

**Kingston, New Hampshire
Board of Selectmen
Meeting of January 9, 2023
FINAL MINUTES**

The meeting was called to order at 6:30 PM by the Chairman.

PRESENT: Chair Richard Wilson; Vice Chair Kevin St. James; Electra Alessio, Chris Bashaw, Charles Hart, Select Board Members

PUBLIC HEARING:

A public hearing in accordance with RSA 31:95-b in connection with the acceptance of a one-time bridge payment from the State of New Hampshire, Department of Safety, established after the passage of Senate Bill (SB) 401. This payment can be used for the maintenance, construction, or reconstruction of municipally owned bridges.

Hearing was opened at 6:31 on a motion by Chairman Wilson, seconded by Selectman Bashaw, approved by all.

The Chairman said that this is a one-time payment of \$111,558. He asked that DPW Director Phil Coombs give more information. Mr. Coombs said that there is a recurring highway block grant that is distributed each year, that is a regular part of highway funding, but as this is a special bridge block grant, it needs to be accepted as unanticipated funds. He said this money will cover the Town's portion (\$90,000) for work being done on the Main Street bridge with grant money, and that the remainder can be used for guard rails on the Old Coach bridge, and potentially also be put toward work on the Cheney Mill bridge.

Chairman Wilson asked when the Main Street bridge work is going to begin; Mr. Coombs said that he met with FEMA representatives recently, and they are waiting for the grant to be officially awarded. Selectman St. James asked if it is necessary to encumber these funds since they were distributed in December; Mr. Coombs said that there is no need to encumber block grants.

Public Comment: None heard.

The hearing was closed at 6:34 on a motion by Selectwoman Alessio, seconded by Selectman Hart, approved by all.

MOTION: by Selectman St. James, to accept the funds from the State of New Hampshire in the amount of \$111,558.52 for bridge maintenance and repair.

SECOND: by Selectman Bashaw

All in favor

APPOINTMENTS:

Solar Committee and Revision Energy: Update on Solar array discussion

Members of the Solar Committee and representatives from Revision Energy were present to speak on this topic. Solar Committee Chair Rick Russman said that it has been a long road to this point; after the school system planned to install LED lighting, a larger stand-alone array was no longer cost effective for the Town. He said the committee has looked at several sites and the Fire Station roof seems to be a good option. He said early depiction of the proposed building had included solar panels. He said that Rachel Eades of Revision Energy had been on the roof to assess its suitability and came to the committee with her findings. He then introduced Ms. Eades, and James Hasselbeck, of Revision Energy, to provide more information and answer questions.

Rachel Eades gave some background, saying that Revision had done research to narrow the list of possible venues for a solar project and reported to the Solar Committee. She said that they had recommended the Fire Station roof as the best opportunity and recommended this to the committee. She then gave a brief presentation, showing a proposed array of 122 panels total on the Fire Station roofs. She said the panels have a 25-year warranty, but a 40-year expected life span.

Ms. Eades then gave a financial overview, showing that the total system cost would be \$178,120, but a credit from the federal government of \$53,436, and a NH State rebate of \$10,000 would lower the net investment for the Town to \$114,684. She then said that there are two scenarios for the rate of return on the investment, one showing the current 3rd party supply, and the other Unitil G-2. She said this return depends on costs that are not known, but it would be between 8 and 14 years.

Mr. Russman said that he hoped the Board would decide tonight, to invest the \$114,684 and do the project this year. He said that there is money left over in the Fire Station building fund, there may be Fire impact fees that can be used, and also ARPA funds could be used, and a combination of those could cover the entire cost.

Selectman Bashaw asked if the cost includes system replacement; Ms. Eades said that it includes replacement of the converters in year 10. Selectman Bashaw also asked how snow removal is handled, and she said that the way the panels are built, and with the heat of the sun, most snow will slide off on its own. Mr. Hasselbeck said that a maintenance contract is available, but very little needs to be maintained. Mr. Russman said he has had solar panels on his office for 10 years, and they are relatively maintenance free.

The Select Board questioned the roof's ability to handle the weight, and also who would cover the repairs in case of a leak. Mr. Hasselbeck said that the full assessment needs to be done, but that this would not affect the warranties for the roof.

Selectman St. James said that while he appreciates the work of the committee and of Revision Energy, he is concerned about the Town's budget, and also about using the ARPA funds that should last for various uses through 2025. Selectman Bashaw said he agrees and is not in favor of using more ARPA funds right now, and added that for this amount of money, the taxpayers should have a say in it, so there should be a warrant

article. Mr. Russman said he understands the hesitancy, but that in this case the Town has to spend money to make money. He said that depending on how much money is in the building fund, the amount to take from ARPA could be very small.

Selectman St. James said that the leftover money in the building fund could be used to pay down the bond. Chairman Wilson said that if the budget fails and goes to default budget, the Town will need all the money possible for operating expenses. He also said he agrees this should go to the voters. He said he is for the project but not sure the timing is right.

Mr. Hasselbeck said that he understands the concerns, and that his job was to evaluate the options. He said in the near term, the fire station roof is the best option. He said that to put this in context, many neighboring towns have chosen differently because of continued increases in energy costs. He said that solar is a hedge against an uncontrollable major cost driver.

Chairman Wilson said he would like to look at the numbers, and that he is not ready to say yes, but not ready to say no either. Selectwoman Alessio said that she is supportive and believes the community is as well, but she is reticent because of financial concerns; she said these are not small numbers.

Mr. Hasselbeck said that templates for solar warrant articles are available from Revision Energy. All were appreciative of the work done by the Solar Committee.

Police Chief Joel Johnson re: purchase of cruiser

Chief Johnson said he had sent an email out to the Board members on January 6, about his opinion that a second cruiser should be ordered, due to the shortages and delays in delivery.

Selectman Bashaw said that he understands the difficulty, but again, he feels this is bad timing, and that it would have been more appropriate for the Chief to advocate for this expense in the budget. Chief Johnson said he would like the Board to understand the need, and said that Cruiser 3 recently needed back brakes, and it was found it also needs rotors, which can take 6-8 months to come in, as parts are on back order. He said he fears if he loses a car there will be problems responding, and in ordering another car he is trying to get ahead of the game. He said he is here to see if there is any possibility of ordering the cruiser now rather than later. Selectwoman Alessio said she appreciates the Chief making the Board aware of the problem, and that first we have to get through the next 8 weeks.

Keith Martel re: Town owned parcel, 227 Rte. 125

Keith Martel appeared with his daughter, Anna Martel, who introduced the topic; Ms. Martel said that her family are local developers, and have recently put under contract 3 adjacent parcels at the corner of State Routes 125 and 107. She directed the Board to a map that shows the three parcels under contract, a town-owned parcel in between them, and a town-owned right of way. She said the ROW serves all four parcels and was built by NH DOT to limit access to the highway.

Ms. Martel said that the planned use is for a multi-family development such as apartments or condominiums. She said that if the town-owned lot is not included in the development, they would have to use the ROW as a Town road, but that it would be better for them to put in a private road.

Mr. Martel said that coming to the Board is his logical first step, to see if there is any interest in selling him the Town land. He said that if he can acquire that, he would discontinue the ROW and make a private road that starts at Route 107.

Chairman Wilson said that first of all, there is a process for selling town owned land, and that this parcel could only be sold to an abutter. He said the Martels would need to own the abutting properties before purchasing the Town lot. Secondly, he said that the ROW is too narrow for a Town road, and the last Road Agent had suggested that it should be made all private.

There was a discussion of the requirements of a Town road, and of the various options the Martels would have.

PUBLIC COMMENT 1:

DPW Director Phil Coombs said that he thinks it is a smart choice to use buildings as opposed to the town landfill property for a solar array, as any damage to the closed landfill could be a very bad problem. He said that as building maintenance is a DPW responsibility, he would like to be included in the process, and added that he thinks that in the long term, solar power is the way to go.

COMMITTEE LIAISON REPORTS:

Selectman Bashaw said that the **Planning Board** had voted on zoning articles at their last meeting. Selectman St. James asked if they voted to include the Board member vote tallies. Selectman Bashaw said that they had consulted the NH Municipal Association and the attorney there said that inclusion of votes was only granted to select entities in the RSA, and that Planning Boards were omitted intentionally.

Chairman Wilson said that the Town's attorney had sent out an email regarding the authority of the **Historic District Commission** after being asked to research it. He said the HDC would like the attorney to attend a meeting. Selectwoman Alessio said that the Town has done its due diligence in this regard, that one board should not be pitted against another, and that no more Town funds should be spent on legal fees. She said that the HDC members may pursue this as private citizens.

Selectman Hart reminded the public that the hearing for warrant articles will be held on Saturday at 9:00 am at the Town Hall.

OLD BUSINESS:

Decision: Trash barrel request, 227 Route 125

As no further information had been found on this property to contraindicate it, the Board was in agreement that the owner may pay to receive a Town trash barrel. Mr. Coombs will call the owner.

NEW BUSINESS:

Board of Tax and Land Appeals, arbitration and recommendation re: SHI-III LLC vs. Town of Kingston

There was a brief discussion of this matter, an abatement that had been denied and then appealed to the BTLA. Given that the recommended abatement is very small compared to the original request, it was agreed that the best course is to grant the abatement and avoid the legal costs of going forward.

MOTION: by Selectman Bashaw, to accept the recommendation from the Town's assessor following arbitration with the taxpayer and grant an abatement and new assessed value for All American Assisted Living of \$4,998,000.

SECOND: by Selectman St. James

All in favor

Selectwoman Alessio said that even though she voted in favor of accepting the abatement, she is outraged that the company pursued it in the first place.

Candidates Night 2023

It was agreed to hold this event on February 27, 2023 at 6:30 PM at the Town Hall.

BOARD BUSINESS:

Chairman Wilson said that he would like to invite not only Department Heads, but Committee Chairs to the morning meeting on March 27, 2023. He said it will be a good chance, after the election, to go over procedures.

Warrant Articles:

Selectman Bashaw said that he is the lead petitioner on two warrant articles related to sheds. He said that the original intent was to take away the requirement for a permit to build a shed of a limited size, but when there was a question on whether or not this was legal, the petitioners agreed to put a second article forward that only asked for setback changes, and does not ask that the permit requirement be lifted. After researching the legal question as much as possible, he said he would like to withdraw the second article, and leave the one that includes the permit change. He said this was only a placeholder in case the first was deemed illegal, and all the signers understand that only one will go forward. It was agreed that the only aggrieved parties would be the signers, and they have already discussed this.

MOTION: by Selectwoman Alessio, to withdraw the duplicate warrant article and leave the one that includes language to remove the permit requirement for sheds.

SECOND: by Selectman Hart

In favor: Alessio, Hart, St. James; **Abstain:** Wilson, Bashaw; **Passes**

PUBLIC COMMENT 2: None

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- Veterans Credit applications (2)
- Appointment form: Recreation Commission

MOTION: by Selectwoman Alessio, to adjourn public session and enter non-public session at 7:42 pm, to discuss legal and personnel matters.

SECOND: by Selectman Hart
All in favor

MOTION: by Selectwoman Alessio, to return to public session at 7:55 pm

SECOND: by Selectman Bashaw

All in favor

Discussed in non-public session: Personnel matters

Encumbrances:

There was a brief discussion in which the Chair explained that Heritage Commission had asked to encumber funds for historical medallions on buildings, but that because these are not ordered or under contract, the funds cannot be encumbered and will be removed from the list.

Meeting Adjourned at 8:00 pm

Respectfully submitted:

Susan H. Ayer, Administrative Assistant to the Select Board