

Kingston, New Hampshire
Board of Selectmen
Meeting of June 25, 2018
DRAFT MINUTES

The meeting was called to order at 6:39 PM in the Meeting Room at the Kingston Town Hall.

PRESENT: Mark Heitz, Chairman; George Korn, Kevin St. James, Phillip A. Coombs and Donald Briggs, Jr., Selectmen.

Non-Public Session

MOTION: Upon motion of Selectman Korn, **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 (d): "Consideration of the acquisition, sale or lease ofproperty...": **In Favor: Briggs, Korn, Heitz, St. James, Coombs.**

The Board adjourned at 6:40 PM.

MOTION: Upon motion of Selectman Korn, **SECOND** of Selectman St. James, it was voted by roll call to return to public session at 6:58 PM: **In Favor: Briggs, Korn, Heitz, St. James, Coombs.**

Chairman Heitz brought the public meeting to order, noting that the meeting was not being videotaped due to a computer problem.

APPOINTMENTS

Recreation Topics (Paul Butler)

Recreation Director Paul Butler informed the Selectmen that summer camp had started today, with 72 kids attending.

Mr. Butler and Road Agent Rich St. Hilaire then brought the topic of the old playground at the Kingston Fairgrounds (Comeau Field) to the attention of the Selectmen, noting that it is reaching the end of its useful life after 18 years. Mr. St. Hilaire said that parents had raised money to buy the structures and built the playground themselves, and over the years it had been maintained. However, he said that although none of the equipment is dangerous at this point, it will need to be totally replaced soon for liability reasons. Mr. St. Hilaire said that the area is heavily used.

Chairman Heitz asked for an estimate of cost to rebuild. Mr. St. Hilaire said that he would guess around \$50,000, saying he believed this should be on a Warrant Article. Chairman Heitz agreed, and the question was raised whether it should be a petition or Selectmen's Article.

MOTION: By Selectman Korn, to take the advice of the Recreation Director and Road Agent, and put together a Warrant Article to replace the Comeau Field playground equipment.

SECOND: By Selectman St. James.

Chairman Heitz suggested that Mr. St. Hilaire and Mr. Butler should be tasked with getting firm numbers and putting the job out to bid in order to narrow down the amount needed to raise.

Selectman Coombs said that he thought the amounts should be known before voting to put this on the next Warrant.

The motion was revised to:

MOTION: To place a Selectmen's Warrant Article on the March 2019 ballot to replace the Comeau Field playground equipment provided that the cost is in the range of around \$50,000.

In favor: Briggs, Heitz, Korn, St. James

Abstain: Coombs

Library Trustees: Solar Project Update

Ellen Faulconer and Electra Alessio, representing the Library Trustees, updated the Selectmen on the progress made on the plans to install a solar array on the library grounds. They mentioned a listening session held on May 22 and that the project has the support of the community, although concerns had been heard that it should not be as visible as the Brentwood array on Route 125. The Trustees had also been to the Planning Board on June 5 for an informal hearing, where a new location for the array was discussed with the Town Engineer. The new location will be closer to the neighbors but has better sun exposure and will not interfere with future growth of the library by blocking an expanded parking area. More trees may need to be removed, but existing plantings will not be affected, and the array will be less visible. Impact fees will be utilized to mitigate any additional cost.

Selectman Coombs said that he had requested specifications sheets for the panels; Ms. Alessio said she would follow up.

The letter written by Town Attorney Sumner Kalman after review of the draft solar agreement was briefly discussed, and the Chairman said he will be looking for answers to the issues raised. It was noted that several of the points are moot as the array will be on the ground, not on the roof.

Kingston Days: Camping at Magnusson Field (Lynn Gainty)

Kingston Days Chair Lynn Gainty shared emails leading up to the June 4 meeting with neighbors of Magnusson Field, pointing out that she had asked to be notified in advance of the meeting, but was not. Based on the minutes of June 4, Ms. Gainty also submitted written comments in support of the camping location (for carnival workers) and requested that the Board vote to allow the Kingston Days Committee to use the location again this year.

It was acknowledged that Ms. Gainty was meant to be invited to the meeting, and the matters discussed on June 4 were revisited. Selectman Coombs said that he had been approached by two abutters, and about 8 people showed up for the meeting who felt uncomfortable with the camping arrangement. They had commented that they were not notified in advance, that campers were seen on their property, and also there was concern that campers were walking along Route 125 in the dark. Ms. Gainty said that the field is fenced on three sides and that she would talk to the workers to make it clear they should not be on private property. She said that lack of prior notification was a

viable concern and that if approved for this year, she would notify the abutters of the decision two weeks ahead of time.

There was some discussion of the possibility of using the Plains or the Highway garage as an alternate location. Ms. Gainty stressed that the field is Town property, and also that other options had been explored last year, but that Magnusson field had been the best option.

Selectman Briggs affirmed that there had been no incidents last year that the police needed to respond to.

MOTION: By Selectman St. James to allow the use of Magnusson Field by the Kingston Days carnival workers for camping again this year, July 30 through August 6.

SECOND: By Chairman Heitz

Public comment

Carol Briggs, 8 Exeter Road said that the manner in which the decision was made with no notification to the neighboring residents was the main problem, and that seeing a man on her lawn was also scary. It was reiterated that this is the reason for the meetings on the topic this year; Chairman Heitz also repeated that Ms. Gainty will make it clear to the campers that they are not to be on private property. Ms. Briggs said that she doesn't have to like the campers being there, but will accept it.

In Favor: Briggs, Heitz, Korn, St. James

Opposed: Coombs

Ms. Gainty then notified the Board and public that the raffle dinner to be held on August 1st has been moved to October 4rd. She said that tickets already sold will be reprinted with the new date.

MOTION: By Selectman Briggs, to approve the change of date for the 325th Celebration fund raiser dinner from August 1, 2018 to October 4, 2018.

SECOND: By Selectman St. James

All in favor.

There was a discussion of electrical wiring on the Plains, especially in advance of extra demand on the panel during the 325th Celebration in 2019. Electrical Inspector Tom Soterakopoulos has been consulted and agrees that the wiring does need work. Chairman Heitz said that as issues are identified, volunteers and committee members need to bring their concerns to the Road Agent, who will bring them to the Selectmen as necessary. Ms. Gainty said she has been asking Mr. St. Hilaire about the wiring for some time, and just wanted the Selectmen to be aware and expedite the matter.

MOTION: By Chairman Heitz, to have the Road Agent and Electrical Inspector bring a proposal to the Selectmen for bringing the electrical service on the Plains into compliance with the electrical code.

SECOND: By Selectman Coombs

All in favor.

Fire Station Building Committee update (Mark Furlong)

Fire Station Building Committee Chairman Mark Furlong and Fire Chief Bill Seaman were present to update the Selectmen on Committee activity. Mr. Furlong said that he was elected Chair, and Bill Bixby is Vice Chair; a mission statement was created for the Committee, which he read.

Subcommittees have been created, with the Site Location committee most active so far. He said that attendance has been good.

Mr. Furlong added that the committee now has a page on the Town's website, where meeting minutes and agendas will be posted. The mission statement will be added as well.

Stanley Shalett - Barn Easement 22 Cheney Road

Mr. Shalett along with Virginia Morse of the Historic District Commission were present to speak on this topic. Mr. Shalett said he was sorry to miss the Public Hearing on the barn easements, and also to not be present on June 11, and had decided to come back before the Selectmen as he has new information about his property.

Mr. Shalett said that the Historical Resources chapter of Kingston's Master Plan is being worked on, and that the Cheney Mill neighborhood is mentioned as a place of historic interest. Mr. Shalett gave copies of this to the Selectmen and read an excerpt:

"Though it would be wonderful to update existing reconnaissance-level surveys with comprehensive individual surveys of all structures in Kingston that were built prior to 1968, there are several areas that have been identified as priority zones. Some of these areas have been identified because of development pressures; others have been identified as potential pockets of historically intact structures or as areas of local interest. Areas of high potential for important historic sites are known villages such as West Kingston and South Kingston (at the intersection of Newton Junction Road). Several historic farms on Route 111 in the northeast corner of Kingston were first identified in the 1983 survey and recently identified by residents of the town as having historic importance (this includes the Stevens/Redgate Farm). Kingston Railroad tracks, Kingston State Park, Routes 107 & 107 A toward East Kingston (including the Bakie Farm [now White Cedar Farm]), **the area around the Cheney Mill**, and Marshall Road were also identified as areas of local interest. "

Mr. Shalett then read from a letter written by Beverly Thomas of the NH Preservation Alliance to Virginia Morse in which she referenced RSA 79-D:3, Qualifying Structures, and advised that to qualify, a building only needs to meet one of three criteria for "demonstrated public benefit".

Ms. Morse said that the letter was written to her, as she supported Mr. Shalett's application for a discretionary barn easement and had a lot of interaction with Ms. Thomas.

There was a discussion of the property, that it is at least 75 years old, on a public way and visible from the road. Mr. Shalett said that he felt his paperwork was in order, and that the barn is still vintage, as nothing was added to the exterior. Selectman St. James pointed out that roofing shingles had been added as shingles to the back of the structure, so that he felt even if the exterior was the only part that needed to be historical, he doesn't feel convinced to change his vote.

Chairman Heitz said that the barn did not appear to be "diligently maintained" to him. He said that a term missing from the discussion is "discretionary", meaning that the easements are at the discretion of the Board, and that in order to reduce property taxes

on one property and shift the burden to other tax payers, there needs to be a perceived benefit.

With regard to the roofing shingles used as siding, Mr. Shalett said that they were there when he bought the property and that he would like to remove them. There was a discussion of whether repairs are to be encouraged by the tax relief or should be done in advance to show interest in the history of the building.

Chairman Heitz said that the barn was clearly maintained only to be useful as a garage, in the cheapest way possible. He said that other barns that had been granted easements showed efforts to maintain their historic character. Selectman St. James said that the condition and added shingles take away the historic appeal. Chairman Heitz said that if Mr. Shalett could bring his barn up to the appeal of the other barns with easements, he would reconsider. Mr. St. James said that he felt the Selectmen's decision was within the intent of the law.

A decision letter will be written to Mr. Shalett to satisfy the RSA requirement that the reasons for denial must be put in writing.

Tax Collector - Properties to be Deeded to Town, 2018

Town Clerk/Tax Collector Tammy Bakie advised the Selectmen that two properties are due to be deeded to the Town for non-payment of taxes. The properties are both vacant land with minimal taxes, one at Map U5, Lot 30 (Wadleigh Point) and the other at U12 Lot 26 (10 Beach Drive).

MOTION: By Selectman Briggs, to for the Town to deed the property at 10 Beach Drive (U12 Lot 26) but to take the second property under advisement pending research.

SECOND: By Selectman St. James

The Selectmen also approved a civil forfeiture fee of \$25 to be charged the owners of unlicensed dogs. This fee will be charged via certified letter or hand delivery by the dogs' warden to owners of 250 unlicensed dogs.

OLD BUSINESS

4 Red Gate Drive Health/Code Issues

Health Officer Peter Broderick was present to revisit the topic of the abandoned house at 4 Red Gate Drive. Several residents from that neighborhood were present as well. Meikel Brewster of 1 Red Gate Drive asked for more clarification from Mr. Broderick about the issues on the property.

Mr. Broderick recapped the recent events that led to this discussion; a neighbor had called the Town when he noticed the ground was saturated on his property and the source was discovered to be the home at 4 Red Gate, where the water pipes had frozen and burst. Fire and Police personnel went out to the property, and Unutil was called to cut the power to the building from the power pole. The owner, who has not lived in the house for 15 years, was contacted about the power shut-off and was going to meet with the Police Chief but so far has only been in telephone contact.

Mr. Broderick questioned whether this is a health issue, as the water that was leaking was clean water. He also said that in order to act on a property, clear and imminent danger to others (not the inhabitants of the home) needs to be demonstrated. He said he would not want to go to court to try to prove "imminent danger to others" on the basis of mold and animals present in the house, adding that even if people lived there, they

can't be told not to live how they see fit. He said he would look at the Town's Article 1303 and the definition of "Nuisance", which includes "...condition or use of premises or of building exterior which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood..."

There was a discussion of how to handle the problem, through the neighborhood homeowners' association or with Town enforcement. Ms. Brewster said she had been told that by law, the homeowners' covenants would not hold up as well as RSA 155-B. Selectman Coombs questioned how the Town could enforce this. Selectman St. James pointed out that there are many dilapidated buildings in Town.

James Hogancamp of 7 Pheasant Run spoke about the children who cut through the back end of Memories ice cream stand, that if prevented from trespassing on the yard of 4 Red Gate Drive, would have to ride on Rte 111, which he said he would not like to see. He also said that the dilapidated house is an attractive nuisance that could draw children in.

Robert Wade of 3 Pheasant Run said the mold in the house is a hazard to others; he said that as the house is not air-tight, the mold becomes air borne. He said he has had to use his inhaler more in the last few years.

Selectman Korn said the Town needs to start by working with the owner to secure the property.

Mr. Broderick brought a new complaint he had just received to the attention of the Selectmen, this one sent in anonymously. It was agreed that while the policy of the Board is not to respond to anonymous complaints, it should be looked into.

It was decided that Selectmen Coombs and St. James would meet with Mr. Broderick to discuss the Red Gate Drive issue as well as other complaints that are more Code Enforcement than Health related, and involve the Building Inspector as well.

HIGHWAY

Personnel

Road Agent Rich St. Hilaire informed the Selectmen that the Highway Secretary has given notice that she will be leaving. He asked permission to work with the Police Secretary help until a new person can be hired.

The Selectmen gave Mr. St. Hilaire authorization to advertise the position, and also to have the Police Secretary help by spending a couple of hours per day at the Highway office, and also to answer Highway calls from the Police Department office.

Illegal Signs

Selectman Coombs said he has gotten phone calls complaining about signs along the roadways. It was noted that real estate signs are exempt, but only for the property being sold.

MOTION: By Selectman Coombs, to authorize the Road Agent to perform a one-time sweep of Town roads to remove signs (excepting State highways).

SECOND: By Selectman St. James.

In Favor: Coombs, St. James, Briggs, Heitz. **Opposed:** Korn

Driveway complaint

Mr. St. Hilaire said that he had seen a complaint on social media about a culvert issue on a private driveway. He said he has talked to the owner multiple times and explained that the culvert that failed is the owner's responsibility. The owner will be invited to a future meeting to discuss this with the Selectmen.

OLD BUSINESS

Junkyard Application 4 Main St

A letter from an attorney for the owner of 4 Main Street (Map R21 Lot 22) has been received about the owner's application for a junkyard license.

MOTION: By Selectman Coombs, to hold a Public Hearing on the application for a junkyard license at 4 Main Street, on July 9th, and in the meantime to solicit input from the Town Planner.

SECOND: Selectman St. James.

In favor: All

Lancaster Property Litigation Update (Map R-4, Lot 3)

Upon review of a letter sent by Attorney Loughlin on this longstanding matter, it was agreed to take the attorney's advice to settle the matter if the owner's engineer will sign a document saying that the construct on the property meets all life safety codes.

ADMINISTRATIVE ISSUES

- The Selectmen reviewed the mid-year revenues and expenses report.
- A Special Events application for the YMCA triathlon needs to be reviewed by Department heads.
- Volunteer applications for the summer camp were submitted
- A renewal application for a junkyard was sent to the Planning Board for approval
- The Chairman signed applications to the school for use of Swasey Gym for upcoming elections.
- Volunteer forms for Kingston Days personnel were authorized for signing.
- Two Facilities Use forms for Kingston Days were signed.
- An agreement to use new software for searching and printing deeds from the Rockingham County Registry (Monarch) was set aside pending more information.

MOTION: by Selectman Coombs to adjourn, at 11:10 PM.

SECOND: by Selectman Korn

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant