

**Kingston, New Hampshire
Board of Selectmen
Meeting of July 11, 2011
MINUTES**

The meeting was called to order at 6:30 pm in the Selectmen's Office at the Kingston Town Hall. In attendance were Chairman Peter Broderick and Selectmen Charles Hart and Mark Heitz.

Non-public Session

MOTION: Upon motion of Selectman Heitz and second of Selectman Hart, it was unanimously voted to adjourn to non-public session under the provisions of N. H. RSA 91-A:3, II-a and c. The Board entered non-public session at 6:32 pm.

The Board returned to public session at 6:45 pm and moved the remainder of the meeting to the Main Meeting Room of Town Hall.

MOTION: Upon motion of Selectman Heitz and second of Selectman Hart, it was unanimously voted to seal the minutes of the non-public session indefinitely.

Loss Management Committee Recommendations

Donald Briggs, Bill Seaman, Richard St. Hilaire and Ellen Faulconer were present representing the Joint Loss Management Committee. Ms. Faulconer advised that at the Committee's most recent meeting it had been determined that certain safety issues at Town Hall need to be addressed. The Committee's recommendation is that the doors of Town Hall remain locked until 9:00 am, to avoid residents entering the building while maintenance is being done. The Town Clerk-Tax Collector has agreed to adjust her hours to begin at 9:00. The change will be effective on July 18th and will be publicized on Cable Channel 21, on the town's website and in *The Carriage Towne News*.

Selectmen also approved the Committee's suggestion that a Comments/Suggestions sheet be made available at Town Hall to allow residents to offer input concerning town services. The Board agreed that feedback will be useful to their efforts to improve service. The forms will be available at several locations throughout Town Hall.

Removal of Building Revisited

The Board discussed with Road Agent Richard St. Hilaire a previously approved building removal at 9 Sixth Street. Mr. St. Hilaire advised that the cost likely will be in the area of \$4,000.00, but he will obtain bids.

Rules of Operation for Community Recreation Center Discussed

Road Agent Richard St. Hilaire and Police Chief Donald Briggs requested of the Board their guidance in regulating use of the beach area at the new Community Recreation Center. Chief Briggs advised that people have been driving vehicles into and launching boats from the area and suggested that, at a minimum, rules for the site should be posted. Selectmen agreed that the area should be secured against general use and approved Mr. St. Hilaire's suggestion that telephone poles be laid to discourage vehicle entry. A chained entry way to restrict use only to residents also will be installed, similar to the system used at the town's boat launch. It was suggested that use of the beach area be limited to from dawn to dusk. Additional restrictions for

those hours when the Recreation Summer Camp program is running will be discussed once the program moves to that location.

Bids for Great Pond and Ball Roads Culvert Replacements Opened

Selectmen opened and read aloud sealed bids for the Great Pond and Ball Roads culvert replacement project. Bids were as follows:

Bidder	Items A1-E6 Bid	Items A1-D6 w/Alt. A1-7
Northeast Earth Mechanics	\$ 915,000.00	\$ 1,011,000.00
Jamco Excavators	498,000.00	561,300.00
J. Parker & Daughters Const.	610,910.00	658,410.00
North Hampton Excavating	489,114.00	576,647.00
Albanese D & S, Inc.	763,000.00	850,000.00

Road Agent Richard St. Hilaire briefly explained what the project entails and introduced Josh Bouchard of CMA Engineers, who will tabulate the bids, qualify the contractors, and recommend to the Board which bid should be accepted.

Mr. St. Hilaire also advised that the State Department of Homeland Security and Emergency Management, which administers the FEMA funds to be used in the culvert project, has encouraged the town to re-submit for funding to address the Kingston Lake outlet project. Selectman noted that the town already has agreed to one resubmittal, with extra engineering costs of \$2,200.00. Selectman Heitz expressed concern that, with federal funding drying up, the additional \$1,200.00 that would be CMA's fee for a second resubmittal may not be prudent. Selectman Hart suggested that, if CMA is confident that their work can attain FEMA funding for the project, and given the fact that the town already has invested the first \$2,200.00, perhaps CMA will be willing to do the work with their fee to be paid upon award of the grant. Mr. Bouchard advised that he will discuss the proposal with his office. Selectman Hart also asked about an earlier discussion the Board had had with Mr. St. Hilaire concerning dredging of the channel at points determined by Town Engineer Dennis Quintal. Mr. St. Hilaire advised that he and Mr. Quintal believe that work - which could be done by his department - would alleviate the great majority of the flow problem at the outlet at relatively little expense, however, the State has discouraged that approach and the town likely wouldn't be able to get the necessary permits. Mr. Bouchard noted that a dredging project of that type also would include collection and testing of materials to ensure there is no hazardous waste.

Bids for Highway Garage Opened

Selectmen opened and read aloud sealed bids for the construction of a new highway garage. Bids were as follows:

Bidder	Bid Amount
L & B Construction Management, LLC	\$ 599,941.00
Cobalt Construction	554,379.42
Ricci Construction	496,000.00
CMGC Building Corp.	673,500.00
Careno Construction Co., LLC	559,250.00
Beloin Construction, Inc.	510,000.00
Excel Construction Management	528,700.00
David R. Whitcher Builder, Inc.	479,000.00

MOTION: Upon motion of Selectman Heitz and second of Selectman Hart, it was unanimously voted to have Mr. St. Hilaire review, tabulate and qualify the bids for recommendation of acceptance.

Resident Discussion

John and Brenda Galloway were present to ask the Board their intentions regarding a previously discussed taking by eminent domain of a portion of the Galloways' private roadway - Roadstone Drive. Selectman Heitz explained that the Board has consulted with counsel who advises that, although the town may prevail in an eminent domain action, the cost incurred and time involved may be prohibitive. The issue has been further discussed with Department Heads and with state DOT officials and the consensus at this point is that the signaled intersection may be moved or that the town just may not continue to support a signaled intersection and the additional cost that would be incurred by the state.

Mr. Galloway asked what the Selectmen's recommendation to the Planning Board will be relative to the Brox proposal now before them. Selectman Heitz advised that he will be advising that access to Dorre Road be part of the overall plan, or that a new road extending through other land of Brox be required (in which case the state may be requested to locate a signaled intersection at that point).

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Heitz and second of Selectman Hart, it was unanimously voted to accept the minutes of the June 20, 2011 meeting as printed.

Review of the minutes of June 24, 2011 will occur at the next Board meeting.

2011 Budget Adjustments Discussed

Selectman Heitz advised that department heads and Budget Committee Vice Chair Ed Conant had been requested to attend in order to discuss adjustments to the 2011 approved budget that the Department of Revenue Administration will be making. He noted that the issue still is somewhat unresolved, as a request has been made by the town to which DRA hasn't yet responded. However because one of the Board members had been approached and asked to provide information, the Board felt it important to publicly discuss the issue.

Selectman Heitz explained that because Kingston has adopted the Municipal Budget Act, voters may not adopt a budget the total of which exceeds Budget Committee recommendations by more than 10%. In 2011, articles for the library construction project called for dissolution of the Infrastructure Improvement Fund and, after removing the amount needed for library construction, reestablishment of the fund with the remaining balance. Because the Budget Committee supported funding the project with a bond issue rather than with the Infrastructure Improvement Fund, the project amount was recommended (although under a different article). However because the Committee did not recommend the article to remove project funds from the trust, they also didn't recommend reestablishment of the fund with the remaining balance. That balance is more than \$4.5 Million, approximately 90% of which has been disallowed from the budget approved by voters. The budget approved by Town Meeting was \$11,344,762.00. DRA will allow only \$7,134,580.00.

The difference of \$4,210,182.00 usually would be arrived at by disallowing Warrant Articles from the last on the Warrant back to whatever point at which the shortfall is covered. The Board has requested that DRA instead disallow \$4,210,182.00 of Article 23 - the Article to reestablish the Infrastructure Improvement Fund. That will keep those articles raising funds for specific, voter-

approved purposes intact and only keep the Town from getting part of the balance of the Infrastructure Improvement Fund correctly designated. The money, on paper only, will be considered part of the town's unreserved fund balance until such time as it can be re-designated to the Infrastructure Improvement fund at the 2012 Town Meeting.

John Merrill asked if the board will call for a special town meeting to designate the funds now. Selectman Heitz advised that he wouldn't support the expense of a town meeting for the purpose when it can be done next year anyway.

Ellen Faulconer stated that DRA, when they note the temporarily inflated fund balance, could press the town to offset the tax rate with it. Selectman Heitz advised that the Selectmen make the final decision on that. Ms. Faulconer asked if the Board will approach the state legislature and ask for introduction of a bill to ratify the town budget as approved by voters. The Board will look into the process.

Review of Properties Scheduled to be Deeded

The Board reviewed site plans and tax cards for the properties scheduled to be deeded for unpaid 2008 property taxes. Chairman Broderick will request that Building Inspector Robert Steward accompany him on a site inspection of the properties to determine whether the town should accept deeds to them.

Update on Library Project

Chairman Broderick reported that a Clerk of the Works has been selected for the library project, and that some of the sub-contractor bids have been received and reviewed. So far, bids appear to be falling close to estimates. A ground breaking ceremony will be arranged once the Trustees have determined a starting date.

Adjournment

There being no further business before the Board, the meeting adjourned at 8:35 pm and the Board retired to address administrative issues.

Respectfully submitted,
Catherine Grant
Administrative Assistant