

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of June 3, 2019  
FINAL MINUTES**

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

**PRESENT:** Chairman Mark Heitz; Kevin St. James, Vice-Chair (7:05); Donald Briggs, Jr., Phillip Coombs, Richard Wilson, Selectmen.

**SCHEDULED APPOINTMENTS:**

**7:00 PM - Tax Collector: Update on Tax Liens**

Town Clerk/Tax Collector Tammy Bakie brought the list of potential tax deed properties to the Selectmen, saying that of 9 potential properties, there are only three left who have not made payment. She asked if Selectman Briggs, as Chief of Police, would be willing to hand deliver the notices to these property owners, as she would like to be sure they are aware of the June 10<sup>th</sup> deadline.

It was noted that the certified letters were sent and receipts were all returned. The Selectmen agreed to have Chief Briggs hand deliver the final notices.

**Committee Appointments:**

Elizabeth Mello, candidate for appointment to the Conservation Commission, was present to meet with the Selectmen. She gave her background and education information, but said that she feels she has a lot to learn so is not asking to be a full member, but an alternate.

The Board had a brief discussion with Ms. Mello, and expressed their appreciation for her volunteering.

**MOTION:** by Selectman St. James, to appoint Elizabeth Mello to the Conservation Commission as an Alternate Member, for a term to expire in March, 2020.

**SECOND:** by Selectman Coombs

**All in favor**

Adam Faulconer, candidate for Heritage Commission, met with board. He shared his background, and said that in his capacity as cable recording operator for Town meetings, he was asked about websites and social media by the Heritage Commission members, and agreed to help out with the Heritage Facebook page. This led to being asked to join the commission, and he said he is happy to help out as he enjoys history. It was also noted that Mr. Faulconer's help has been requested for the recording and sound for a presentation during Kingston Days; the Selectmen approved the extra paid hours for him to do this.

**MOTION:** by Selectman Coombs, to appoint Adam Faulconer to the Heritage Commission as an Alternate Member, for a term to expire in March, 2020.

**SECOND:** by Selectman Briggs

**All in favor**

Electra Alessio has been nominated by the Library Trustees to serve on that board. It was explained that she has been a Library Trustee in the past, but this year had decided

to serve on the School Board instead. However, as there is now an opening, she has agreed to fill in for one year.

**MOTION:** by Selectman St. James, to appoint Electra Alessio as a Library Trustee, for a term to expire in March, 2020.

**SECOND:** by Selectman Briggs

**All in favor**

**7:15 PM Heritage Commission: Archaeological study; 325<sup>th</sup> Celebration events**

Debra Powers addressed the Board to discuss the results of the recent archaeological study performed at areas of the Recreation Center property that were set to be developed into a playing field, basketball court, and small parking area. It had been recommended by the Heritage Commission, upon information they had been given that the area is highly sensitive for historical artifacts, to have a study done before removing tree stumps and continuing with the project.

Ms. Powers reported that nothing of historical significance had been found. She said this is bad news from a history perspective, but good news in that Recreation can move on to use the land as they see fit. She said that the total spent on the study was \$4,367, slightly less than planned; Dr. Goodby, the archaeologist, stopped work when he saw that nothing was being found. She said that Heritage is satisfied that due diligence was done, and that having proven that Kingston is interested in its heritage and history, they will be in good standing should grants be available in the future.

Selectman St. James said that he agreed that due diligence was done, with the support of the Selectmen, and he felt the Commission is in good hands.

There was a discussion of the work that will now go forward. Resident Scott Halik of Wadleigh Point questioned the trees remaining that seem to be in the proposed fence line. Selectman St. James said that he is sure Road Agent Rich St. Hilaire is well aware of this and there is a reason for it. Selectman Briggs said that an excavator has been borrowed at no charge for removing the stumps.

Ms. Powers informed the Board and the public of upcoming activities planned by the Heritage Commission in conjunction with the 325<sup>th</sup> celebration. On Saturday, June 8<sup>th</sup> there will be a cemeteries program beginning at 1:00 PM. On July 27 and August 4, a play will be performed on the stage at the Town Hall meeting room. The Maintenance department is working on clearing the stage area, and access is being requested for access to the room for practices and preparation.

Ms. Powers then asked the Selectmen to consider the question of the use of the bandstand on the Plains, which had been discussed in the past. She said a fee schedule had been discussed, and it would be nice to have advice on how to access the bandstand for the 325<sup>th</sup> celebration.

**PUBLIC COMMENT I: (none)**

**OLD BUSINESS:**

### **Approval of revised Health Officer job description**

**MOTION:** by Selectman St. James, to approve the Health Officer job description as revised.

**SECOND:** by Selectman Briggs

In discussion, Selectman Coombs said that he would like to postpone this vote until a related item is discussed during non-public session.

Motion and Second were withdrawn.

Selectman St. James suggested that the job descriptions for all Town Hall employees should be reviewed as this one was, taking them one at a time.

### **Update on HB365 (expansion of net metering)**

Further information, including an update on net metering expansion and a draft Letter of Intent have been received from Todd Stewart of Solar Power Financial. This information was reviewed by the Selectmen. Selectman St. James noted communication from Planning Board Chair Glenn Coppelman, who suggested the Town should consider partnering with a local contractor rather than signing on with a broker.

There was a discussion of aspects of the matter, including having legal counsel review any contracts or letters of intent before the Board signs them, and also if a 20- year contract can be entered into without going to the voters with it. This will be researched.

Selectman Coombs said he is in favor of sending out requests for proposals, but that he agreed that first the Board needs to know if this can be done without a vote by the town. Chairman Heitz said that as this is new to New Hampshire due to the recent raise in net metering limits, companies doing solar work in neighboring states should be researched, and asked the Administrative Assistant to do this. Revision Energy, who is working with the library on a smaller project, will also be contacted to see if they are able to do a larger project.

### **Surface Water Testing Results, Country Pond**

Health Officer Peter Broderick was present, and reported on the meeting held June 1 between EPA and NH DES personnel and the Country Pond Association regarding surface water testing recently done on the pond. This testing was done to check for PFOA levels in the pond near the Ottati & Goss Superfund site off State Route 125. Initial results indicate that the levels of contaminants found are below the amount that would cause concern about swimming in the pond. Jim Brown of the EPA has offered to come to the Board for another meeting once full results are received, including results of recent scheduled testing of private wells and soil on the site, which includes PFOA testing for the first time.

Mr. Broderick said that he understands the site will soon be turned over to the State, as the EPA would only be responsible for it for a set time frame. He also mentioned that the State has filed suit against several companies it deems responsible for PFOA contamination. Mr. Broderick said he is concerned that in the end, the cost of cleanup will fall on the Town, so he will stay in the loop.

It was agreed that once the testing information is available, a meeting with the EPA and NH DES representatives will be set up.

### **Tax impact of Warrant articles**

Selectman St. James brought up this subject, which has been researched for procedure. The rule from the DRA is that adding this information to the Warrant will require a vote at Town meeting. There was a discussion of whether the warrant article for adding tax impact information should come from this Board or should be a petition article.

**MOTION:** by Selectman St. James, that the Board of Selectmen will put an article on the 2020 Town Warrant to include tax impact information on future articles.

**SECOND:** by Selectman Wilson

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

### **Cardinal Road lot line issue**

Selectman Briggs reported that the owner of the property on Cardinal Road, whose garage is partly on the neighboring lot owned by the Town, has hired a surveyor.

### **NEW BUSINESS:**

#### **Sale of Surplus Equipment**

Selectman Briggs said that he has quite a few vehicles that can be sold as surplus equipment, and is still getting titles together for them. He said that doing an auction is no longer free, so he plans to advertise a group at a time in the newspaper and ask for sealed bids.

Fire and Highway Department heads will be contacted to see if they have any equipment to add to the list.

### **July 4<sup>th</sup> Holiday**

Noting that the Town Clerk's office will be closed both the 4<sup>th</sup> and the 5<sup>th</sup> of July for the holiday, the Administrative Assistant asked if the Board would be in favor of closing the Town Hall entirely on Friday July 5. After some discussion it was agreed that the building can be closed for both days as long as staff are aware that Friday will not be a paid holiday.

### **COMMITTEE LIASONS:**

**Heritage Commission, Selectman Wilson:** It was noted that the subject of charging a fee for use of the bandstand had been brought up by Debra Powers. Selectman Wilson said this discussion was begun last year.

#### **Conservation Commission, Selectman Wilson:**

Selectman Briggs said that the Conservation Commission had asked the police department to look into a firing range on private property that was shooting across neighboring Town property. He said the police agreed it is a safety hazard, and the issue has been resolved. Selectman Wilson said he will bring this information back to the Conservation Commission.

**Fire Station Building Committee, Selectman St. James:** Members of this committee were present and waiting to speak in non-public session.

**Planning Board, Selectman Coombs:** There was a discussion of a driveway permit complaint at 21 Madison Avenue. (Driveways are under the purview of the Planning Board.) Selectman Coombs said that he and Road Agent Rich St. Hilaire had looked at the driveway area. The owner had gotten a permit to repave the driveway, and was questioning why she had to also put an apron in front of the mailbox. Selectman

Coombs said that Mr. St. Hilaire will not issue a driveway permit unless the apron in front of the mailbox is included, which is shown on the diagram in the driveway regulations.

There was a discussion of the regulations of the Town and post office regarding driveways and mailboxes. Selectman St. James questioned the enforcement of the regulations, and Selectman Coombs said that is why he is looking into bonding with the paving companies. If a company puts in a driveway without a permit they will lose their bond money and not be allowed to work in town. It was noted that with regard to mailboxes, Mr. St. Hilaire goes out to look, and if it can't be moved 5 feet off the road pavement, he will work with the owner to find the best fit.

Selectman Coombs will bring this issue to the Planning Board's attention and have them respond to the resident.

## **PUBLIC COMMENT II: (none)**

### **APPROVAL OF MEETING MINUTES:**

**MOTION:** by Selectman St. James to approve the public and non-public session meeting minutes of May 20, 2019, as written.

**SECOND:** by Selectman Coombs

**All in favor**

### **ADMINISTRATIVE: APPLICATIONS, PURCHASE ORDERS, CORRESPONDENCE**

- Facilities Use application approved for use of the Town Hall stage for summer theater (Motion by St. James, Second by Wilson, approved 4-1).
- Application approved for veteran's property tax credit.
- Facilities Use application approved for snowmobile safety course at the Recreation Center in December (Motion by Heitz, Second by Wilson, approved 3-2).
- Two property tax abatements were granted that were corrections to the assessment roll.
- Tax deeded property at 3 Shendoar Drive has been bought back by the owner; back taxes were paid in full.
- An application was received for a backup to the Plumbing Inspector, but as the person was licensed in Gas but not Plumbing he was seen as unqualified.
- Kingston Days Chair Lynn Gainty informed the Board that dumpsters for this year's event are being donated by Waste Management.
- A written complaint was received at the Selectmen's office and also by the Kingston Police Department, from the resident at 34 New Boston Road. The resident states that road work is being done (that) crosses property lines and she is losing property every time work is done. She also said berry and flowering bushes have been ripped out, and that neighbors have been using her property as a drive around from Circuit Drive to Simes Road. She also said that a large boulder wall she placed on the corner of her property was removed, and tire tracks were left on the Simes Road side of the house. The Police Department is looking into this. Selectman Coombs said he will ask Mr. St. Hilaire, but that the Town is not doing work there.

### Cable/streaming options for meeting videos

Adam Faulconer provided the Board with an update on streaming services, having been asked about streaming recorded meetings directly from the Town website. He said that he checked 5 neighboring towns and none of them host videos on their own site. In researching paid services, he said he could not find an annual cost, but they would be \$250 per month. He said using YouTube, as Kingston currently does, provides the same service for free, but the content is not available directly from the Town's website. He said he could put a link to YouTube on the site if the Selectmen are so inclined.

There was a discussion of access to meetings and how long to keep them; Mr. Faulconer noted that old meeting are currently deleted from YouTube when a new meeting is added, as he was instructed last year by the Selectmen. Selectman St. James said he thinks the older meetings should be kept available via the Town's website. Selectman Briggs said he will look further into the matter of linking the website and the cable channel, or a link to YouTube from the website.

### Non-Public Session

**MOTION:** Upon motion of Selectman Wilson, **SECOND** of Selectman Coombs, it was voted by roll call to adjourn to Non-Public session under the provisions of **NH RSA 91-A:3, II (b):** The hiring of any person as a public employee; **NH RSA 91-A:3, II (d):** Consideration of the acquisition, sale or lease of real or personal property; **NH RSA 91-A:3, II (I):** Consideration of legal advice.

**In Favor: Heitz, Briggs, Coombs, St. James, Wilson; Motion passed.**

The Board adjourned at 8:30 PM.

**MOTION:** Upon motion of Selectman Coombs, **SECOND** of Selectman St. James, it was voted by roll call to return to public session at 9:55 PM.

**In Favor: Heitz, Briggs, Coombs, St. James, Wilson; Motion passed.**

**Discussed in Non-Public Session: Negotiations update for purchase and sale of property; Legal advice concerning a site plan issue; Personnel**

**MOTION:** By Selectman Briggs, to seal the minutes of the non-public session for an indefinite length of time, as releasing the minutes would render a proposed action ineffective.

**SECOND:** By Selectman Coombs

**In Favor: Heitz, Briggs, Coombs St. James, Wilson; Motion passed.**

### Adjournment:

**MOTION:** by Selectman Briggs to adjourn at 9:56 PM

**SECOND:** by Selectman Coombs

**All in favor.**

Respectfully submitted,  
Susan Ayer  
Administrative Assistant