

Kingston, New Hampshire
Board of Selectmen
Meeting of June 4, 2018
DRAFT MINUTES

The meeting was called to order at 7:02 in the Meeting Room at the Kingston Town Hall.

PRESENT: Selectmen George Korn, Kevin St. James, Phillip A. Coombs and Donald Briggs, Jr.

ABSENT: Mark Heitz, Chairman

Selectman Korn was acting Chairman for the evening in the absence of Mark Heitz. After noting that the tape was not yet running due to a computer problem, he consulted with the Board and it was decided to begin the meeting on time and have the technician begin taping as soon as possible.

APPOINTMENTS

Neighbors of Magnusson Field re: Kingston Days Camping

Several residents that reside near Magnusson Field were present to discuss the use of the field as a campsite for carnival workers during Kingston Days in 2018.

Susan Slocombe of 3 Exeter Road, Carol Briggs of 8 Exeter Road, and Alice Getchell of 6 Exeter Road shared their concerns based on their experiences from 2017:

- There was no prior notification that the campers would be there, so when all the big vehicles came in it was upsetting.
- There was at least one instance of a camper trespassing on private property.
- Flashlights were seen all night long.
- Many of the properties are accessible from the field, making the residents feel uncomfortable, or as if they need to be home to guard their property.
- That campers were seen crossing Route 125 in the dark was felt to be a hazard to them.
- It was felt this was not an intended use of the field and could be setting a precedent.

Ms. Getchell noted that the campers did take care of the property. Ms. Briggs commended Kingston Days Chair Lynn Gainty on trying new things, and acknowledged that research was done before choosing the ball field. However, all expressed the opinion that this is not an appropriate area for use as a temporary campground, and that there must be a more suitable area in town.

There was a discussion of other possible areas to use, such as the fairgrounds or the Town Common. Selectman Korn said that he hears the concerns and the Board will need to see what other options can be found.

Health Officer: 4 Red Gate Drive

Health Officer Peter Broderick said that he received a call on May 24 reporting that there was a lot of water coming out of the unoccupied house at 4 Red Gate Drive. He said that he got in touch with the Building Inspector, Fire and Police Departments and the Electrical Inspector. It was found that the power is not on in the house and there is no physical hazard, as there is a large distance to neighboring houses. The taxes have been paid but nobody has lived there for about 15 years. The water, which has been

leaking for months, was turned off. However, Mr. Broderick said that he thinks this is a situation where a decision on a course of action needs to be made by the Selectmen as the Town's Board of Health, and not by him alone, as it could incur legal expenses.

The Selectmen reviewed photographs and a written narrative provided by Mr. Broderick. There was a lengthy discussion of the condition of the house and whether it constitutes a hazard to the public. Comments included that kids might go into it and be injured, that the deck and stairs are in poor condition and the house is full of black mold.

Options considered included contacting the owner to come in and address the problems, or to ask permission to go on the property and secure the house. Mr. Broderick said there have been many complaints received about the property over the years.

MOTION: By Selectman St. James to table the matter until all five Selectmen are present.

SECOND: By Selectman Coombs

Approved by all.

Resident of Birch Street - Traffic Safety; Hazardous Tree

Genevieve Bergeron of 6 Birch Street addressed the Selectmen to report a chronic problem in the Coopers Grove area of vehicles not stopping for the school bus, speeding around the bus, and nearly hitting children walking to and from the bus stop. She said she would like to have the speed limit posted on both sides of the street, and also signs to indicate children at play, congested area, etc. She said there is no bus stop sign.

Selectman Briggs said that the problem with posting the speed limit is that 30 mph is too fast for the curve, and even if it could be reduced to 25 mph, it would still be too fast, and in his opinion it would encourage drivers to think they can go that speed. He also said that "children at play" or similar signs are just "feel good" signs for the residents and do not change the behavior of drivers.

Selectman Briggs said that it is legal to videotape the drivers going by, and encouraged Ms. Bergeron to get license plate numbers. He agreed to look at the bus stop area and to monitor at pick up times.

Ms. Bergeron also spoke to the Selectmen about a large old tree on her property, which is connected to a Fairpoint pole with a guy wire. She said the tree is splitting, and if it comes down it will take the pole and electric wires with it. She said she has talked with Fairpoint, and they want to pull the guy wire out but leave the tree, saying that is not their responsibility. She said that if they pull the wire the tree could fall, and she is worried about the tree coming down on her house.

Selectman Briggs and Road Agent Rich St. Hilaire will look at the tree.

OLD BUSINESS

Maple Street Beach Access

Selectman Briggs said he had researched the matter of ownership of the beach access area, and found that some residents have the right-of-way to the beach included in their deeds, and some do not. He said those with the deeded rights are taxed differently.

Mr. St. Hilaire gave some background on other beach rights-of-way, noting that on Sunshine Drive, all 28 residents pay a little more property tax; the beach access has its own tax map number but no tax bill, as the taxes are paid by the residents.

Selectman Briggs said he would encourage the residents on Maple Street to form their own association. He also suggested that as it is now known the area is in some of the residents' deeds, the "no parking" signs should be pulled out. Selectman Coombs agreed, saying that as the Town does not own the property, the signs need to come down.

MOTION: By Selectman Coombs to remove the signs and allow those with deeded rights to take control of the beach access area on Maple Street.

SECOND: By Selectman St. James

Approved by all.

NEW BUSINESS

Bent Grass Builder - potential buyer

Todd Fitzgerald, owner of #33 Bent Grass Circle, and one of two builders allowed to complete their houses, was present to say he had a potential buyer for the home and wanted to know what he can do as the cease and desist order is in place on the development.

Selectman Coombs said that Hawks Ridge of South Kingston needs to submit an amended site plan to correct all the violations present. He said they had answered the Notice of Violation, and the Town's engineer was sent the document for review; the case is on the Planning Board's June 14 agenda.

Selectman Korn said that the Selectmen as the enforcing arm can't undermine the Planning Board. It was agreed that nothing more can be done until the matter is resolved with an approved, amended site plan.

HIGHWAY

Paving Projects 2018

Mr. St. Hilaire said he is starting the process of contacting contractors for paving projects. He said he generally contacts the four large contractors, shows them the work to be done, and they give him a price per ton. Selectman St. James questioned whether this was according to policies and practices of the state. Mr. St. Hilaire said that the law in New Hampshire requires obtaining three bids, which he does, and that there are only four big contractors in the area anyway.

Driveway Permits Required

The Road Agent took the opportunity to remind residents that a driveway building permit is required by State law and by Town ordinance. It costs \$25 and ensures that the driveway is placed and paved correctly. He cited a problem driveway that has been placed over Town property and may have to be removed.

Mr. St. Hilaire said that in the Town of Derry, paving contractors are required to post a \$1500 bond and if they do a driveway without a permit, they lose the bond money. He said the bigger companies are aware of the rules and will contact him, but others may not. Selectman Coombs said he would like to look at the Derry policy.

MEETING MINUTES

May 29, 2018:

MOTION: By Selectman St. James to approve as written

SECOND: By Selectman Coombs

In favor: Coombs, St. James, Briggs

Abstain: Korn

May 29, 2018, Non-Public:

MOTION: By Selectman St. James to amend to show decisions in public session, and approve as amended.

SECOND: By Selectman Coombs

In favor: Coombs, St. James, Briggs

Abstain: Korn

May 22, 2018, Non-Public:

MOTION: By Selectman St. James to amend to show decisions in public session, and approve as amended.

SECOND: By Selectman Coombs

In favor: Coombs, St. James, Briggs

Abstain: Korn

PLANNING BOARD

Seacoast Learning Collaborative

The Selectmen reviewed a letter written to the Planning Board by directors of the Seacoast Learning Collaborative, about their interest in leasing the former Kingston High School Building (Sanborn Seminary). Selectman Coombs said that he had spoken to Planning Board Chair Glenn Coppelman, and felt that this would constitute a change of use that would require a Site Plan Review. It was noted that in the letter, received today, the Seacoast Learning Collaborative directors said that both their legal counsel and the school district's legal counsel have concluded that a Site Plan Review is not necessary.

Selectman Korn said that they have failed to address the additional demands on local services that the Seacoast Learning Collaborative school would create, and suggested the matter be given to Town Counsel for review.

MOTION: By Selectman St. James, to send this letter to Attorney Sumner Kalman to get his opinion.

SECOND: By Selectman Briggs.

Mr. St. Hilaire said that the Planning Board usually uses a different attorney and that this should be addressed by the Planning Board.

Selectman St. James withdrew his motion; it was agreed to notify the Planning Board that the Selectmen would take no action tonight.

Hawks Ridge of South Kingston, LLC

The Selectmen discussed a report prepared by Town Engineer Dennis Quintal on May 31st offering his review of the Hawks Ridge Response to Notice of Violation. While it was agreed that this matter is in the Planning Board's purview right now, Selectman Coombs said that he felt it could be helpful to share Mr. Quintal's comments with the applicants ahead of time so that the matters may be addressed on the amended site plan.

It was decided not to pursue any further legal action (the 30-day deadline for corrections on the Notice of Violation will be reached on June 9th) until the Planning Board meets with Hawks Ridge again on June 19th.

Planning Board Services Contract

The Selectmen reviewed information prepared by the Planning Board giving options for the contract going forward for a Planner, as Glenn Greenwood no longer works for the Rockingham Planning Commission. If he continues as Planner, he would do so as an independent contractor. After some discussion, it was agreed that the matter deserves further discussion, and also that the Planning Board should be allowed to recommend the best option for them.

Facilities Use - Seacoast United

Selectman St. James said that Seacoast United had paid \$500, as agreed, for the past five years of ball field use, but had not paid for this year. They said they had only used the field one time. Selectman St. James said he learned they had used the field since then, and said they had obtained permission from Jay Ash. Mr. St. Hilaire said that it is often a problem with teams using the field, and he has tried to be tactful and remind them that they are required to get the approval of the Selectmen for any use of Town property. Selectman St. James said he would like the director of Seacoast United to come in to talk to the Board about the process. Selectman Korn agreed, saying there are legal issues involved.

ADMINISTRATIVE ISSUES

- The Selectmen reviewed and approved a sample Request for Proposals form prepared by the Heritage Commission to solicit contractors for masonry work at the Nichols building.
- It was agreed that building and electrical inspectors asked to attend construction meetings for the All American Assisted Living project would be paid an hourly rate equal to the rate paid per inspection call.

Non-Public Session

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Briggs, it was decided unanimously by roll call vote to adjourn to Non-Public session under the provisions of NH RSA 91-A:3, II (a): "The dismissal, promotion, or compensation of any public employee...", in order to discuss the Road Agent position.

In favor: Korn, Briggs, St. James, Coombs.

The Board adjourned at 9:52 PM.

MOTION: Upon motion of Selectman St James, **SECOND** of Selectman Briggs, it was decided unanimously by roll call vote to return to public session at 9:14 PM:

In favor: Korn, Briggs, St. James, Coombs.

MOTION: by Selectman Briggs to adjourn, at 9:15 PM..

SECOND: by Selectman St. James

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant