**TOWN OF EAST KINGSTON BOARD OF SELECTMEN**

MEETING MINUTES

July 10, 2023

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| Town Offices24 Depot RoadEast Kingston, New Hampshire6:30PM | Robert Caron, ChairJoseph Cacciatore, Vice Chair Robert Nigrello |

Board Members present: Robert Caron – Chair, Joseph Cacciatore – Vice Chair, and Robert Nigrello.

Others Present: Town Administrator Grace Ruelle, Police Chief Michael LePage, Fire Chief Ed Warren, Fire Department Administrator Heather Desmond, Emergency Management Deputy Coordinator Laurie McCarter, Conservation Commission member Gordon Powers, Conservation Commission Chair Dennis Quintal, Kerry Marshall, Nate Maher, and other members of the public who did not identify themselves.

Chairman Caron called the meeting to order at 6:30pm with the roll call.

**APPROVAL AND SIGNING OF DOCUMENTS**

***Meeting Minutes***

The Board reviewed the June 12, 2023 public, nonpublic session I, and nonpublic session II meeting minutes.

**MOTION: Chairman Caron motioned to approve all three sets (public and nonpublic sessions) of the June 12, 2023 meeting minutes; seconded by Mr. Nigrello. The motion passed 3-0-0.**

***Accounts Payable Check Registers***

Chairman Caron presented, for board review and questions, accounts payable check register dated June 19, 2023 in the amount of $98,485.58.

**MOTION: Vice Chair Cacciatore motioned to approve and sign the accounts payable check register dated June 19, 2023 in the amount of $98,485.58; Mr. Nigrello seconded by. The motion passed 3-0-0.**

Chairman Caron presented, for board review and questions, accounts payable check registers dated June 28, 2023 in the amounts of $30,191.18 and $1,691.50.

**MOTION: Vice Chair Cacciatore motioned to approve and sign the accounts payable check register dated June 28, 2023 in the amounts of $30,191.18 and $1,691.50; Mr. Nigrello seconded by. The motion passed 3-0-0.**

***Payroll Registers***

Chairman Caron presented, for board review and questions, payroll register dated June 23, 2023 in the amount of $78,891.85.

**MOTION: Mr. Nigrello motioned to approve and sign the payroll register of June 23, 2023 in the amount of $78,891.85; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

Chairman Caron presented, for board review and questions, payroll register dated July 7, 2023 in the amount of $41,273.70.

**MOTION: Vice Chair Cacciatore motioned to approve and sign the payroll register of July 7, 2023 in the amount of $41,273.70; Mr. Nigrello seconded by. The motion passed 3-0-0.**

***Police Special Detail***

Chairman Caron presented, for board review and questions, police special detail payroll register for the period of June 9 – June 18, 2023 in the amount of $9,575.00.

**MOTION: Mr. Nigrello motioned to approve and sign the police special detail payroll check register dated June 9 – June 18, 2023 in the amount of $9,575.00; seconded by Vice Chairman Cacciatore. The motion passed 3-0-0.**

Chairman Caron presented, for board review and questions, police special detail payroll register for the period of June 21 – June 30, 2023 in the amount of $4,135.00.

**MOTION: Mr. Nigrello motioned to approve and sign the police special detail payroll check register dated June 21 – June 30, 2023 in the amount of $4,135.00; seconded by Vice Chairman Cacciatore. The motion passed 3-0-0.**

***Home Occupation Renewals***

Chairman Caron presented GRANDFATHERED home occupations up for annual renewal:

|  |  |  |
| --- | --- | --- |
| Brink’s Firewood | Glenn Clark Remodeling | Marshall Law Office |
| Freeman Family Custom Sawing | Jamco Excavators | Mike Paul & Company |
| Freeman Logging | Keegan Concrete | and Sullivan Logging |

**MOTION: Vice Chair Cacciatore motioned to grant annual GRANDFATHERED home occupation permits to the list as presented; seconded by Mr. Nigrello.**

Discussion: Confirmation was given that the businesses presented for renewal had complete and updated documentation on file. Any incomplete or unsigned forms were returned to the home occupation owner for completion before being considered for renewal.

**VOTE: The motion passed 3-0-0.**

Chairman Caron presented VISIBLE home occupations up for annual renewal:

|  |  |  |
| --- | --- | --- |
| Atlantis Pool | JTC Construction | Shear Joy |
| Bodwell’s Septic Service | K&B Lawn Maintenance | Warren’s Auto Repair |
| Compass Point Quilts | MAC Tactical | Willow Road Watercolors |
| Dog Boarding LLC | Ridabock Glass |  |
| Eyelash Extensions | Sea of Green Lawn Care |  |

**MOTION: Vice Chair Cacciatore motioned to grant annual VISIBLE home occupation permits to the list as presented; seconded by Mr. Nigrello.**

Discussion: Confirmation was provided that any visible home occupations requiring fire department inspections will be presented to the board at a future meeting once those inspections have been conducted; the list presented this evening does not consist of home occupations with this requirement. Discussion then ensued on any of the visible home occupations qualifying under grandfathered status. Two businesses were noted (Warren’s Auto Repair and Bodwell’s Septic Service). These two home occupations will remain on the visible list until documentation has been provided to corroborate the grandfathered status. Once confirmed, the home occupations will be reclassified and addressed at a future meeting.

 **VOTE: The motion passed 3-0-0.**

Chairman Caron presented VISIBLE home occupations up for annual renewal:

|  |  |  |
| --- | --- | --- |
| 603 Dirt Works | Diana’s Country Dog Inn | FF Mech Welding |
| American City Homes | Ditucci Petroleum | Vicki Brown Marketing |

**MOTION: Vice Chair Cacciatore motioned to grant annual INVISIBLE home occupation permits to the list as presented; seconded by Mr. Nigrello. The motion passed 3-0-0.**

**DISCUSSION ITEMS**

**#1. DAN BODWELL & SONS BIOLOGICAL RECYCLING: HOME OCCUPATION RENEWAL**

Town Administrator Ruelle informed the Board the home occupation for this business was not renewed last year because the town did not receive a completed renewal application – it is suspected the application may have been lost in the mail and the applicant did not follow up on having not received a renewal permit. This came to light this year when Mr. Bodwell noticed he did not get a renewal form for this year. Discussion ensued on the home occupation operation and its bankruptcy status and how this relates to the home occupation permit renewal process. It was noted that although the biological recycling portion of the business operations is no longer in operation, and in the process of being closed by the state through the bankruptcy process, other activities and permitted uses under the business name are still in operation (excavation, trucking, etc.). Additionally, Mr. Bodwell is scheduled to meet with the Planning Board to discuss other uses for the property. By general consent, the Board agreed to consult with legal counsel prior to renewing this home occupation to ensure the renewal does not conflict with the bankruptcy process.

**#2. CONSERVATION KAYAK TRIP**

Conservation Commission member Gordon Powers presented a Conservation Commission-sponsored kayak trip event for Selectmen approval. The event consists of offering a one-to-two-hour guided kayak/canoe trip around Powwow Pond beginning at the Town boat launch, traversing under the railroad trestle to Tricklin Falls, back around and up into the Kingston side of the pond. Participants would be required to sign a waiver, wear life jackets, and bring their own kayak or canoe. This event would familiarize residents with the pond and promote preservation and conservation efforts. The event would be held on August 26th and promoted through the library newsletter and the Carriage Towne News.

Discussion ensued on insurance liabilities which would be addressed through the waiver, requiring all vehicles parking at the boat landing to display town stickers, that any minor child wishing to participate must having parental permission which is addressed through the waiver, and the availability of on-call emergency personnel. Both police and fire weighed in noting the limitations for fire/emergency personnel to standby at the shoreline as well as the jurisdiction of the pond by the state’s Marine Patrol. It was agreed that 1) the 911 emergency system would serve as the on-call emergency standby, 2) the waiver would suffice for liability and parental permission, and 3) the trip details were acceptable.

**MOTION: Mr. Nigrello motioned to approve the Conservation Commission’s August 26th Kayak Trip event as presented; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

**#3. EMERALD ASH BORER CAPITAL RESERVE FUND WITHDRAWAL OF $400**

The board discussed the need to treat trees in the cemetery every two years against the Emerald Ash Borer, an invasive species that is highly destructive to ash trees, further noting the cost to do so this year is $400 which would be funded by the Emerald Ash Borer Capital Reserve Fund.

**MOTION: Mr. Nigrello motioned to withdraw $400 from the Emerald Ash Borer Capital Reserve Fund for the purpose as presented; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

**#4. OLD TOWN HALL/GRANGE BUILDING**

Dennis Quintal and Kerri Marshall presented an update on the Old Town Hall and Railroad Depot restoration projects noting they are at the point where the artifacts and historical documents in the buildings need to be inventoried, catalogued, and placed in dry storage, and noted Dan Guilmette has agreed to lead this project. The dry storage options include the storage containers downtown with units available at the end of the month at a cost of $130 per month for a 10x10 unit. Heat and air conditioning is not required as neither the Old Town Hall or Railroad Depot are heated nor air conditioned. The cost of the storage would be borne by the town as the items being stored are town-owned. Additionally, they would need help moving the large safe at the Old Town Hall.

**MOTION: Chairman Caron motioned to move forward with securing storage units downtown for the storage of town artifacts with Dan Guilmette serving as lead on the project; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

Discussion then turned to the LCHIP grant moneys to be used for the Old Town Hall and Phase I which included the proposal to construct a new foundation under the building, update the septic system, install new windows and doors once the building is stabilized, engineering costs, insulation, and some electric work. To move forward with this foundation plan, they (Quintal and Marshall) are looking for board feedback on constructing a full foundation, or just a frost wall, or creating a full cellar. Additionally, they would like to propose moving the building ten feet back from the road. They are also looking for feedback on the elevation of the building – should they keep it the same or lower it? Mr. Quintal also plans to get input from the Planning Board at their July 20th meeting. Questions were posed about the condition of the timbers which were determined to be out of alignment by five inches (safety issue). This is on the project schedule to be replaced and must be done before the foundation is constructed.

Ms. Marshall noted the LCHIP application for Phase I was accepted; however, they do expect there to be less funds available this year; the LCHIP inspection is scheduled for September 16th, with the allotment of money in December. LCHIP has granted them permission to start the work in advance as they will need to get the foundation in before the winter. The cost for Phase I is approximately $600k with LCHIP funding no more than 60%, $20k from Moose Plate funds, and with remaining funds coming from the Johnnen Trust. Additionally, they are looking at $40k of LCHIP funds for updates to the Railroad Depot (stabilization).

The Old Town Hall proposal was presented to LCHIP for town meeting use by the Planning Board, Conservation Commission, Zoning Board of Adjustment, and Board of Selectmen as well as for town rentals and town-sponsored functions which made the application very viable. Engineering costs were noted (structural engineer - $12k, architectural design - $3k). Other project estimates came in high at their request to ensure the project costs would not be underestimated. There is also an idea to create offices in the back part of the stage area to maximize the use of the building. Ms. Marshall will forward all the estimates to the Town Administrator.

The Board agreed the Old Town Hall needed to be structurally secure before moving forward with any of the projects.

**MOTION: Chairman Caron motioned to move forward with Phase I of the Old Town Hall project as presented and to move the building back from the roadway ten feet (+/-) if possible; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

**MOTION: Vice Chair Cacciatore motioned to move forward with stabilizing the Railroad Depot building and removing the artifacts as presented; seconded by Chairman Caron. The motion passed 3-0-0.**

Mr. Quintal stated he would contact the Building Inspector with respect to what, if any, building permits are needed.

Members of the public then posed questions about the usage of the Railroad Depot.

**#5. IT CONTROLS: FIRE DEPARTMENT**

Chairman Caron tabled this item to the end of the meeting as the matter warranted a nonpublic session.

**#6. POLICE DEPARTMENT HEATING SYSTEM**

Police Chief LePage updated the Board on the number of quotes obtained to install a new heating/AC system at the Police Station – two of the three companies conducted walk-throughs, but no estimates have been submitted yet. A third company will schedule a walk-through shortly. He went on to say there is no heat or air conditioning in major parts of the building. He noted the project is too small for commercial HVAC companies and too big for residential companies. He has had five companies through so far with only one estimate received at $62k, one company stating they were not interested, and they are waiting on three other responses. Also of note is that there is only $45k in the capital reserve fund.

Discussion ensued on the need to address this matter before the winter months as companies will need some lead time in order to fit this project into their schedules. The shortfall in funding for the project was discussed as were recommendations to see if there were any emergency funds available from the state or if Primex would cover these costs. Chief LePage noted that when the work is conducted, the building will need to be emptied as a completely new system will need to be installed.

**MOTION: Mr. Nigrello motioned to spend up to $65k for a new heating/air conditioning system for the Police Station using funds from the Capital Reserve Fund with remaining fund sources to be determined; seconded by Chairman Caron. The motion passed 3-0-0.**

**#7. UNITIL ABATEMENT SETTLEMENT**

Town Administrator Ruelle spoke to a $17k abatement that was due to Unitil back in 2019; however, it had never been paid. Unitil is now seeking payment.

**MOTION: Chairman Caron motioned pay the abatement settlement amount of $17,200 to Unitil; seconded by Vice Chair Cacciatore.**

Discussion: It was noted the assessor negotiated the amount four years ago and Unitil is not seeking interest or penalty; just the original amount.

**VOTE:** **The motion passed 3-0-0.**

**CORRESPONDENCE**

***Notification of Complaint: Robin Lane – Excessive Noise***

Nathan Maher of 3 Robin Lane stated he was seeking clarification from the town and for the town to empower the Police Department to be able to enforce the noise ordinance as it relates to the use of recreation vehicles in residential areas. He went on to describe the ongoing noise from unmufflered OHRVs that he and his neighbors are subjected to for hours at a time. The Town of Kingston identifies loud decibel noise at the property line in access of 65 DBs; the decibel readings from his front door measure 75 DBs and 70 DBs at his back door. He notified the Police Department who claim there was nothing they can do about it. The only time he ever spoke to his neighbor about this, his neighbor served him with a cease and desist for harassment and then upped the noise level in retaliation to his complaint. There are two other complaints that were sent to the Board from other Robin Lane residents. He would like the town to go on record that the recreational vehicle noise is not an exempt noise as it relates to the town’s noise ordinance. The noise is not consistent with residential neighborhoods and should be easily enforceable based on the noise ordinance. He referenced a neighborhood covenant for the properties within the cul-de-sac and offered to play a recording of the noise as he brought with him a decibel meter to measure the noise level.

Discussion ensued on the language of the ordinance, its subjectivity as there are no specific measures cited establishing unacceptable noise levels, that off-road recreational vehicles are permitted on private property, that adding decibel standards to the ordinance would require the purchasing of equipment, the need to define the terms “detrimental” and “harmful” in the ordinance, that this was likely a civil matter which may end up in court where the burden of proof is much lower, that the town has no jurisdiction to enforce covenants, that the standards for which the Police Department must operate for this to be a chargeable offense (witness, written statements, meeting prosecutable standards), and a possible citizen’s petition prohibiting the use of OHRV on private property.

Discussion concluded with Chairman Caron agreeing to revisit the noise ordinance and consult with legal counsel on how best to address matters like this.

***NH Form PA-16: Reimbursement for State Forest Land***

Chairman Caron presented a $42 payment from the state for having a state forest located within the town’s boundaries.

**MOTION: Mr. Nigrello motioned to accept the state forest land check in the amount of $42; seconded by Chairman Caron. The motion passed 3-0-0.**

***Invisible Home Occupations***

The Board is in receipt of recommendations from the Planning Board to grant invisible home occupation permits for two online businesses located at 27 Joslin Road (Hum+Bee: MBL# 01-01-12) and 10 Squire Way (Quinn & Company: MBL# 01-01-26) respectively.

**MOTION: Mr. Nigrello motioned to accept the Planning Board’s recommendations and grant invisible home occupation permits for both these online retail businesses; seconded by Chairman Caron. The motion passed 3-0-0.**

**NONPUBLIC SESSION I – IT CONTROLS**

**MOTION: Chairman Caron motioned to go into nonpublic session under RSA 91-A:3, (c) matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting; seconded by Vice Chair Cacciatore.**

**The board was polled: Chairman Caron – yes**

 **Vice Chair Cacciatore – yes**

 **Mr. Nigrello – yes**

The board entered nonpublic session at 8:06pm.

The board re-entered public session at 8:37pm.

**MOTION: Mr. Nigrello motioned to seal nonpublic meeting minutes under RSA 91-A:3, on the basis that divulgence of the information would render the proposed action ineffective; seconded by Vice Chair Cacciatore. The motion passed 3-0-0 (2/3 vote required).**

**NONPUBLIC SESSION II**

**MOTION: Chairman Caron motioned to go into nonpublic session under RSA 91-A:3, (c) matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting; seconded by Vice Chair Cacciatore.**

**The board was polled: Chairman Caron – yes**

 **Vice Chair Cacciatore – yes**

 **Mr. Nigrello – yes**

The board entered nonpublic session at 8:40pm.

The board re-entered public session at 8:54pm.

**MOTION: Mr. Nigrello motioned to seal nonpublic meeting minutes under RSA 91-A:3, on the basis that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself; seconded by Vice Chair Cacciatore. The motion passed 3-0-0 (2/3 vote required).**

**FOLLOW UP ITEMS**

***Town Offices Lighting***

Noting the lightbulbs at the town offices had not yet been replaced, Chief Warren stated he would send personnel over to take care of this. Mr. Nigrello reminded Board members he had sent quotes to replace the lighting units a couple of months ago (quotes ranging from $5k-$7k), and that he will resend them so they can move forward with this project.

***Appointments***

Town Administrator Ruelle noted a Library Trustee had stepped down and a new appointee (Deb O’Neil) is being recommended to fill this vacancy. Additionally, the Planning Board is recommending appointing Cathy Belcher as an alternate on the Board.

**MOTION: Mr. Nigrello motioned to appoint Deb O’Neil as Library Trustee and Cathy Belcher as Planning Board Alternate; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

***Highway Safety Grant – Speed/DUI Checkpoint***

Town Administrator Ruelle informed the Board the state is offering to extend the Highway Safety Grant for Saturation Patrols that allow police departments to dedicate patrols specifically to speed and DUI violations. The monies allotted for these checkpoints total $13,400 (this is in addition to the previous funds received for earlier checkpoints).

**MOTION: Mr. Nigrello motioned to approve the extension of the dedicated checkpoints and accept the funds in the amount of $13,400; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

***Crosswalks/Line Painting***

Mr. Nigrello updated the Board on the South Road crosswalk situation stating they have picked a spot for two crosswalks to be located on South Road at a cost of $500 each. This process included the input of the school principal who also inquired about painting crosswalks in the school parking lot at the expense of the school. Discussion then ensued on painting handicap lines at the Town Offices, painting pickleball courts at the library and school, and repainting lines in front of the fire station. It was agreed that all requests are to be forwarded to the Town Administrator to coordinate a package for line painting that would be funded through each department as appropriate.

***Emergency Management Structure***

Emergency Management Deputy Laurie McCarter was present to inquire about the status of the restructuring of the Emergency Management Department. Chairman Caron stated they are still working on this and would welcome her input in the process.

With no other business before the board,

**MOTION: Vice Chair Cacciatore motioned to adjourn; seconded by Chairman Caron. The motion passed 3-0-0 and the meeting ended at 9:06pm.**

Minutes prepared by Catherine Belcher. Approved on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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|  |  |  |  |  |
| Joseph Cacciatore |  | Robert A. Caron |  | Robert L. Nigrello |