upon motion of Selectman Coombs, **SECOND** of Selectman Briggs, it was voted by roll call to return to public session at 8:35 PM.

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

Matters discussed included a property deeded to the Town for taxes, and correspondence with legal counsel.

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 Coombs

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

Adjournment:

MOTION: by Selectman Coombs to adjourn at 8:40 PM

SECOND: by Selectman Briggs

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant