

Kingston, New Hampshire
Board of Selectmen
Meeting of August 20, 2018
DRAFT MINUTES

The meeting was called to order at 6:15 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 (arrived at 6:55 PM)

Events - Fireworks

There was a brief discussion of a request to hold a fireworks display, originally scheduled during Kingston Days but rained out, during the 39th Army Band concert on August 20, 2018. It was decided to instead put the money toward fireworks for the 325th Celebration in 2019 if that can be arranged.

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 (a). Personnel, and NH RSA 91-A:3 II (I): Consideration of legal advice.

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

The Board adjourned at 6:30 PM.

MOTION: Upon motion of Selectman Korn, **SECOND** of Selectman St. James, it was voted by roll call to return to public session at 7:00 PM: **In Favor: Briggs, Korn, Heitz, St. James, Coombs.**

APPOINTMENTS:

7:00 PM: Tim Roach Director of Rockingham Planning Commission

Tim Roach of Exeter, new Director of the Rockingham Planning Commission, introduced himself and said that he is working on getting familiar with all the communities the RPC serves, as he is in his first year as Director following Cliff Sinnott's 30-year career. He gave a brief overview of the structure of the RPC, which consists of appointed Commissioners from each town, and staff planners who work collaboratively with the volunteers and town boards.

Mr. Roach outlined various planning services available through the RPC, including road management, land use, master planning, and GIS mapping data. He said that these services are paid for through annual dues, which are charged to each town at a rate of \$1.00 per capita, or roughly \$6,000 per year for the Town of Kingston. After matching transportation money from the state and federal Departments of Transportation, half the funds are left and are pooled for various projects. Projects mentioned included pooling resources to save on electricity costs, and also to coordinate Household Hazardous Waste collection days among a group of communities. They also work with MS-4 storm water permitting and advocate for towns at the state legislature.

7:20 PM: Chuck Massahos, Candidate for Sheriff

Mr. Massahos addressed the Board to give his background and credentials as he is running for Rockingham County Sheriff. Mr. Massahos said he has a 27 year career in law enforcement and is a small business owner, and said he has the support of many law enforcement officials, including retiring Sheriff, Mike Hureau.

7:30 PM: Progress Report, 4 Red Gate Drive

Selectman Briggs said that he has been in continued contact with the property owner and that the owner is still pursuing sale of the property, doing some work there and deciding whether the property can be repaired and issues such as mold remediated, or if it will need to be torn down. Neighbor Meikel Brewster spoke on behalf of the neighborhood to thank Selectman Briggs for the update and the Board for helping with the situation. She asked for another update to be scheduled at the end of September.

ANNOUNCEMENTS

Chairman Heitz took time to address the issue of the Town's Assessment Revaluation, which is in process. Residents have received notices of their revised values and have been given the opportunity to call the assessing firm to set up an appointment to speak with the assessor. Mr. Heitz said that there have been many inquiries at the Town Hall, and concern about the size of the increase in values.

The Chairman made the point that the increased value should not be multiplied by the old tax rate to calculate the tax bill, as there will be a new tax rate set by the state in the fall.

Chairman Heitz went on to explain that all communities in the state need to be brought up to date every 5 years in order to have consistent values state-wide for school tax purposes.

Public Comment:

Chuck Hart of Lantern Lane suggested that the more information should have been shared with the public ahead of time, before the notices went out.

OLD BUSINESS

Junkyard License - John's Truck and Auto

Selectman Briggs said he had gone to walk the site and talk to the owner, and found that all the documents checked out and the site is visited by state officials every 6 months. He also talked with the engineer who does the testing. Everything was in good shape.

In conversation, the matter of dumping white goods came up, as the owner said that his biggest problem is illegal dumping near his property that he has to clean up. He offered to put out 2 large dumpsters at no cost to the Town or residents to help alleviate the situation. Road Agent Rich St. Hilaire said that dumping is a problem town-wide, that he picks up 10 to 12 refrigerators per year.

It was agreed that the offer is very generous and would be a big help, though it could be abused. The Chairman asked Selectman Briggs to pursue the matter, and discuss it with the junkyard owner as well as the Planning Board.

Junkyard License - Whitney's Garage

Selectman Briggs asked if a site walk should be done at Whitney's Garage as well, since he is advocating that they be done at all junkyards. A new license request for a retail dealer license is before the Planning Board on August 21; while it was pointed out that junkyard licenses are the purview of the Selectmen alone, the Board decided to hold off on signing the junkyard license until after the state licensing was reviewed by the Planning Board. After that, and in future, if a site walk is planned the Planning Board will be invited as well.

Enforcement of Historic District Commission Compliance: R34-23

The Board has been notified by HDC Chair Virginia Morse that the Commission granted the property owner at 190 Main Street a 3-month extension to resolve the issue with a shed on the property. On behalf of the Commission, Ms. Morse asked the Board to hold off on penalties that were to be assessed.

MOTION: by Selectman Korn, to refrain from enforcement action until a decision is made by the Historic District Commission at their November meeting.

SECOND: by Selectman Coombs

Approved by all.

Streaming of Town Meetings

Selectman Briggs noted that meetings that are taped at the Town Hall can now be viewed on YouTube by typing in *kingstonnewhampshire*. After a brief discussion it was agreed that the length of time the videos will be available needs to be determined along with other details of video availability.

Junkyard License - Dudek, 4 Main Street

Selectman Briggs said that there were new developments on this site, and that it appears to now be for sale. He said that he had concerns about it being sold with contaminant issues, after reading the Phase 1 testing report, which included recommendations to do more sampling. It was decided that the owner will be notified that the license will be automatically revoked if sampling and approval of the State were not received within 60 days.

NEW BUSINESS

Surplus Equipment

Selectman Briggs asked that a list be compiled from all departments of surplus equipment they would like to sell. Once a list is compiled the items can be publicized and bids solicited.

Vacancy on Fire Station Building Committee

Michael Lytle has tendered his resignation from this committee. The Selectmen reviewed the list of names left from the original solicitation of members, along with communication with the Committee Chairman.

MOTION: by Selectman St. James, to appoint Andrew Berridge to the Fire Station Building Committee to replace Michael Lytle.

SECOND: by Selectman Briggs.

Approved by all.

Shalett Historic Barn Easement Application - Lawsuit Against Town

Stanley Shalett, owner of 22 Cheney Road, has filed an appeal of the Board's decision regarding his application for a barn easement, which the Board voted to deny in June. The Chairman recommended this should be sent to Town Counsel for his response on the Board's behalf.

Fire Station Building Committee - Finance Subcommittee Straw Poll

The Finance Subcommittee will be discussing options for funding the proposed new fire station and have asked the Selectmen to give them some guidance before bringing a proposal to the voters. Three options:

- Use the "Dump Fund" infrastructure fund for the entire amount
- A standard municipal bond - pass expenses on to electorate as an increase in the tax rate.
- Combination of first two options: Use the infrastructure fund earnings to pre-pay interest, reducing tax impact.

After a brief discussion, the Selectmen agreed that they did not like the first option, and at first glance the third option made the most sense, but would need further information in order to make a firm decision.

ADMINISTRATIVE

- Facilities Use applications (3) were approved for school Cross Country events on the Plains in September.
- One veterans' exemption was approved.
- NH DRA Form PA-16, Application for Reimbursement to Towns and Cities in which Federal and State Forest Land is Situated, approved and signed for 2018 (Rock Rimmon State Forest).
- An access agreement form for use by the Town's hydrogeologic consultant for the Assisted Living project at 193 Main Street when accessing neighboring wells for testing, was reviewed. The Selectmen requested an update on the well or wells on the site.
- An application form to be used for participants in the 325th celebration parade was reviewed. The Chairman asked Selectman Briggs to look at it from a traffic management standpoint; the Town's insurance company is currently reviewing the form as well.
- The Chairman signed the Certificate of Occupancy for Lot 29 of the Hawks Ridge Development (5 Mulligan Way). This was approved for signing on August 6.

Meeting Minutes

MOTION: by Selectman Korn, to approve the meeting minutes of August 6, 2018, as written.

SECOND: by Selectman St. James
Four in favor; One Abstention, Passed.

APPOINTMENT: Hawks Ridge of South Kingston

Robert Villella, builder and Hawks Ridge principle, was present with his attorney, Jackie Fitzgerald-Boyd. To begin, Chairman Heitz noted that a non-public session had been

requested but that he was not sure that the subject matter qualified under RSA 91-A. The attorney said that as the last meeting with the Selectmen had been in non-public session, she assumed this one would be, too. Mr. Heitz said that the last meeting had actually been a “non-meeting” with counsel, as the Town’s attorney was there.

After some discussion of the matters at hand, it was decided to continue in public session.

Mr. Villella then said he was here to request another certificate of occupancy (CO) to be issued, this time for 10 Bent Grass Circle, Lot 5. He said the unit is complete and under agreement for sale. He said that as the lot is subject to the Notice of Violation issued on the property, the Building Inspector can’t sign off on the CO, and he is asking for this one to be signed by the Chairman as was done for Lot 29.

Chairman Heitz said that Hawks Ridge needs to submit a complete, viable, amended site plan to the Planning Board.

There was a lengthy discussion of details at the site, progress made and not made, and how many lots are left under Hawks Ridge ownership (5 as of August 1, 2018) and Jim Dufresne (TEATAC) ownership (5 additional). It was agreed that storm water management is the largest issue to overcome.

Duane Brown of 19 Bent Grass Circle, and president of the homeowner’s association at Hawks Ridge, said that this is a private road and everyone he has talked to is against putting in the swales that were in the original approved plan. He said there is no problem with the road and drainage, and that to put the swales in now, when electrical boxes have been installed in the way, would mean putting them in the yards.

Chairman Heitz said that building to the approved plan was to protect the homeowners from failing roads. It was noted by Selectman Coombs that the Town is answerable to the State for the MS-4 storm water drainage permit and could be fined if the storm water drainage plan is not followed.

Mr. Villella and Mr. Brown said they had hoped the engineer for Hawks Ridge could work together with Town engineer Dennis Quintal. Selectman Coombs reminded them that Dennis Quintal is an employee of the Town and can’t engineer their project for them. He added that the standards are spelled out, and it is the responsibility of the project engineer to know them.

Selectman St. James said that he resented having the Select Board being put in this position.

MOTION: by Selectman St. James, to grant the Certificate of Occupancy for this one lot, with the expectation that Hawks Ridge will not return to this board until the matter of the site plan is settled.

SECOND: There was no second.

Selectman Korn said that he wants to be fair, but that this board has no expertise in this area, and he is not comfortable seconding this motion as he does not have the right information.

Selectman Briggs said he thinks the town's attorney should be consulted before anything more is decided.

Glenn Coppelman, Planning Board Chair, approached the Selectmen and commented that the Board of Selectmen is the enforcing arm of the town, and that the only thing they can enforce is an approved plan. As for the engineers working together, he said that the project engineer needed to respond in an appropriate way to Dennis Quintal's initial reviews, and that the quality of the response is a serious issue.

MOTION: by Chairman Heitz, to take the matter of granting a Certificate of Occupancy to Lot 5 Hawks Ridge (10 Bent Grass Circle) under advisement, confer with the town's attorney, and wait to see what takes place at the August 21 Planning Board hearing.

SECOND: by Selectman Korn

Approved by all.

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 (a) Personnel, in order to review employee evaluations.

In Favor: Briggs, Korn, Heitz, Coombs; Motion passed.

The Board adjourned at 10:10 PM.

MOTION: Upon motion of Selectman Korn, **SECOND** of Selectman Briggs, it was voted by roll call to return to public session at 11:35 PM: **In Favor: Briggs, Korn, Heitz, Coombs.**

MOTION: by Selectman Korn, to adjourn at 11:36 PM.

SECOND: by Chairman Heitz

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant