

Kingston, New Hampshire  
Board of Selectmen  
Meeting of May 7, 2018  
MINUTES- DRAFT

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

The Chairman opened the meeting at 6:30 PM. Noting that a person who had requested a non-public session was not present, the Board went on to other business.

**Fire Station Building Committee**

After reviewing letters submitted by residents interested in serving on the Fire Station Building Committee, the Selectmen chose a group of eleven members:

Mark Furlong, Evelyn Nathan, Kurt Baitz, Bill Bixby (with Muriel Ingalls as Alternate), William Sullivan, Michael Lytle; Bill Seaman, Brian Gallant and Kent Walker of the Fire Department; Road Agent Rich St. Hilaire, and Selectman George Korn.

**Fire Department - Drinking Water and Groundwater Trust Fund Pre-Application**

Fire Chief Bill Seaman, Road Agent Rich St. Hilaire and Andrea Kenter, a hydrogeologist with GeoInsight, were present to discuss an opportunity for a grant that would help offset the cost of infrastructure improvements at the Central Fire Station. There was a discussion of the problems at the fire station with contaminated soil and water, and of the ongoing testing. Final results of testing done by Stantec and review by the NH Department of Environmental Services (DES) are expected soon, after which the cost of remediation will be better known.

Mr. St. Hilaire said that the holding tank has been exposed and floor drains will be excavated; sampling has been done on the tank contents.

Ms. Kenter, who was recommended by Mr. St. Hilaire as she has inside knowledge of the grant process, addressed the Board. She said that this grant money is available through legal penalties paid by Exxon to the State of New Hampshire, a portion which has been allocated for infrastructure and water remediation. She said the application process is new; the first pre-application deadline for submission to NH DES is June 15. Ms. Kenter said she felt it was worthwhile for the Town to put in the pre-application, though the grant is not guaranteed. Ms. Kenter said she believed the grant ratio will be 80% -20%, meaning the Town will be responsible for 20% of the cost. It was unclear how much of prior costs, such as the Environmental Review or the application process, could be counted in the Town's share, but that the use of Town workers and funding from other sources would be in the Town's favor during the review process.

There was a discussion of water sourcing at the Central Fire Station, and that the existing dug well would be replaced with an artesian well to try to get away from the water issues. Selectman Briggs asked about a fire pump being installed, and Chief Seaman said that it was being investigated but would not be part of the grant. It was noted that the last measure of PFOA's in the water was 72 parts per trillion, and Ms. Kenter said that the Town should keep in mind that this is all very new, and that there

are new testing standards. She said that while Stantec tested for 24 different compounds, the state only tests for 2.

There was a discussion of estimated costs associated with clean up at the Fire Station, and Mr. St. Hilaire estimated that removing the “dirty dirt” alone would cost \$20,000 - \$30,000. Chairman Heitz said that he wanted to know that the cost of the work warranted the expense of pursuing the grant.

Chairman Heitz asked what additional cost there will be for the final application to be prepared, if Kingston passes the pre-application round. Ms. Kenter said she does not know at this time, but that she did not think it would take a lot of additional effort to do the final application.

**MOTION:** by Selectman St. James for the Town to enter into a contract with GeoInsight to prepare the Drinking Water and Groundwater Trust Fund Pre-Application for submittal to the NHDES, at a cost to the town of \$2,200.

**SECOND:** by Selectman Briggs.

**Four in favor, one abstention: Motion Carried.**

#### **Complaint of Cars Parked in Right-of-Way**

Referencing a complaint received about cars parked and stored in a right of way on Maple Street, the Selectmen asked Mr. St. Hilaire whether or not the Town owns the right of way. Mr. St. Hilaire said that while the town took over roads in that area and paved them in the 1990's, the beach right of ways are common area and were never deeded to the Town. He stated that if changes are made, such as placing signs, the Town could be open to liability.

The discussion was reopened later in the meeting.

**MOTION:** By Chairman Heitz, to send a letter to the owner of the car observed parking consistently in the right of way stating that he has no legal right to park there, and that the car must be removed within 7 days or be towed. In addition, the Road Agent will be directed to place a “no parking” sign at the right of way.

**SECOND:** by Selectman Coombs.

**Four in favor, one abstention: Motion Carried.**

#### **Heritage Commission: Bandstand Celebration; Sign Project**

Debra Powers and Ernest Landry were present to discuss funding for expenses incurred for the bandstand celebration and also for the Town signs project the Heritage Commission and Envision Kingston have been working on.

Ms. Powers said that it had been discovered that the bunting they had hoped to use for the bandstand at the May 19<sup>th</sup> dedication was unusable due to mold and holes. The cost of new bunting would be \$375. She said she hoped it could be purchased and that the Selectmen might be willing to use money out of the Patriotic Purposes budget line. There was a discussion of costs associated with the Bandstand opening. There was also a lengthy discussion about the cost of the signs, which are less than expected (\$650 for the materials, \$1,200 total for 13 signs), and the budget of the Heritage Commission. Ms. Powers said that as the Heritage Commission's Warrant Article was reduced during Deliberative Session from \$30,000 to \$10,000, and the signs budget

was reduced by the Budget Committee from \$4500 to \$960, they can't pay for the bunting as well as the signs. She also said that she felt that the signs should not have fallen totally to the Heritage and Envision Kingston committees to pay for, and that bunting is something that will be used by the Town in general for years to come, not just the Heritage Commission for this one use.

**MOTION:** By Selectman Korn to authorize payment out of Patriotic Purposes in the Town budget for the purchase of bunting.

**SECOND:** By Selectman Briggs

There was a discussion of the usage of Patriotic Purposes money, which Chairman Heitz said is not necessarily for patriotic items, but has been used mainly for purchasing meals at various town meetings and elections, for funeral flowers, and other similar items that come up. He also said he takes issue with the Heritage Commission coming to the Selectmen for money instead of using their own budget, but would support this one request. Ms. Powers said that in order to use the money from the Warrant Article, Heritage would need permission.

**MOTION:** By Chairman Heitz to authorize payment out of the Town's budget, from the Buildings or other appropriate line, of \$375 for the purchase of bunting.

**SECOND:** By Selectman Korn.

**Four in Favor, One Abstention: Motion carried.**

There was a discussion of the upcoming bandstand dedication.

Discussion then returned to the topic of the town signs, Ms. Powers pointing out that the Heritage Commission is still \$300 shy of the total needed, and also that after the signs budget was reduced by the Budget Committee, the Board had said they would offset the cost of the signs through the Selectmen's budget. She said she hoped the Board would agree to this prior position and add to the Heritage budget balance of \$960 to meet the total price. She pointed out the reduced cost of the signs, and Selectman Coombs said he was in favor of moving forward to take advantage of the lowered cost.

**MOTION:** By Selectman St. James to find an additional \$300 to support the Heritage Commission budget line of \$960, for the purchase of town signs.

**SECOND:** By Selectman Coombs

**All in favor.**

Ms. Powers said that several donations have been received, including a donation of 6 Heritage Rose bushes from Landscapers Depot, that she is working with Rich St. Hilaire to have planted around the bandstand. She said she will need to open an account for this purpose.

**MOTION:** By Selectman St. James to open an account with Landscapers Depot on behalf of the Heritage Commission in order to accept the donation.

**SECOND:** By Selectman Briggs

**All in favor.**

Ms. Powers will send a letter of thanks with a framed photo to Landscapers Depot. Chairman Heitz said she should also send the Town's tax ID number.

### **Discretionary Barn Easements**

There was a brief discussion of the two barn easements that have been requested. It was determined that a vote will be taken on them at the May 14<sup>th</sup> meeting.

### **Health Officer Position**

Health Officer Peter Broderick was present to discuss the position with the Board, as no applicants have come forward since posting the opening about a month ago. He talked to the Board about the requirements of the position, and that it has gotten more and more involved. He also said with no code officer, many complaints come to him as Health officer, and that while some of the matters fall under the Health statute, many do not. He said that as he is no longer a Selectman he has no authority to attend to Code matters.

Mr. Broderick outlined some of the duties of the Health Officer and the knowledge needed and said that he had taken on the position on a temporary basis as he had the background necessary. At this point, Mr. Broderick said he is willing to stay on but that his salary would need to be reviewed. He said the position is part time, but that he does the same work as many full time permanent officers and takes many calls at home. He said that other towns have full time Health officers, and as one example, the Health officer in Exeter earns \$65,000 per year. He explained that aside from his office hours he is on call for inspections. Chairman Heitz said that being on call is not realistic; Mr. Broderick said that is his philosophy, that he is not comfortable leaving the contractor stuck waiting.

There was a discussion of the position and what it should pay, but the Selectmen said that they were not prepared to discuss the salary this evening. Selectman St. James said he would like to look at what neighboring towns do about the two hats (Code and Health) and how they pay. It was noted that the Town had voted down a Warrant article to add a Code officer about 15 years ago.

Mr. Broderick said the permits fee schedule needs to be looked at as well. Also, he said that the Building Inspector is swamped with work and has too few hours.

Selectman Briggs said that the matter of the Health Officer position should be taken under advisement, and that a discussion should be scheduled about both positions and the permitting fees. Selectman St. James suggested a work session for this topic. It was agreed that some time is needed; Mr. Broderick agreed to continue for now and will be informed by the end of the month of the Board's decision.

### **Planning Board Report**

Selectman Coombs informed the Board that he had met with Town Engineer Dennis Quintal, Jim Dufresne of Hawks Ridge, and their engineer, at the work site of Granite Fields Condominiums on May 3rd. He said that nothing new came of the meeting, that they still need to amend the plan and go back to the Planning Board.

There was a brief discussion of the problems on the site, as described in Mr. Quintal's report that will be included in the violation notice to be sent this week. Input on the

information in the notice has been reviewed by Building Inspector Robert Steward and Ellen Faulconer, Administrator of the Planning Board, for completeness and accuracy.

Selectman Coombs also has asked Glenn Greenwood to research whether or not Torromeo Industries needs to file a Notice of Excavation (which has been submitted for approval), or if it is regulated by US Mining.

On another Planning Board matter, ECSI was discussed, and the Board considered what should be done about continued activity on that property. There is a need to know what is currently going on there; Selectman Coombs will follow up with Dennis Quintal about this.

### **Handicapped Lift - Town Hall**

Selectman Coombs has looked at the lift with Rich St. Hilaire and it appears to be compliant with all ADA requirements. It was agreed that if it is compliant with all laws in place, that is sufficient.

### **Kingston Days**

There was a discussion of the plan to once again allow carnival workers to camp at Magnusson Field. After some discussion of the location, noting that due diligence had been exercised in researching alternatives in 2017, it was agreed that as a complaint had been received, a letter should be sent to abutters and properties in a 2 block radius of the field. This letter would be to inform residents of the plans to use the field once again and invite them to attend a meeting to air any problems or questions they may have.

### **Administrative Issues**

- A complaint from neighbors regarding trailers at a residence and other issues was reviewed. It was decided to talk with Mr. Steward first and then have Selectman Briggs talk to the homeowner and report back.
- Several tax abatements were signed
- Steve Sousa was approved to be given a Town Hall key and alarm code for access during the antique appraisal event on May 19 and also during Kingston Days.
- Following reports about a beaver dam near Brookhaven Road that has gotten large enough to cause flooding and well contamination, Selectman Coombs will meet with NH Fish and Game to try to determine whose property it is on and what should be done. It was agreed this is a health issue; dynamite may be needed but Fish and Game would first want to trap the beavers.

### **Meeting Minutes**

**MOTION:** By Chairman Heitz to accept the minutes of April 23, 2018, as written.

**SECOND:** By Selectman Briggs.

**Approved by all.**

**MOTION:** By Selectman St. James to accept the minutes of April 30, 2018, as written.

**SECOND:** By Selectman Briggs.  
**Three in favor, Two Abstentions: Motion Carried.**

**Adjournment**

There being no further business before the Board, the meeting adjourned at 10:55 PM.  
**(MOTION:** Selectman Coombs; **SECOND:** Selectman Briggs, unanimous)

Respectfully submitted,

Susan Ayer  
Administrative Assistant