

**Kingston, New Hampshire
Board of Selectmen
Meeting of July 25, 2011
MINUTES**

The meeting was called to order at 6:58 pm in the Main Meeting Room of the Kingston Town Hall. In attendance were Chairman Peter Broderick and Selectman Mark Heitz.

Trustees of Trust Funds Discussion

Chairman of the Trustees of Trust Funds Brad Maxwell presented to the Board a resignation letter from long time Trustee Edmund Caillouette. Mr. Caillouette is resigning due to health issues. A letter was prepared and signed by the Board, expressing their regret and thanking Mr. Caillouette for his many years of service to the town.

The Board signed an appointment for Jason Sullivan of Riverwood Road to serve in Mr. Caillouette's stead until the 2012 Town Election.

Discussion was held concerning two John Deere riding lawnmowers that the Trustees would like to dispose of. Mr. Maxwell has been offered \$100 for both mowers. Selectman Heitz advised that the Town generally offers surplus property for public bid. The mowers will be advertised along with other vehicles and equipment being offered for sale.

Mr. Maxwell advised that the Library Trustees have requested information about the amount of interest earned since Town Meeting on the money appropriated from the Infrastructure Improvements Fund for construction of the new Library. It is the Library Trustees' belief that interest earnings on the \$1,897,000.00 appropriation become available for use on the project. Mr. Maxwell and the Board concur that there is a conflict of opinion on that point; one of the Trustees attended a training session at which she learned that the amount to be withdrawn from a Trust is to be equal to the amount of the appropriation. Selectman Heitz suggested that Mr. Maxwell contact Terry Knowles of the Charitable Trusts Division of the Attorney General's Office to get an opinion before committing to any action relative to interest earnings on the appropriation.

Selectman Heitz asked if Mr. Maxwell and the other Trustees are aware of the DRA ruling concerning the 2011 budget appropriations. Mr. Maxwell advised that he knows the total amount voted exceeds the Budget Committee's recommendation by more than the allowed 10%, due mainly to the article that was to have re-established the Infrastructure Improvements Fund following its dissolution and appropriation of the Library construction amount. Selectman Heitz explained that the entire amount of the adjustment will come from the article to reestablish the fund but that, even so, there is \$297,000.00 remaining with which to re-establish the fund. The \$4,210,182.00 that has been disallowed and that remains in the keeping of the Trustees at present, will need to be transferred to the Town's General Fund and remain as part of the unreserved fund balance until it can be re-appropriated to the Infrastructure Improvements Fund by Warrant Article at the 2012 Town Meeting. A copy of the DRA letter will be sent to Mr. Maxwell to explain their ruling.

Resident Discussion of Cease and Desist Order

William Ryder of 36 Fourth Street was present to discuss a Cease and Desist Order he'd received relative to construction work done on his property. Mr. Ryder, who purchased the property in November, 2009, has enclosed an existing porch area and altered the roof line without having obtained permits. The work apparently doesn't meet town setbacks and,

because of its proximity to the shoreline, violates the State's shoreline protection statutes. Also, because he's created additional living space out of former accessory space, a new septic design will be required and the protective setback to the shoreline increases. Mr. Ryder advised that he was only improving what already existed when he purchased the property, and provided photos of the structure at the time of his purchase. He noted that he originally intended only to do an emergency repair on the existing roof that had collapsed during the 2010 storms. Selectman Heitz questioned what Mr. Ryder asserts the photos to show, and noted that the town's assessor visited the property in January of 2010 - following Mr. Ryder's purchase - at which time the property card was adjusted to reflect a change from an open deck to a screened porch. Work done between then and now constitutes more than simple replacement of an existing structure and was all done without permits. Further, Mr. Ryder was advised by the Building Inspector in April of 2011 to cease all work on the property due to the violations, yet photos taken by the Inspector at the time and again in May show that Mr. Ryder proceeded to finish siding the addition. The one permit for which Mr. Ryder has applied is for roof repairs. The application was received in April of 2011, which prompted the inspection that disclosed the major construction work already done to that point. Mr. Ryder was advised at the time of the April 2011 inspection that a Certified Plot Plan prepared by a licensed surveyor is needed to determine whether the illegal structure is in violation of setbacks, and it was at that time that the roof permit application was denied and all work was ordered to cease. Because Mr. Ryder did not subsequently contact the Health Office, or provide the Certified Plot Plan, or otherwise obtain the necessary permits for the work he'd already completed, and because he continued to finish the addition after having been told to stop, a Cease and Desist Order was sent by the Town.

Selectmen advised that Mr. Ryder needs to apply to the Zoning Board of Adjustment for Variances to the various setbacks that appear to have been violated. The Certified Plot Plan will need to be presented to the Board of Adjustment to substantiate the distance of Variance necessary. At the Board's request, Mr. Ryder gave his word that if he is unsuccessful in obtaining the necessary Variances and permits required to bring his property into compliance, he will promptly remove the addition. Chairman Broderick advised that, having given his word, should Mr. Ryder fail to promptly remove the addition, he will become subject to the \$275.00 per day penalty called for by ordinance, starting from the date on which he signed for the Cease and Desist Order. Mr. Ryder agreed that that would be fair. Selectmen agreed to hold the Cease and Desist Order in abeyance pending the outcome of Mr. Ryder's application to the ZBA, provided that application is made for the September hearings, deadline for submittal of which will be August 17th.

Restrictions on Community Recreation Building Use Discussed

The Board discussed recommendations received from department heads regarding certain safety issues that have arisen at the Community Recreation Building site. The Recreation Summer Camp program is operating on site now and rules and regulations are in the process of being adopted.

MOTION: Upon motion of Selectman Heitz and second of Selectman Broderick, it was unanimously voted to post the Community Recreation Site for "No Alcohol", "No Pets", "No Glass Containers", "For Use of Kingston Residents and Guests Accompanied by Kingston Residents Only"; "Operating Hours from Dawn to Dusk Only"; and "Not Open for General Use During Kingston Summer Camp Operation".

Chairman Broderick advised that signs prohibiting roadside parking will be replaced in the area to reduce traffic congestion. Signs also will warn against blocking of the gate that provides access by emergency vehicles.

The Board signed Notices of Violation for properties at 14 Towle Road and 87 Main Street.

The contract for July 1, 2011 through June 30, 2012 with Rockingham Planning Commission was signed by the Board.

A contract with CMA Engineering, Inc. of Manchester for engineering oversight of the Ball and Great Pond Roads culvert replacement projects was signed.

Review of previous meetings' minutes was postponed until a later date.

Adjournment

There being no further business before the Board, the meeting adjourned at 8:06 pm and the Board retired to address administrative issues.

Respectfully submitted,
Catherine Grant
Administrative Assistant