

**Kingston, New Hampshire
Board of Selectmen
Meeting of June 6, 2011
MINUTES**

The meeting was called to order at 7:00 pm in the Main Meeting Room at the Kingston Town Hall. In attendance were Chairman Peter Broderick and Selectmen Charles Hart and Mark Heitz.

Valley Lane Town Forest Access Easement Discussed

Conservation Committee member David Ingalls was present, along with Dan Bartley of 72 Hunt Road, to discuss the right of way access to the Valley Lane Town Forest that goes through Mr. Bartley's property. Mr. Ingalls became concerned about the town's use of the access way when Mr. Bartley paved it for use as his private drive. Mr. Bartley wanted to assure the Board as well as the Conservation Commission that he is fully aware that the town has the right to use the easement and only hopes that major logging activities will occur during the winter months when damage to the paved section will be minimal. He also noted that, when the town is ready to harvest, he would be interested in paying for the logs and keeping them for his personal use. That would save the town the expense of transporting them off site and of milling them. The Board thanked Mr. Bartley for clarifying his position.

Acceptance of FEMA Grant for Mill Road Culvert Replacement Project

Paul Hatch of the N. H. Department of Homeland Security and Emergency Management was present along with Road Agent Richard St. Hilaire to advise the Board that a FEMA Hazard Mitigation grant in the amount of \$126,563.00 has been awarded to the town. The grant will provide 75% of the expense to replace an 18" corrugated metal pipe culvert on Mill Road with a 7' x 3' natural bottom box culvert. The Town's portion of the project cost will be \$42,187.00. During recent storm events - identified as 100-year flood events - Mill Road has been submerged, isolating that area of town.

The funds have been earmarked for the project by the State, and construction will begin once the Governor's Council approves the award and issues the project number. Work on the project is to be complete by December 31, 2013.

MOTION: Upon motion of Selectman Heitz and second of Selectman Hart, it was unanimously voted to accept from the State Homeland Security and Emergency Management office a grant in the amount of \$126,563.00, for the purpose of completing a \$168,750.00 project for replacement of the Mill Road culvert.

The Board signed the Grant Agreement and thanked Mr. Hatch for his ongoing assistance to the town in realizing the goals of our Hazard Mitigation plan.

Acceptance of Private Property Donations to Library

MOTION: Upon motion of Selectman Hart and second of Selectman Heitz, it was unanimously voted to accept five large boxes of books and a box of ornaments (of unspecified value) and a 1-Year membership to the Seacoast Science Center (value of \$65.00) on behalf of Nichols Memorial Library.

Highway Department Updates

Road Agent Richard St. Hilaire advised that the ad for construction bids for the Ball Road culvert replacements will be published on Wednesday. Selectmen approved publication of the ad.

Selectmen agreed to publication of a Request for Proposals for the new Highway Garage. Sealed bids will be accepted until July 11th at 4:00 pm. Selectman Hart asked that Mr. St. Hilaire also determine the cost of relocating underground fuel tanks so that a full project cost assessment can be made.

Library Project Update

Library Trustees Danny Genovese, Leslie Hume, Jane Christie, Tony Whitcomb and Elaine VanDyke, project architect Ron Lamarre, and Town Counsel Sumner Kalman were present to discuss the library project.

Ms. Hume explained that the deed for the project site is subject to a 2002 Agreement providing for development of the site to be conditional on construction of a portion of a right of way depicted on the original subdivision plan (RCRD Plan D-29158). The 265' length portion of the right of way to be constructed wasn't considered in the original library design plans.

Ms. Hume and Mr. Lamarre referred to a conceptual plan that uses the existing curb cut on Church Street and provides the required 26' width of paved surface at the northernmost limits of the 60' right of way area shown on the plan. The library design plan then could remain basically unchanged, although there still would be some site development components within the right of way. Lighting, drainage, and sight distance considerations all were briefly discussed, and Mr. Lamarre noted that there has been discussion about moving the entire construction site 20' to the west to increase the setback from Church Street. The roadway needs to be accessible both from Lot 21-1 to the north of the library lot and to Lot 21 to the west, which would be possible, and both Road Agent Richard St. Hilaire and Police Chief Don Briggs have reviewed and approved the basic concept.

Selectman Heitz observed that the intent of the recorded plan and of the Agreement based on the plan likely was for the center line of the paved roadway to follow the center line of the 60' right of way. He also observed that use of any portion of the 60' right of way for parking spaces, landscaping, etc., would never be allowed in the case of a commercial development. Chairman Broderick advised that the Trustees may contact the abutter to the north of the site to see if they would agree to the conceptual plan. Selectman Heitz agreed and advised that he has no objection to the plan so long as the abutter agrees and there is no additional cost to the town. Mr. St. Hilaire noted that, while he would never agree to a commercial development plan that involves site development within a town right-of-way, he is supportive of this plan. He also noted that he would want the acceptance deed for the right of way to include the entire length as shown on the plan, extending beyond the 265' to be built by the town, into lot 21 to the west.

Town Counsel Kalman advised that he agrees with Selectman Heitz that the road center line was intended to follow the centerline of the right of way as depicted on the plan. Although he sees no reason for the northerly abutter to agree to the concept developed by the Trustees, he encourages them to try to reach an agreement. He cautioned that, absent an agreement to the contrary, the road should follow the plan. He also noted that it is strange to allow development - such as parking areas or landscaping within the right of way. He advised that only the 265' length called for in the agreement, to be constructed as part of the library development project, should be deeded to the Town following construction. The remainder of the right of way may never be constructed so there would be no reason for the town to own it. Chairman Broderick,

noting that the Trustees already have decided it may be advisable to move the library building and surrounding features back from Church Street by 20', observed that most of the encroachment into the right of way will go away with that move, if the abutter agrees to the conceptual layout of the right of way.

Ms. Hume then advised the Board that their association with Bruss Construction has ended due to Bruss's inability to provide the required construction bond. The Trustees intend to enter into a contract with Bauen Corporation. Ms. Hume introduced Jeff Parks, Project Manager for Bauen, and advised that proof of bonding already has been presented. Bauen was among the four companies originally selected by the Trustees and they feel fortunate that the company now is able to step in as construction manager. Selectman Heitz asked for what reason Bauen was not selected originally. Ms. Hume advised that Bruss had had more recent experience in the type of project being undertaken so, all other things being equal, they had gone with Bruss. Selectman Heitz asked what recent experience Bauen has had. Mr. Parks advised that his company built the Plaistow Library, Kimball Library in Atkinson, and the McAuliffe Museum addition. Selectman Heitz asked if Bauen had any involvement in rumored problems with the Atkinson Library. Mr. Parks and Mr. Lamarre advised that Atkinson's problems mainly are between their Selectmen and Library Trustees.

Chairman Broderick advised that the Board of Selectmen has offered to select the project's Clerk of the Works to provide oversight as the project progresses, although they are concerned at the small amount budgeted for the position. Ms. Hume advised that the Trustees prefer to continue the level of oversight and management that they've had over the project from the beginning; they welcome input from the Selectmen and appreciate the offer, but they as the Board of Trustees, along with their advisors, will select and negotiate the various contracted aspects of the project. Mr. Parks noted that there will be independent testing of the concrete and foundation work, and that the architectural firm will be overseeing compliance with the design plans. Although a Clerk of the Works will provide a useful layer of oversight, there are ample checks and balances built into the project. Ms. Hume advised that the Trustees intend to select an individual with commercial construction experience who can provide professional quality oversight in addition to the built-in testing and architectural oversight.

Ms. Hume also reported that they had been fortunate to have received a donation of shelving, obtained by resident Chris Gove from a bookstore that had closed, and the Trustees are looking for a location where they can lay out and inspect the shelving as well as store it until it's needed for the new building.

The next meeting of the Library Building Committee will be held on June 16th at 6:30 pm.

The Board thanked the Trustees and Attorney Kalman for coming in.

Lake Testing Approved

Health Officer Larry Middlemiss discussed with the Board the fact that the state no longer will be testing public waters for bacteria levels. With the new Recreation Building opening this summer on Kingston Lake, he asked if the Board would approve the \$30.00 per month state lab fee to have the beach water tested. Selectmen approved the expense.

Road Agent Richard St. Hilaire requested that Mr. Middlemiss be designated the coordinator of water testing for the Town Hall, which is considered by the state to be a public water supply and therefore subject to quarterly testing. Mr. Middlemiss advised that he is willing to take on that responsibility, and the Selectmen approved the request. Selectman Hart suggested that the YMCA and Kingston Day Care be advised that the state has given up testing of lake waters so that they can make necessary arrangements.

Review of Previous Meeting Minutes

The Board agreed to delay voting on the May 23, 2011 minutes until the June 20th meeting. It was noted that the Board will begin its summer schedule, with bi-weekly meetings, effective immediately.

Adjournment

There being no further business before the Board, the meeting adjourned at 9:28 pm and the Board retired to address administrative issues.

Respectfully submitted,
Catherine Grant
Administrative Assistant