

Kingston, New Hampshire
Board of Selectmen
Meeting of November 5, 2018
Draft MINUTES

The Selectmen met in the Selectmen's office at the Town Hall. The meeting was called to order at 6:47 PM.

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

Non-Public Session

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

The Board adjourned at 6:47 PM.

MOTION: Upon motion of Chairman Heitz, **SECOND** of Selectman St. James, it was voted by roll call to return to public session at 6:55 PM.

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

The Board reconvened in the meeting room of the Town Hall at 7:00 PM.

APPOINTMENTS:

Kingston Fairgrounds - Dumping/Storing by Highway Department

Paula Pelletier of 21 Folly Brook Terrace addressed the Board, saying she and some of her neighbors were present to talk about the amount of asphalt that has been dumped by the Highway Department at the Kingston Fairgrounds. She distributed pictures of large piles of recycled asphalt and wood chips, and also of dead trees and tree stumps. Ms. Pelletier said she was concerned about possible chemical leaching into the wetlands and cited Town Ordinance Article 202, Wetlands Conservation District.

Road Agent Rich St. Hilaire was present to answer questions. He said that for the last 25 years the Fairgrounds property has been used as a brush dump, where brush and stumps have been periodically burned or ground. He said the last time this was done was about 10 years ago, and brush has accumulated since then.

Mr. St. Hilaire said that for the recreation land, it was thought that fill would be needed to build up playing fields, and stumps, dirt, rocks and debris were brought in for this purpose.

In addition, ground road material from work done on W. Main and Church streets was trucked to the Fairgrounds to be stockpiled for other uses. About 4,000 yards of material was brought in, and Mr. St. Hilaire said that about half of that was used this year for road building, shoulder gravel, and on dirt roads. Asked if this material is RAP (Recycled Asphalt Pavement), he said it is not, it is grindings, which is a better grade. Asked if grinding had been done at the Fairgrounds, he answered that no grinding has been done there, only sifting to remove large chunks. Ms. Pelletier asked if the Town had a permit from the State Department of Environmental Services (DES) to store debris or

construction materials near wetlands. She said she is concerned about petroleum products and other contaminants leaching into the water source.

The Road Agent said that he had had Eben Lewis of the DES out to the site a couple of years ago, and would be glad to invite him back. Asked about distance to the wetlands, he said that the pile is 510 feet from the fence and 550 feet from wells. He also said it is a stable pile, meaning that it won't wash away, and added that he does not believe he is doing anything wrong.

Ms. Pelletier then cited Article 201 of the Town Ordinance, in which Prohibited Uses includes "disposal of solid waste... other than brush or stumps generated on the property on which they are to be disposed". She said she thinks the Town is doing something wrong, by going against its own ordinance, and she is worried about leaching to wells. She added that the area looks "disgusting" and access to conservation trails is blocked. Mr. St. Hilaire said that no one has maintained the trails in years.

In discussion, Chairman Heitz pointed out that there are no easements on the property, and that the intent, years ago, to turn the fairgrounds into playing field space did not materialize, and instead the land has been used for other town needs. Selectman Coombs said that as there is no longer a town dump, there has to be a place to go, but that the town also should not break its own rules. Mr. St. Hilaire said there is not enough room at the Highway department for this use.

Karen Lovering, 40 Folly Brook Terrace, asked if the Fairgrounds property is zoned recreational. Chairman Heitz said that it is not, and that there is a difference between the Zone and the usage. He gave some history of the parcel and the intentions for it, and also mentioned that the base of volunteers for such things as maintaining trails has dwindled.

Mr. St. Hilaire said he will have Mr. Lewis of the DES out to the site, and invited any of the Selectmen to be in attendance when he comes.

Update: All American Assisted Living Project

Brendan Willis, Project Superintendent, and George Chadwick, Senior Project Manager for the All-American Assisted Living project (the Douglas Company) at 193 Main Street, were present at the invitation of Selectman Briggs, in order to update the Selectmen on progress on the site.

Selectman Briggs said that having read Town Engineer Dennis Quintal's most recent comments, he felt a review was needed.

Mr. Willis said he had brought Mr. Quintal's September 4 report, which notes the main issue, that the detention basins on the site are not fully established and seeded, as the plan required to be done at the beginning of the project. It was pointed out by Mr. Quintal in his report that seeding of the grass treatment swale should be done in the fall. Mr. Willis explained that since September 4, 21 of 50 working days have been too wet to get in with machines to clear out the roots and rocks, and now it is too late in the year to finish. He said the company will do the best they can to protect the wetlands over the winter.

Mr. Quintal was present and said that the top priority is erosion and sediment control through the winter and spring, since the basin is not done.

There was a discussion of the site, which is mainly flat. Mr. Willis said that basically the work site is in a bowl, and there is no way for runoff to reach wetlands. Mr. Chadwick

said there has been no discharge any time he has been out there, and there is a good permanent barrier of wood chips that have not been breached. Mr. Chadwick and Mr. Willis agreed to follow Best Management Practices to protect the site until the work on the basin can be completed in the spring. They said that they understand no occupancy permit will be issued if it is not complete. Mr. Quintal said he has been to the site 3 or 4 times and drives by frequently. Mr. Chadwick asked to be copied on all reports sent to the Town.

OLD BUSINESS

Conservation Land Incursions: Update

The resident who was invited to talk with the Selectmen about incursions on Town Conservation land came to the Town Hall and spoke to both Chairman Heitz and Conservation Chair Evelyn Nathan. Ms. Nathan will go to meet with him at the property. A letter will be sent to the second resident who abuts Conservation land where violations have occurred, inviting him to come meet with the Selectmen.

NEW BUSINESS

Kingston Vol. Fire Assn. 325th Bonfire and Event- Discussion

Several members of the Fire Association were present, including Selectman St. James, Fire Chief Bill Seaman, Rich St. Hilaire, and Kent Walker. There was a discussion of the bonfires that used to take place on the 4th of July on the Plains, and the idea of having one for the 325th celebration in 2019. In addition, the Association has talked about holding a fundraising event in conjunction with the bonfire, modeled on the beer tasting/chili event that Exeter has held for several years and which has been very successful. Various ideas were shared, for food, contests, and fireworks at the State Park. The Association has non-profit status for obtaining insurance. Proceeds after expenses would go toward the 325th celebration.

The details of the proposed bonfire were discussed, such as the materials to burn (only clean, untreated lumber), putting a car on top (it would only be a clean shell), and especially the location. Selectman Briggs recalled the fire causing multiple problems over the years, including nearly burning down his family's house and barn. The fact that the fire would leave scarring on the Plains was also discussed. How to limit the damage, such as by building the fire on layers of straw and sand, was discussed, especially in light of the fact that the 325th celebration will be only a month later.

Kingston Days/325th Celebration Committee Chair Lynn Gainty was present and said that she had not heard of this before tonight. She questioned if her committee would need to advance money upfront, and was told that it will be totally taken care of by the Fire Association.

The Fire Association members stressed that this is only in the preliminary stages, and that they are here to find out if the Selectmen will consider the idea before doing anything more. Discussion continued on various details of the plan. Selectman Coombs said he would need more details but is in favor of giving permission to the Association to move forward. Selectman Briggs said his main concern is the location of the fire.

MOTION: by Selectman Coombs, to give preliminary approval to the Kingston Volunteer Fire Association to move forward with the bonfire event planning, provided they will return to the Selectmen for final approval.

SECOND: by Selectman Briggs.

In Favor: Heitz, Korn, Briggs, Coombs; **Abstain:** St. James; **Motion carried.**

APPROVAL OF MEETING MINUTES:

October 29, 2018, Public and Non-public; October 31:

MOTION: by Selectman Coombs, to approve both the public and non-public session minutes of October 29, 2018 as written.

SECOND: by Selectman Briggs

In Favor: Coombs, Briggs, Heitz; **Abstain:** Korn, St. James; **Motion carried.**

MOTION: by Chairman Heitz, to approve the meeting minutes of October 31, 2018 as written.

SECOND: by Selectman Coombs

In Favor: Coombs, Briggs, Heitz, St. James; **Abstain:** Korn; **Motion carried.**

2018 Tax Rate Set:

The 2018 tax rate has been set at \$21.04 per thousand of assessed value. Chairman Heitz read the breakdown:

Town: \$3.75

County: \$0.92

Local Education: \$14.38

State Education: \$1.99

Selectman Briggs noted that the Town portion is \$1.00 less than for 2017. Tax bills have been mailed.

325TH Celebration Planning/Fundraising - Discussion

As Chair Lynn Gainty was present, the Selectmen took the opportunity to discuss several items with her.

Ms. Gainty reported that she has talked to Mr. St. Hilaire, who has said the electricity and lighting on the Plains are adequate; she will add some pole lighting for evening events. Electrical Inspector Tom Soterakopoulos has purchased cords, which are rolled up and ready to use. Tent lighting is also in storage.

Commemorative license plates have been ordered, to be for sale before Christmas.

There was a discussion of credit card use. Ms. Gainty said that the Committee would maintain a separate account for the card, and that the square to take payments with is free through the bank. There was a discussion of how the fees can be built into the charge. The Selectmen were in favor of allowing the Kingston Days/325th Committee to set up an account and take credit card payments.

There was a discussion of the recent Sweepstakes fundraising dinner. Ms. Gainty said there was some confusion as the person who started the work on this fundraiser dropped out and others worked hard to cover the ticket sales. Chairman Heitz said that according to the tickets themselves, if 180 tickets were not sold, the money would be refunded. Since only 89 tickets were sold prior to the dinner, he wondered why this did

not happen, or why the option of awarding only the smaller prizes was not taken, so that the event might still have made a profit. Ms. Gainty said she realized the tickets had that wording, but that the committee decided to go ahead with the dinner and drawing. She said she would not do an event like this again, but at the same time she said it was a very positive event for the town.

The Selectmen reviewed the tentative budget for the rest of the 325th event planning. Ms. Gainty said that a warrant article will be submitted to release the two trust funds to utilize them for the event.

Items mentioned on the budget were \$25,000 for a history group that will do interactive crafts and exhibits, \$15,000 for the New Hampshire Philharmonic to perform, and a laser show which has been reduced to \$3,000 - \$4,000. Lynn Merrill will be soliciting advertising. One tent will be eliminated at a savings of \$3,000.

Ms. Gainty agreed to update the Selectmen on a monthly basis on the budget.

Administrative/Correspondence

- On a motion by Selectman St. James, seconded by Selectman Coombs, the Board voted unanimously to authorize the Chairman to sign the annual Health Trust document authorized Finance Director Cindy Kenerson as liaison.
- An appointment form for Amanda Prophett as Alternate Member of the Conservation Commission was signed.
- Administrative abatements were signed for three properties that should not have generated tax bills due to being Town land or common condominium land.

Non-Public Session

MOTION: Upon motion of Selectman Coombs, **SECOND** of Selectman St. James, 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 91-A:3, II (c), Matters which could adversely affect the reputation of a person other than this Board.

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

The Board adjourned at 9:10 PM.

MOTION: Upon motion of Selectman Briggs, **SECOND** of Selectman Coombs, it was voted by roll call to return to public session at 9:30 PM.

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

Adjournment

MOTION: by Selectman Briggs, to adjourn at 9:30 PM

SECOND: by Selectman Coombs

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant