

**Kingston, New Hampshire
Board of Selectmen
Meeting of March 2, 2020
FINAL MINUTES**

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

PRESENT: Kevin St. James, Vice Chair; Donald Briggs, Jr., Phillip Coombs, Richard Wilson, Selectmen
(Chairman Mark Heitz arrived at 7:55 PM)

APPOINTMENTS:

Peter Coffin - Appointment to RPC Technical Advisory Committee

Mr. Coffin was present and spoke briefly with the Selectmen about this appointment. He said he is available to attend the meetings, which are held on Thursday mornings. It was also noted that his appointment makes sense as he is already involved with the RPC as a Commissioner.

MOTION: by Selectman Wilson to authorize the Vice Chair to sign the appointment form for Peter Coffin to serve on the Rockingham Planning Commission's Technical Advisory Committee.

SECOND: by Selectman Coombs

All in favor.

John DeYoung, 20 Tenth Street - Tree cutting complaint

Mr. DeYoung said that he was before the Selectmen recently to complain about James Armstrong illegally cutting trees on town property. He said that Mr. Armstrong is ignoring the Town's cease and desist, is continuing to cut trees and there should be some consequences. He said there is damage to the ecology and to his home, that his property is very windy and his satellite dish has had to be replaced twice. He said that Mr. Armstrong is using the town road as a skid road, leaving a hydraulic mess on the road. He also said that Mr. Armstrong is using a chain saw at night, and putting fuel on the fires he is having to burn the debris; he added that Mr. Armstrong is sometimes absent when fires are burning. He said that this has to stop, and at the very least he would like Mr. Armstrong to have to pay the town for the lumber he stole off the town lot.

Selectman St. James thanked Mr. DeYoung for bringing his concerns to the Board. He said that Mr. Armstrong was brought in by residents to cut on their own property, which the Town can't control. After a conversation with the Road Agent (it was clarified that Mr. St. Hilaire is both Road Agent and Tree Warden for the town), Mr. Armstrong was given permission to cut a path through a town lot, and also that he could take the pine trees but leave the hard woods. However, once it was found he had cut more than that, a cease and desist was issued. Selectman St. James said that unfortunately, the damage has been done. He said that at this time, Mr. Armstrong has been instructed to take out the debris, and work with the fire department for burn permits. He agreed that chain saw use after 9 pm is definitely a problem.

Selectman Briggs said that the state forester came to see him today, and said that the logger cannot be stopped permanently if he is on private property. He said that he is not allowed to charge, but gets the timber in payment. Selectman Briggs said that the Board will be holding a conference call with the ranger during a non-public session later this evening, to talk about some legal issues. He told Mr. DeYoung to call the police department if he sees Mr. Armstrong on the road, where he is not supposed to be.

Two other residents were present to attest to Mr. DeYoung's complaints. They shared their own conversations with Mr. Armstrong and concerns about the number of trees removed, saying they believe he has malicious intent. There was a discussion of property lines, the sequence of events, and what will happen going forward. Selectman St. James assured the residents that the Board is not taking this lightly, and that after speaking with the State forester later tonight, if action is to be taken they can find out by calling the Selectmen's Office.

Rich St. Hilaire, Road Agent: Paving Services Contract

The Board reviewed a letter received from Bell & Flynn offering an extension of the 2019 paving contract with the Town with no change to pricing. Mr. St. Hilaire said he is ready to start paving, is happy with Bell & Flynn, and would just as soon not go through the bid process. He said he has been out to look at the roads and has prepared some numbers, although the work will depend on conditions over the next 4 or 5 weeks.

Selectman Coombs said he is always in favor of going out to bid. He also said that it is anticipated that the price of oil will be going way down, and wondered if the price would be locked in. Mr. St. Hilaire said that if the price of liquid asphalt goes down, the price per ton will go down, that this is written into all contracts.

Selectman St. James said he thinks this needs to go out for bids, as the purchasing policy dictates that anything over \$5,000 has to go through a bid process. All were in agreement to have Mr. St. Hilaire secure bids for the paving contract.

PUBLIC COMMENT I: none

OLD BUSINESS

Deferred Compensation Plan

Selectman St. James said that a new employee in Town had belonged to a deferred compensation plan through his former employer, and asked if the Town would adopt that plan. He said that Finance Director Cindy Kenerson had concerns about it, and sent the plan to town counsel for an opinion. Response from Counsel has been received, and Selectman St. James asked the Board if they would like to pursue this. He noted that the Town does offer a different Deferred Compensation plan already. Selectman Coombs said he had the attorney's response but had not seen the plan. This will be sent via email to all before a decision is made.

NEW BUSINESS:

Proposed fee schedule for facilities/events

Selectman Coombs had prepared a draft fee schedule for use of Town buildings and grounds for events. The Board discussed the various fees, which included pricing for various locations categorized by for-profit, non-profit and Kingston resident vs. non-resident. During a lengthy discussion, including input from Mr. St. Hilaire, a few changes were agreed to; an amended draft will be prepared. It was also agreed that events on the Plains should be limited so the grass has time to recoup.

Outstanding issues at Saddle up Saloon

A list of site plan violations had been prepared by Town Planner Glenn Greenwood at the Board's request. This will be put in letter form to be signed at the next meeting.

COMMITTEE LIAISON REPORTS:

There was nothing major to report at this time.

PUBLIC COMMENT II: None heard.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- A facilities use application has been received for a motorcycle fundraising event to take place at the Saddle Up Saloon in August. Selectman Wilson will talk to the applicant to let them know there will be some delay due the Board needing to talk to the owners of the restaurant first.
- A memo from the State construction bureau was read, announcing a preconstruction conference that will be held on March 25 for resurfacing projects.
- A resignation has been received from the Fire Department.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman Coombs to approve the public and non-public meeting minutes of February 24, 2020 as written.

SECOND: by Selectman Wilson.

In favor: St. James, Coombs, Briggs, Wilson. **Abstain:** Heitz

ANNOUNCEMENTS:

On behalf of the Selectmen, Vice Chair St. James presented Chairman Heitz with a plaque recognizing his 23 years of service to the Town as Selectman. He mentioned Chairman Heitz' achievements, notably the town's Infrastructure Fund, which has helped to build the highway garage and the library, and may be used for partial funding of the proposed fire station. Selectman St. James went on to commend Chairman Heitz for his dedication to the Town, and thanked him for his years of service.

MOTION: by Selectman Coombs, to go into non-public session under RSA 91-A:3, II (c); matters which, if discussed in public, would likely affect adversely the reputation of a person other than a member of this Board.

SECOND: by Selectman St. James.

In favor: Heitz, St. James, Coombs, Briggs, Wilson

The Board adjourned to Non-public session at 8:20 pm

MOTION: Upon motion of Selectman Coombs, **SECOND** of Selectman St. James, it was voted by roll call to return to public session at 8:55 PM
In Favor: Heitz, St. James, Briggs, Coombs, Wilson; Motion passed.

Discussed in non-public:
Tree cutting in Great Pond park, legal input

Adjournment:

MOTION: by Selectman Coombs to adjourn at 8:55 PM

SECOND: by Selectman Briggs

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant