

Kingston, New Hampshire
Board of Selectmen
Meeting of July 9, 2018
DRAFT MINUTES

The meeting was called to order at 6:35 PM in the Meeting Room at the Kingston Town Hall.

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

ABSENT: Phillip Coombs (Selectman Coombs arrived at approximately 6:55 PM)

Non-Public Session

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Korn, 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; Motion passed.**

The Board adjourned at 6:37 PM.

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Briggs, it was voted by roll call to return to public session at 7:08 PM: **In Favor: Briggs, Korn, Heitz, St. James, Coombs.**

MOTION: Chairman Heitz, to seal the minutes of the non-public session indefinitely.

SECOND: by Selectman Korn.

In Favor: Heitz, Briggs, Korn, Coombs, St. James; Motion Passed.

Chairman Heitz brought the public meeting to order at 7:12 PM.

APPOINTMENTS

Heritage Commission: Selectmen's Office Space, Updates

Deborah Powers and Ernest Landry of the Heritage Commission were present to discuss Heritage activity and to follow up on the matter of finding usable office space large enough for five Selectmen for non-public meetings.

Ms. Powers gave a complete listing of donors to the bandstand project and ribbon cutting celebration to publicly thank them.

Ms. Powers then thanked the Selectmen for allowing the Heritage Commission to help find options for non-public meeting space that does not include use of the meeting room stage. She introduced Commission member Eileen Clifford, and said they had measured the offices and talked with Town Hall personnel. She distributed sets of drawings depicting several options they had identified, including:

1. Continuing to meet in the main meeting room, and to keep people from intruding, install a lock.
2. Moving the Finance Officer into an area of the Tax Collector's office to free the current Finance/Selectmen's office for use as a Selectmen's office.

3. Rearranging the current Selectmen's/Assessing office to include space for the Finance Officer.
4. Using the current Inspectors office. This was determined to be unworkable as the inspectors are too busy and the space can't be split.

Ms. Powers and Ms. Clifford expanded on the details of each option. Ms. Powers said that after consideration of the possibilities, the Commission had decided their choice would be to continue using the Finance office but rearranging it to make more room for a large table for the Selectmen and a filing cabinet for their use. She also said that she understood there are drawbacks to every option, and would like the opportunity to do further work on any option that the Selectmen might be interested in.

The Selectmen pointed out their reservations about the plans. Selectman St. James said that the problem with using the large meeting room is that conversations can be heard from outside the room. He said the same problem exists in the Finance office. Chairman Heitz said that even reconfiguring the Finance Office does not allow for enough space for a large table and people to come in and address the Selectmen. Discussion included soundproofing of existing space, privacy considerations of the Town Clerk, Finance Officer and Selectmen, and the challenge of making the stage area, if it is to be renovated for this purpose, ADA compliant.

Ms. Powers said that she very much appreciated the chance to work on a solution to preserve the stage area, and would be glad to do further work. She said that if the Selectmen did end up having to use the stage, she would appreciate being involved in that, too.

PUBLIC HEARING: Motor Vehicle Junkyard License, 4 & 4-a Main Street

Mr. Edward Dudek, 19 Maple Rd, North Hampton, was present to discuss his application for a junkyard license. The Public Hearing was called to order by the Chairman at 7:50 PM.

Mr. Dudek said he had bought the property in November of 2017. He said he currently owns a junkyard in Londonderry and is well aware of junkyard Best Management Practices.

Selectman Coombs asked for clarification of the recent Planning Board issues with the property, which included a sign for automobile sales that needed to be removed as sales are not covered under the existing site plan. It was clarified by Mr. Dudek that the sign has been removed and that the only use he intends is a motor vehicle junkyard.

Chairman Heitz asked about what will take place on the property and Mr. Dudek said that all fluids are removed in a garage with a concrete floor before the car is dismantled or brought outside. Mr. Dudek described how he disposes of various fluids, saying that all are processed properly.

Selectman Briggs asked if any of the Selectmen walked the site or if any soil testing had been done. Mr. Dudek said the site is very clean. He said that before he bought the property Phase 1 testing had to be conducted. Selectman Briggs said he had some concerns with the site and would like the Board to conduct a site walk before continuing.

Selectman Coombs said he would also like to check the zoning to be sure a retail business can be conducted there.

Public Comment:

Glenn Coppelman of the Planning Board said that he believed Selectman Coombs had covered the Planning Board issues and that it is now in the Selectmen's purview to issue the license. He said the only question is whether it conforms to the site plan, so that a site walk is not a bad idea.

Chairman Heitz reviewed the application and ascertained that all applicable documents had been received, and read RSA 236:117 for the record:

License Requirements. – At the time and place set for hearing, the local governing body shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish, or maintain the junk yard or automotive recycling yard. In passing upon the application, it shall take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junk yard or automotive recycling yard, to any record of convictions for any type of larceny or receiving of stolen goods, and to any other matter within the purposes of this subdivision.

MOTION: By Selectman Coombs, to continue the Public Hearing for the Junkyard license at 4 and 4a Main Street until July 23 at 7:00 PM, pending a site walk on July 22 at 9:00 AM.

SECOND: By Selectman St. James.

Approved by all.

OLD BUSINESS

Notice of Violation 190 Main Street, Tax Map R34 Lot 23

Layla Whitby had asked to speak with the Selectmen about the Notice of Violation received by her husband regarding a shed that is not in compliance with Kingston Regulation 12201.6 (Certificates of Approval from the Historic District Commission). Present also to discuss the matter was Susan Prescott, Vice Chair of the HDC.

Ms. Whitby explained that her husband had obtained a 2-year temporary certificate of approval, which expired in May. She said she sent a response to Virginia Morse, HDC Chair but sent it inadvertently to her street address rather than her post office box, which caused a delay. She said she received a second letter at the end of June because Ms. Morse thought she had not responded.

In the meantime, the HDC Chair had requested enforcement action from the Selectmen, who sent a letter of violation on May 22. Ms. Whitby said she requested in writing a 2-year extension of the temporary compliance certificate, but it was denied at the June 12 HDC meeting. At this time, Ms. Whitby said she is appealing to the Selectmen because the decision was made by one vote breaking a tie, and as a member of the Commission was absent she felt the vote was unfair.

Ms. Prescott explained that the shed had been installed and in place before the owners applied for approval. She said that some sheds are allowed, but if the owners had come to the HDC before installing this shed, it would likely have not been approved due to the roof style. Faced with the problem that the shed was already on the property, the HDC

granted a 2-year temporary certificate to allow the Whitbys time to either move or remove the shed.

There was a discussion of the various ways the issue can be resolved. Ms. Whitby was advised to attend the July 12 HDC meeting to discuss the matter, and to submit a new application or remedy by the deadline for the August HDC meeting.

MOTION: By Selectman St. James, to suspend the imposition of fines for non-compliance for the shed at 190 Main Street for 42 days, until August 20th, 2018.

SECOND: By Selectman Coombs

Approved by all.

Buildings and Grounds/Kingston Days

Electrical Inspector Tom Soterakopoulos addressed the Selectmen to report on his inspection of the Kingston Plains electrical service, which was requested in advance of Kingston Days. He cited Electrical Code Article 525, wiring for festivals, carnivals, etc., and explained several areas that need improvement to be up to code. He said the improvements do not need to be done all at once, but some sooner than later.

Mr. Soterakopoulos recommended that the following items be tended to now:

1. Replacement of the tent lighting strings
2. Placing a padlock on the electrical panel box and distributing keys only to the electrician in charge, Fire Department and any other Town personnel that may need access in an emergency.

Other items mentioned were replacing Romex cords with UL listed extension cords, replacing panel boards which are flimsy and rotted, and putting the overhead wires, a substantial number of which are not to code, underground. Looking ahead to 2019 when Kingston Days will coincide with the Town's 325th anniversary celebration, the Board agreed that a plan for remedying these deficiencies needs to be put in place.

Mr. Soterakopoulos was directed by the Selectmen to work with Road Agent Rich St. Hilaire and Kingston Days Chair Lynn Gainty to list short term and long term work to be done, and to get a rough estimate of cost. It was agreed that work on the larger projects should be started in the fall, as budgets allow.

4 Red Gate Drive

Selectman Briggs updated the Board on the dilapidated property discussed at prior meetings as a possible Health hazard or public nuisance. He said that he had met with the owner of the property and the owner's brother and that it seemed to be a productive meeting. The owner said he wants to fix the problems and was very apologetic. There was a brief discussion of handling of dilapidated buildings in general.

CORRESPONDENCE/ADMINISTRATIVE ITEMS

The Board reviewed several items of correspondence and items submitted for approval:

- Thank you notes were received from the Red Cross and CASA for contributions from the Town.
- An abutter notice was received for an HDC application by Rick Korn to add seasonal outdoor seating at Rick's restaurant.

- A letter from NH DOT offering a 5.63 acre lot to the Town for \$30,600 plus \$1,100 in administrative fees was discussed.
- Virtual Towns and Schools, the company that sponsors the Town's website, has been sold to CivicPlus.
- A letter in response to a complaint about trash was approved for the Chairman to sign.
- Upon review of a property on Wadleigh Point Road that is subject to deeding to the Town for taxes, it was agreed to not proceed with deeding as it appears this is a case of a non-existent lot that will be removed, per Assessor Fred Smith.
- Reappointments of 12 Deputy Fire Wardens and the Chief Warden were signed by the Chairman upon approval of the Board.
- Two requests for refund of early tax payment discounts that were inadvertently paid were rejected pending review of the Warrant article governing such refunds.
- Installation of software by Monarch was approved. This is the new system for retrieving copies of documents from the Registry of Deeds.
- A Special Event application for the YMCA triathlon was approved, but the Selectmen agreed that next year the event needs to be on a different weekend than Kingston Days.
- A Facilities Use application for a wine tasting event sponsored by the YMCA on August 4 was reviewed. The Board authorized the Chairman to sign; four in favor, Chairman Heitz abstaining.

HIGHWAYS

Bluebird Lane Road Work

Selectman Coombs mentioned that the Road Agent may be doing upgrades to Bluebird Lane and had asked to use his property, which is adjacent, to dump any excess fill that may be generated. Selectman Briggs said that he had talked to Rich St. Hilaire about doing more than the usual summer work to Bluebird Lane, and Mr. St. Hilaire had asked him to bring the question to the Board. Adding culverts and ditches would be about 2 days' work and the cost would be minimal, but the work is needed to keep the Class 6 road open for emergency access to the three residents that live there and to be able to continue plowing it in the winter.

MOTION: By Selectman Briggs, to authorize the Road Agent to perform road work to bring Bluebird Lane up to standards suitable for emergency equipment access.

SECOND: Selectman St. James.

In favor: Briggs, St. James, Heitz, Korn. **Abstention:** Selectman Coombs

Motion passed.

In reviewing a Facilities Use application for use of the bandstand, the Board engaged in a discussion of imposing fees for use of the bandstand, as it involves having someone come out to put up the stairs. Selectman Briggs noted that the inspectors have been requesting changes to their permit forms and fees. Selectman St. James said a workshop should be planned to review fees of all kinds.

Chairman Heitz suggested that until the fee schedule could be discussed, and until Town Counsel has been consulted on the matter of liability, permits should be issued for events near the bandstand, but not in it. All were in agreement.

MINUTES

MOTION: By Selectman St. James, to approve the non-public minutes from May 22, 2018, as written.

SECOND: By Selectman Coombs.

The Administrative Assistant pointed out an error in the time given for leaving non-public session; this will be corrected.

All in favor to approve as amended.

MOTION: By Selectman St. James, to approve the minutes of the June 25, 2018 meeting, as written.

SECOND: By Chairman Heitz.

All in favor.

Non-Public Session

MOTION: Upon motion of Selectman Briggs, **SECOND** of Selectman Korn, 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, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board..." **In Favor: Briggs, Korn, Heitz, St. James, Coombs; Motion passed.**

The Board adjourned at 10:15 PM.

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Briggs, it was voted by roll call to return to public session at 10:20 PM: **In Favor: Briggs, Korn, Heitz, St. James, Coombs.**

MOTION: Chairman Heitz, to seal the minutes of the non-public session indefinitely.

SECOND: by Selectman Korn.

In Favor: Heitz, Briggs, Korn, Coombs, St. James; Motion Passed.

BUILDINGS

Mold testing at Town Hall

Testing for mold has been redone, and results of the second test were the same as the first. Next steps suggested were to remediate by removing carpets and plants.

MOTION: by Selectman Coombs to adjourn, at 10:23 PM.

SECOND: by Selectman Korn

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant