

Kingston, New Hampshire
Board of Selectmen
Meeting of November 19, 2018
Draft MINUTES

The Selectmen met in Meeting Room at the Town Hall. The meeting was called to order at 7:00 PM.

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

APPOINTMENTS:

Richard Beliveau, 20 Rockrimmon Road: Credit Card Fees

Mr. Beliveau was on the agenda to discuss the subject of large trash pickup, but instead talked about credit card fees, saying that what the Town is doing is illegal. He said he has a number of questions, but mainly about being charged 3% interest to use a credit card and also a \$3.00 service fee. This is the part he said was illegal, but also questioned the fees being applied to debit cards as well as credit cards, which he said should not happen, and the Town needs a PIN pad.

Chairman Heitz said that the company that processes the credit cards will be contacted to be sure the Town is working within the law. Selectman St. James said that the Town Clerk explained the bank charges the last time the question came up.

The Selectmen asked Town Clerk Tammy Bakie to join the meeting to help clarify the charges Mr. Beliveau is referring to.

Ms. Bakie said that debit and credit cards are treated the same; a 2.95% fee is charged by the processing company and in turn charged to the payer. She said that the \$3.00 convenience fee is not for credit card use, but rather is added to every registration that comes through the office, for the convenience of paying the Town and State portions of the registration together. She said residents used to have to go to Epping to pay the State portion of the registrations, and still can if they want to avoid the \$3.00 fee. She added that there are several signs posted about the fee near the Clerk's window.

Ms. Bakie said she has looked into it use of a PIN pad, and the Town would incur a fee which would have to be passed along to the taxpayers. Mr. Beliveau said the Town should look at changing companies, and also said that charging for use of a debit card is illegal according to the Dodd-Frank bill.

Chairman Heitz said that if Mr. Beliveau wanted to talk about the Town shopping for a better processing company or using a PIN pad, that was one thing, but that he found it offensive to be accused of illegal activity.

Selectman Korn said the matter will be looked into.

The Town Clerk came back with a copy of the RSA allowing municipal registration agents to charge up to \$3.00 in additional fees.

Jeanne McGregor: Drainage and other issues on Babscott Lane

Jeanne McGregor, 18 Babscott Lane, and Tammi Georgaklis of 41 Coopers Grove Road were present to speak on several problems Ms. McGregor had identified in a letter. Chairman Heitz read the letter, which asked the Selectmen to address the following items:

1. Pipe to culvert town installed years ago, crushed and causing flooding to my property.
2. Dead end sign posted. Used to open up to Dulcie Point Rd.
3. Neighbors vehicles being parked on the roadway.
4. Right of way always having something in it due to the neighbors.
5. Road should be paved like the rest of Babscott Lane is.

Ms. Georgaklis and Ms. McGregor, said that over 40 years ago, Babscott Lane and Dulcie's Point Lane were one road, but it doesn't go all the way around anymore. (In discussion, it was clarified that this forms one right-of-way that is a dead end, while Babscott Lane continues straight to the water.). They said that Road Agent Rich St. Hilaire had told Ms. McGregor he put in the culvert under her driveway, and would replace it when it dried up. Ms. McGregor said that Mr. St. Hilaire and Health Officer Peter Broderick had both been down several times when she called.

Selectman St. James said that he had spoken with Mr. St. Hilaire, who had told him there is nothing he can do as the culvert under a private driveway is the responsibility of the homeowner. He said that in fact a resident on Ball Road recently replaced his culvert at his own cost and it is not fair if residents are not all treated the same; Chairman Heitz said that it is not unusual to have a culvert under a driveway, that in fact he has one which is his responsibility and not the Town's.

Selectman St. James recapped the decision at a recent meeting, to offer to have the Town crew replace the culvert while on the road doing other work, if Ms. McGregor agreed to pay the expense of the materials so that the Town incurred no cost. He said that Ms. McGregor refused that offer.

Ms. McGregor asked why a Town machine was there, and added she thought the machine is what crushed her culvert pipe. There was a discussion of swales in front of other properties which are maintained by the Town.

Selectman Briggs said he believes this goes back to a lawsuit many years ago in which the Town was sued because the road level was way down and Powwow Pond would flood the yards. Selectman St. James said he had never heard about this lawsuit until now. It will be researched.

It was verified that the "No Outlet" signs had been erected. However, a neighbor has put brush and limbs from a tree that fell on his property into the right-of-way, making it impassable. In addition, the neighbor has a number of unregistered cars on his property and parks vehicles in the road, further blocking it. Large trucks pull into the road and have to turn around in Ms. McGregor's driveway, crushing the culvert. Ms. McGregor asked who should be called about this, and was told to call the Police Department for enforcement of junk cars, and blocking or dumping debris in the right-of-way. It will be verified with the Town's Assessor if the rights-of-way are Town or private property.

OLD BUSINESS:

Update on All-American Assisted Living project

The Selectmen had received memos from both the Town Engineer and the Project Engineer following a site walk of the assisted living project at 193 Main Street. They concluded that questions had been answered and the developer is working with the

Town to resolve issues. The Chairman said that no further action will be necessary at this time.

NEW BUSINESS:

Resident requests for mailing of Town Reports and Sample Ballots

Selectman Korn said that a resident approached him on Election Day wanting to know why the Town does not mail out the Town Report and sample voting ballots. He said that he agreed to bring this question to the Board, but sees a problem with the Town reports, especially, being expensive to mail and many ending up in the garbage. During a brief discussion, it was agreed that the number of books printed should continue to be limited, and that locations where they can be picked up should be better advertised. If individuals request a mailed copy, this can be accommodated.

Review of Draft Warrant Articles

Several draft articles were reviewed. An Article changing the Road Agent position from elected to appointed was discussed at length. This had been requested by Rich St. Hilaire, who also asked that a contract be drawn up for the position if appointed, similar to one in place for the Police Chief. It was agreed that the Road Agent job has changed considerably over the years, and that any professional/technical position should be appointed in order to attract more applicants. Selectman St. James said that in fairness to Mr. St. Hilaire, a contract should be drawn up before the Warrant Article is approved. Discussion continued on what positions should also have contracts. It was decided to have the Road Agent present for a discussion on this.

The following draft Warrant Articles were discussed and approved:

- To raise the Veterans' Credit from \$300 to \$500 per year.
- To see if the Town will vote to create a full-time Assessing/Permitting Clerk position.
- To amend Article 601: Solar Energy Property Tax Exemption
- To authorize the Tax Collector to allow a 1-1/2% deduction when payment is made prior to the due date
- To discontinue the Transportation Improvement Fund created in 2001 and transfer the funds to the general fund
- To see if the Town will establish a Recreation Revolving Fund pursuant to RSA 35-B:2 II
- To see if the Town will vote to discontinue the Recreation Department Fund created in 1984 and transfer the funds to the general fund, and
- To see if the Town will vote to establish a Capital Reserve Fund for the purpose of Recreation Equipment with the Board of Selectmen as agents to expend.

Selectmen's Budget 2019

Selectman St. James asked for a review of budget lines prior to the presentation to the Budget Committee on December 9. Several items were discussed, including: an LCD projector requested by the Planning Board which can be used for all boards; the Planning Board computer maintenance line, which Selectman Briggs suggested should be eliminated in favor of using the school's computer technicians; recording fees; printing charges, which were identified to be mainly ballots; possibly doing away with the

subcategory of Forest Warden; and personnel administration (pay for performance at 4%).

APPROVAL OF MEETING MINUTES:

November 5, 2018, Public and Non-public

MOTION: by Selectman St. James, to approve both the public and non-public session minutes of November 5, 2018 as written.

SECOND: by Selectman Briggs

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

ADMINISTRATIVE: APPLICATIONS, PURCHASE ORDERS, CORRESPONDENCE:

- A Special Event application for the annual Fanny Freeze was approved; the Fire Chief will be made aware.
- Memo was received from the Country Pond Association regarding high water level of the pond.
- A complaint received via website email regarding a house on Hunt Road that looks to the complainant to be the beginnings of a junk yard, will be followed up on by Selectman Briggs.
- The Heritage Commission notified the Selectmen that they will be decorating the bandstand with bows and ribbons.
- A resident complaint about removal of healthy trees on the Plains was noted and discussed. Inquiries will be made to find some answers for the resident.
- Two abatement requests were reviewed and approved.

Non-Public Session

MOTION: Upon motion of Selectman Briggs, **SECOND** of Selectman Coombs, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-A:3,II (e), Legal, for two items.

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

The Board adjourned at 9:20 PM.

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

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

Adjournment

MOTION: by Selectman Briggs, to adjourn at 10:10 PM

SECOND: by Selectman Coombs

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant