

**Kingston, New Hampshire
Board of Selectmen
Meeting of June 5, 2023
FINAL MINUTES**

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

PRESENT: Chair Chris Bashaw; Vice Chair Charles Hart; Glenn Coppelman, , Laurie Szwed, Electra Alessio, Select Board Members

APPOINTMENTS

Appointments to Committees:

The Board invited Virginia Morse (188 Main Street) and Dan Doyle (156 Main Street) to talk with them about their interest in serving on the Historic District Commission. Ms. Morse said she has served on the HDC for a long time and has trained at the state level as well as taking online courses. Selectman Coppelman said that most committees in New Hampshire have no requirements for members, but the HDC is one that encourages member to have some background and knowledge of historic preservation. Ms. Morse said that she has compiled a significant library of information on Kingston historic properties, including "What your house used to look like".

MOTION: by Selectman Coppelman, to approve the re-appointment of Virginia Morse to a 3-year term as member of the Historic District Commission

SECOND: by Selectwoman Alessio

All in favor

Mr. Doyle said he lives in the Historic District and has an interest in the town's history; he said he has been asked repeatedly to serve on the Commission and has decided at this time he would like to be a part of it. Selectman Coppelman noted that Mr. Doyle lives in the home with the most significant history, the Josiah Bartlett house.

MOTION: by Selectman Coppelman, to approve the appointment of Dan Doyle to a 3-year term as member of the Historic District Commission

SECOND: by Selectwoman Alessio

All in favor

Daryl Temple, 13 Wadleigh Point re: Building(s) demolition and replacement

Mr. Temple was present to discuss this matter along with other family members. He said they had recently sold their home at 32 Main Street and plan to tear down the seasonal house at 13 Wadleigh Point and put a new home on the property. Once the new house is complete, the other existing home, a year-round house, will be demolished. Mr. Temple said that his house plans and his intentions had been discussed with the former Building Inspector.

Chairman Bashaw said that there has been some turnover in the Building Department, but he understood that the old Building Inspector had discussed this plan with legal counsel, because that per the town Ordinances there can't be two year-round residences on this one lot. He said there was some concern that there were no

guarantees in place that the second home would be razed. He said that because there had been problems over the years with the seasonal home being occupied off season, the Town will want safety measures in place.

Chairman Bashaw said that counsel had prepared a draft agreement between the Town and the property owners to address this matter. Copies were shared with Mr. Temple. The agreement provides for money to be set aside for the demolition so that the Town will do it at the owners' expense if it is not done within the given time frame. Chairman Bashaw said that the draft had been prepared to save time, but that the actual cost of demolition needs to be determined. He said he also expects the owners will want to have their own lawyer review the document.

Mr. Temple asked if this would allow his permits to go forward; Selectman Bashaw said it would, and that the approval can be expedited. Mr. Temple will bring the agreement to his lawyer for review and come back next week.

Robert Pellegrino re: 13 LeFevre Drive - permits and occupancy

Mr. Pellegrino was not present. Chairman Bashaw said that he had been made aware that this matter would be discussed with or without his presence and had been encouraged to attend.

Chairman Bashaw said that there is a history of problems with the Solar Hills subdivision, but the Board has recently been made aware of this current issue, which is that a building permit was issued for a single-family home, but no occupancy permit has yet been issued and the impact fees have not been paid. Subsequently, it has been learned that an accessory dwelling unit has been added without permits or plans, and also that people are already living in the house without an occupancy permit. It is his understanding that Mr. Pellegrino had some conversations with the former Building Inspector but that these matters had not been resolved.

Selectwoman Alessio pointed out that there are guidelines for a legal ADU and without the building plans this can't be verified, which is why an occupancy permit has not been issued. Selectman Coppelman added that the impact fees not being paid is the other reason.

Town Planner Glenn Greenwood was present and was asked to comment. He said that Chairman Bashaw was correct, that this is the conversation he had had with Mr. Nisbet, the former Inspector. He said from the Planning perspective, the question is whether this is a duplex or a home with an accessory dwelling unit. He said that an ADU, whether inside the unit or detached, is an add-on to the home, and this seems to be something incorporated at the time the home was built. He said for this reason, it is a duplex under the guise of an ADU. He said his concern is that the plans submitted make it impossible for him to determine whether they meet the ADU requirements, and he had told Mr. Nisbet he needed to request new plans.

Mr. Greenwood clarified that because this additional unit had not changed the footprint of the building, and was not detached, it would not have required Planning Board approval but that it did require an accurate plan and building permits. Asked if the home is single story, Mr. Greenwood said it was submitted as one-story, but the plans show staircases. He said that is another reason the current plans are impossible to deal with.

Chairman Bashaw said he thinks a cease-and-desist order is needed, for occupation of the building without an occupancy permit, and also for any further construction. In discussion, Selectwoman Alessio said that access is needed to inspect the home, and also that people inhabiting the home without an occupancy is a liability for the Town. It was noted that non-payment of impact fees alone is grounds for withholding the occupancy permit. Chairman Bashaw said that he would like to have legal counsel prepare the document; he added that getting people to vacate a building is not easy.

MOTION: by Chairman Bashaw, to order a cease and desist regarding 13 Lefevre Drive, ordering the occupants to immediately cease living in the building without an occupancy permit, and ordering a stop to all building or construction unrelated to the original building permit on file with the Town of Kingston, and notifying the owners that failure to comply with the cease and desist action can result in daily penalties for which documentation will be provided.

SECOND: by Selectwoman Alessio

All in favor

Chairman Bashaw said that other residents of LeFevre Drive had reached out to the Board. He said some may be civil issues and can't be addressed by the Board at this time.

Chairman Bashaw then said there is another issue that the DPW Director has raised, that Solar Hills is a 12-year-old project and costs of paving have risen in that time. There is the question of whether the remaining bond money is sufficient to cover the cost of finishing the roads once all the buildings are complete, should the developer walk away. The Town Engineer will be contacted by Mr. Greenwood and asked what is left to be done and to estimate the actual cost.

Police Chief, DPW Director re: Events on the Plains

Fire Chief Graham Pellerin, DPW Director Phil Coombs and Police Chief Joel Johnson were present to talk about upcoming events on the Plains.

Mr. Coombs said that this is not against any special event in particular, but about concern for impact on the Plains. He said that in 2019 the 325th celebration took place, plus Brewfest and then when an application came in for the Vintage Bazaar there was concern about having that many major events in a season. At that time a public hearing was held with residents before deciding on having the Vintage Bazaar. Now this year four major events are being considered.

Mr. Coombs said from his perspective it constitutes a large drain on manpower that is not factored into his overtime budget. In addition, the impact on the Plains of vehicles being parked there and thousands of people walking on it has to be considered. He said his department had to do a lot of work to get the Plains back in shape after last year's events.

Chairman Bashaw said that if an event is Town sponsored, then the costs are absorbed by the Town, but if it's a private event the entity would be responsible.

Chief Pellerin said he needs to put an extra ambulance on standby for Kingston Days, as his regular staffing couldn't help 3,000 people on the Plains with episodes of heat exhaustion, etc. and also provide regular services to residents.

Selectman Hart said that a one-day craft fair is not anything like Kingston Days. Chief Pellerin said that if there are to be a number of people, if Heritage Days is similar to Kingston Days in that a number of people will be on the plains for an extended period of time, he would need to have someone there. Chief Johnson said that this is the first time this particular event is happening, so it's a test run, but he commented that he would need some officers there.

Lesley Hume spoke to the Board on behalf of the Friends of the Museum and said that members of the museum committee were also present. She said Heritage Days on August 5 will include their flea market, car show and a business showplace. She said they are also trying to include a beer and wine tent, but that is still awaiting permission. She said that will not be a brewfest, but only an area where beer and wine will be served. She said it is a one-day event, from 9:00 am until 3:00 pm

Ms. Hume said the October event will be a 2-day event on October 14 and 15, with a juried craft fair and a corn hole tournament, and also will include a beer and wine garden. On Sunday there will be crafters and family activities. She said these events will be run by the Friends of the Museum to benefit the Town's Museum.

Selectwoman Alessio asked about Kingston Days, which has been moved to the side.

Ms. Hume said she had not moved anyone to the side, that she had lobbied hard to keep Kingston Days on the August weekend. She said that is the museum's founding weekend and when it was superseded by Kingston Days, they kept their event on that weekend and made thousands of dollars each year. She said as soon as the Kingston Days committee made the decision to move their event to September, she got inquiries and calls from longtime participants about the Museum events, and the decision was made to continue. She said they will need to pay for the police and porta potties, etc., so to help raise money they had the idea to include the business showcase and charge \$25 for a booth. She said there are no admission fees, they are only asking the car people to pay \$5.00 per vehicle to participate. She said that Kingston Days may or may not move back to this date, but in the meantime the Museum Friends are trying to keep the heritage aspect going.

There was a discussion of the different events, number of participants and impact on the Plains and services. Parking was briefly discussed, the use of breakdown lanes and parking at the State Park. The cross streets will be barricaded.

Chief Pellerin said that there are a set number of participants allowed at school events, and that sooner or later there needs to be a regular plan for town events. He said it would be beneficial if he, Chief Johnson and Director Coombs work together on a plan.

Chairman Bashaw said he has no issue with any of the events themselves, as long as the concerns are answered, and the Board has complete input from the departments. He asked Mr. Coombs what input was received at the Public Hearing for the Vintage Bazaar. Mr. Coombs said that the residents were happy to be consulted, and also appreciated that the Town was receiving a \$2500 fee.

Selectman Coppelman said that the Plains are a public resource to be used by the Town and should be as long as the use is reasonable. Mr. Coombs said that there is still the issue of high impact. Dan Doyle of 156 Main Street, said that there should be a turf management plan for the Plains, as he has developed for the school playing fields.

There was continued discussion of the impacts vs. use of the Plains as a town resource. Jef Flanders McDougall of the Museum Committee said that they had come before the Board on March 6, and gave their plans and dates to the Board so she did not understand why this was being thrown at them now.

Mr. Doyle said that he might suggest to the Town that having a turf management plan would be helpful, so that if an event needs to be denied, there is a clear reason.

Ms. Hume asked the three Department Heads to outline what they need and it will be incorporated into the application. She said the committee will be meeting tomorrow night.

Selectman Coppelman said that there needs to be a balance, and that this year will be a trial that may help to guide use in the future.

Ms. Hume then announced that Saturday at 1:00 pm the museum will be having their anniversary celebration. Selectman Coppelman will attend to represent the Select Board.

PUBLIC COMMENT 1:

Dan Doyle of 156 Main Street asked about the status of PFAS contamination testing and mitigation. He was informed that this is on the agenda to update under old business, but there is good news to report, that grant funds for POET systems (for the 20 households that are affected but do not yet have systems in place) have been identified and the application is in the works. He asked if the work will be put out to bid; it will. There is currently no specific timeline, but Selectman Coppelman said that it will not get to the Governor and Council for approval until August, so it is hoped that the work can be done at the end of October.

Mr. Coombs said he has been getting a lot of questions about the recycling mailer that went out with the tax bills, so he had prepared a statement. He read the statement (see attached).

Adam Faulconer, audio/visual technician, asked who his contact should be regarding any information to be shared via the Town's Facebook page. It was determined that the Administrative Assistant will be his contact, and if there are any questions about content she will consult the Board. The Town's Facebook page does not allow comments; it is for informational purposes only.

Police Chief Joel Johnson spoke to the Board about a purchase order he has submitted for approval; he had previously sent information to the Board about the current duty weapons and the safety issues with them around the country. He is replacing them with a different make and model of gun. He said there will be no cost to taxpayers as he will pay it out of the police emergency detail account.

MOTION: by Selectwoman Alessio, to approve the expenditure from the emergency detail account of \$6,967.44 to purchase Glock duty weapons

SECOND: by Selectman Coppelman

All in favor

LIAISON REPORTS

Selectwoman Alessio said she spoke with **Library** Director Melissa Mannon and will be meeting with her a couple of times a month as the new liaison to the Library.

Selectman Coppelman said that with the two appointments this evening, the **HDC** has a full complement of members, though they have no alternates. He said the HDC is planning a joint meeting with the Planning Board to discuss the HDC ordinance section; this has been postponed to late June or July.

Selectman Coppelman reported that as part of the Museum (Nichols building) anniversary celebration, the **Heritage Commission** will be presenting certificates to sponsors and donors of the stained glass window replacements. Heritage will also be installing three National Historic Register plaques, one of which will be for the Nichols building, to be mounted on a rock from Phil Coombs' farm.

Recreation: Selectman Coppelman said he has been talking with Director Paul Butler about various issues, including damage to basketball hoops. It was noted by Mr. Coombs that this is the third hoop that has been broken, and that he had advocated for a fixed hoop rather than an adjustable one. The Recreation Department favors an adjustable hoop so it can be used by children as well as adults. In discussion, it was suggested that either the hoops should not be replaced so that the community will know what has been happening, or to install a game camera.

Chairman Bashaw said that Selectwoman Szwed will take his place at tomorrow's **Planning Board** meeting as he has conflicts.

Selectman Hart said the second ambulance is back at the **Fire** Station after being repaired. **Conservation** will meet this week.

Selectwoman Szwed said that a title sponsor that the **Kingston Days** committee had hoped for fell through; they are looking for more sponsors. They will meet on Thursday. Selectman Coppelman asked for an update on Bresnahan Storage, and whether the former Code Officer had gone out as requested to inspect to see if the lighting should be adjusted and if trees had been planted. It was determined that nothing had come back in writing, so Interim Building/Code Inspector Kyle McManus will be asked to follow up. Chairman Bashaw said that Mr. McManus has suggested that there should be a backup Plumbing Inspector assigned to cover Dave Field's vacation time. Selectwoman Szwed said she had noticed there is no liaison for Human Services. It was agreed there should be one, and Selectwoman Szwed was assigned.

OLD BUSINESS

PFAS Mitigation Grant Application: Update

Selectman Coppelman gave information to date on the application for funding to pay for Point of Entry filtration systems for households affected by PFAS contamination. He said the first step, to confirm eligibility, has been completed, and that NHDES has accepted the budget amount identified as \$288,000 for the project. This amount is now earmarked for the Town of Kingston's POET system project, pending the full application being submitted and approved.

Selectman Coppelman said he has the application nearly complete and had walked through it step by step with the NHDES PFAS Administrator.

As for timing, Selectman Coppelman said that once submitted it needs to be approved by the Governor and Council, which, due to the summer schedule, may not happen until

August. He said he has targeted the end of October for when the systems may be installed.

That the POET installation and maintenance contract will need to go out for bids was discussed; Selectwoman Szwed said that the Request for Proposals should be worked on while waiting for the grant process to be completed. It was noted that the RFP can't go out until the grant money is secured, or it could threaten the success of the application, but that the form can be prepared. Selectwoman Szwed also questioned what the Town is paying for bottled water for the affected households, noting that not having to continue to supply pallets of water will offset the cost of the POET systems. There was also a brief discussion of the placement of monitoring wells for further research on the sources of the contamination. It was agreed this needs to be done, and a contractor will be needed. Payment for this will be from ARPA funds.

A formal vote, needed to complete the application, was taken to accept the grant funds:

MOTION: by Selectman Coppelman, to authorize the Town of Kingston to accept grant funds from the NH Department of Environmental Services for PFAS Remediation (ref. #PRLF-37), and to authorize the Kingston Select Board Chair to be the Authorized Representative to execute any documents which may be necessary to effectuate the grant agreement.

SECOND: by Selectwoman Alessio

All in favor

NEW BUSINESS

Water filter placement and maintenance

The Board had received an informational email from Water Techs, the company that has installed POET systems in the Town to date. Selectman Coppelman had run their information by someone at the NHDES and found that while the DES does not endorse any treatment vendors, Water Techs is on their current vendor list. The company is the current state treatment contractor. It was agreed that this work will need to be put out for bids, and that the Request for Proposals should include a requirement that each company needs to be on the pre-vetted NHDES list.

BOARD BUSINESS

Review of 2023 Budget through May

Selectman Hart went through the budget and highlighted lines that seemed to be on track to be over spent. Assessing was one area of concern as well as Solid Waste. The bottled water line sparked discussion of how much bottled water is used in Town buildings, as it is costly. Mr. Coombs said that his department is installing a water bottle filling station at the Recreation building, as that is a certified drinking water source. He said he would like to get the other buildings tested, and if the water is safe, the Town would not need to continue to supply the water bubblers.

Overall, the budget is at 39.4% through May. It was suggested that any surpluses can be applied to the shortfalls at the end of the year.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- A memo from Northeast Vegetation and Mosquito Control has been received, noting that mosquito control services will begin on June 8

- Purchase orders were reviewed and signed, including one for road chip sealing that will be paid partially through the state block grant.

APPROVAL OF MEETING MINUTES:

MOTION: By Selectwoman Alessio, to approve the public and non-public meeting minutes of May 15th, 22nd, and 31st, as submitted.

SECOND: by Selectman Coppelman

All in favor

Two committees that are being formed were discussed. The hiring committee for the Building Inspector/Code Officer position will be comprised of one member of this board (Chairman Bashaw), the Fire Chief, DPW Director, Electrical Inspector and one BI/CEO from another town.

The wage matrix committee will include Selectwoman Alessio, Chairman Bashaw, Stacy Dion and Claudine Dias of the Budget Committee, the Fire Chief, Police Chief, and members of the public to be chosen by these members.

Meeting Adjourned at 9:26 PM

Respectfully submitted:

Susan H. Ayer, Administrative Assistant to the Select Board