

Kingston, New Hampshire
Board of Selectmen
Meeting of January 24, 2022
Final MINUTES

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

PRESENT: Chairman Phillip Coombs; Richard Wilson, Vice Chair; Electra Alessio, Donald W. Briggs, Kevin St. James (arrived at 6:40 PM), Select Board Members.

NON-PUBLIC SESSION:

MOTION: by Chairman Coombs, to enter non-public session under RSA 91-A:3, II (c) Matters which, if discussed in public, would likely affect adversely... any person.....

SECOND: by Selectman Wilson

All in favor

Meeting adjourned to non-public session at 6:31 PM.

MOTION: by Chairman Coombs, to return to public session at 6:50 PM

SECOND: by Selectman Wilson

All in favor

Motion made to seal these minutes: Motion made by Selectwoman Alessio, seconded by Selectman Wilson, because it is determined that divulgence of this information likely would...

XX Affect adversely the reputation of any person other than a member of this board.

Roll Call Vote to Seal Minutes:

Phillip Coombs	Y	Richard Wilson	Y
Kevin St. James	Y	Electra Alessio	Y
Donald Briggs	Y		

Motion: PASSED

Discussed in non-public session: Hiring of public employees

APPOINTMENTS

Darryl Temple re: 13 Wadleigh Point: Seasonal Residence

Mr. Temple was not present.

John Paiva re: ROW between First and Second Streets

Mr. Paiva was not yet present.

The Chairman proposed that the Board move on to Committee Liaison reports while giving time for those on the agenda to come in.

COMMITTEE LIAISON REPORTS

Selectman St. James reported that at the **Budget Committee** hearing on the Warrant, no changes were made.

Selectman Wilson reported on **Planning Board** activity, in which James Dufresne's application for two commercial buildings, and Saddle Up Saloon's amended site plan, were approved with conditions. A site walk was held on Saturday at 9 Main Street for Aloha Overhead Doors.

Chairman Coombs reported that the initial meeting of the **Recycling Committee** took place last week. He said there is quite a bit of interest in this topic, and information is being gathered for the next meeting, which will be on February 23 at 7:00 PM.

Selectwoman Alessio said that the **Kingston Days Committee** wants to do fireworks this year, and although they will do some fundraising, they need some assurance that they will be able to do them. She said they are going to ask for approval to spend \$5,000, and would like the support of the Board at Deliberative Session. There was discussion of why this was not put in the budget; Selectman St. James said that last year, this board voted to take out the funding. Selectwoman Alessio said she feels it should be included in the budget, to be paid with fundraisers if possible.

Selectman Wilson said that he had a call from the **Museum** committee that they had lost half of their space at Kingston Days (for their yard sale). Selectwoman Alessio will bring this matter to the Kingston Days Committee.

Selectwoman Alessio then said that she had talked to **Highway** Agent Rich St. Hilaire, and had a discussion about the Fall Household Hazardous Waste day to be held in Kingston. Mr. St. Hilaire was present and said that the grant is being applied for, and is due by February 1.

A decision needs to be made about where the HHW day will be held, as the Sanborn Seminary property, used in the past, may be under construction by then. After some discussion, it was agreed that Chinburg Properties will still be contacted to inquire about using the Seminary property, and the other option is the Highway Department.

APPOINTMENTS (cont.)

John Paiva re: ROW between First and Second Streets

Mr. Paiva was present with his surveyor, Tim Lavelle, who distributed plans showing Mr. Paiva's property (U4-91), the parcel recently purchased from the Town by Mr. Paiva and Matthew Costello (U4-87), and the right-of-way in between. He said the joint lot will be split, and he will be going to the Planning Board for a voluntary lot merger, but was advised that he will need Board approval. Mr. Lavelle explained the details of the adjustment, which would mean incorporating the Town-owned ROW, with the provision for the Town to use the ROW as needed. He said it is in wetlands and unusable.

There was a discussion of the property, during which Mr. Paiva said he can't build on the property as it is all wetlands. He said the ROW is about 20' wide, and that it can be accessed on foot but not in a vehicle. He said that some people still walk on the ROW, which he has no problem with.

Asked for his opinion, Mr. St. Hilaire said that as far as he is aware, the Town has never used the ROW. He said that it is not usable, and you can't get through from one street to the other in a vehicle.

The Board was in agreement that they had no problem with the lot line adjustment as long as the Town maintains easement rights.

Darryl Temple re: 13 Wadleigh Point: Seasonal Residence

The Chairman said that it looked like the Temples would not be coming in tonight, and as it is the third time that as those present had attended in the hope of speaking on the matter, he would allow them up to three minutes each to do so.

Selectman Wilson gave some of the history of the property, saying that the first time it was brought to the Town's attention was 1983, when it was identified as an illegal house. He said at that time it was agreed upon by all parties that the house could stay if only used seasonally. This was challenged in court and upheld. In 2009, the Temples requested permission for the tenants to stay for the remainder of year and then would clear out. He said that the owners have been spoken to by the former health officer and the Select Board, but that the problem keeps recurring. He said every piece of paper in the file says it is seasonal, and there is nothing debatable to say it could be used year-round. He said that there is currently a tenant in the house, which is why the owners were contacted once again in December.

Jim Scanlon of 11 Wadleigh Point Road said that the two houses at 13 Wadleigh Point Road share a septic system and there is no way it can support two year-round residences. He said there is a constant wet spot in the driveway and often an odor of septic. He said he doesn't think there is any hardship, as they bought the property as an investment. Selectman Wilson said this is the first he heard about a septic problem.

Jim Voss, 19 Wadleigh Point Road said it looks like back in 1986 this house was deemed seasonal, and Mr. Temple is trying to convince the Board otherwise at this point, just so he can rent it out year-round. He said the house was constructed as a secondary residence, it looks like a storage building, but has 1.5 baths and a couple of bedrooms. However, he said the total number together with the other house is 5 bedrooms and 2.5 baths. He said he did not look in to the size of the septic, but this is concerning to him with regard to the aquifer. Mr. Voss said that others in the neighborhood have made efforts to make it look nice but Mr. Temple is only concerned with renting out the property. He added that the map for the property is wrong; it shows 50' of frontage but there is actually only about 25'. He said he doesn't know how there is room for a decent septic system for that many beds and baths. Selectman Wilson said that the septic is rated for 3 bedrooms and that is why the property was limited to seasonal in 1983; it was a compromise to allow the house to stay. He said that septic system is now 40 years old.

Beth Ann Scanlon, 11 Wadleigh Point Road, said that Darryl Temple and his wife do not own the property, it is in a trust.

Rick Russman said he is here as President of the Ridgewood Association, representing 143 families. He said that due to water quality issues this should not be allowed. He said that for the sake of the lake he hopes the board will act.

Muriel Ingalls, President of the Kingston Lake Association, said she owns water front property and so knows about septic issues. She said many people have bought the old seasonal properties and upgraded them to year-round, which has improved things as they updated the septic systems. She said that if this owner is not making any effort at improvement, he does not deserve what he is requesting.

MOTION: by Selectwoman Alessio, to reaffirm that the house at 13 Wadleigh Point Road is still a seasonal property, and to issue a cease and desist in order to send an eviction notice.

SECOND: by Selectman St. James

All in favor

A letter will be prepared to send to the owners of the property.

PUBLIC COMMENT 1 (none)

Rick Russman commented on the right of way issue discussed earlier; he said a case from the 1800's established that the right of way would still exist even if not used.

Mr. Russman then said that he had talked to someone at the New Hampshire Electric Coop and learned that they own 5 streetlights in Kingston. Four of the lights have been there more than 5 years, and they will switch them over to LED for free; the fifth will have to be paid for. Someone will need to write a letter from the Town requesting the upgrade.

Selectman St. James asked if the bulbs will need to be bought by the Town; Mr.

Russman said they would provide them.

Chairman St. James will contact New Hampshire Electrical Coop.

OLD BUSINESS

Beaver Dams

Mr. St. Hilaire said he is talking mainly about the beaver dam on Folly Brook, as the others have been taken out. He said the one on Folly Brook is inaccessible and is holding back 2-3 feet of water from the dam; he said there the lake is about two feet higher than normal and there is the danger of flooding in the spring. Flooding over septic systems and wells can contaminate drinking water.

He said he had visited the site with Chairman Coombs to show him the problem, and has since gotten permission to access the area from the southern side, and he has spoken to the person on the other side who is willing to grant permission as well. Mr. St. Hilaire said he has spoken with someone at the State Fish and Game department, and they will not help because the Town has enacted an ordinance restricting trapping. He said that to protect the aquifer, something needs to be done. He said that they had viewed seven areas the beavers have dammed up, and to remove them will need to be paid for. To then remove the dam, it will have to be dragged down stream, or it can be removed with explosives once the beavers have been removed. He said that would be the cheapest way to do it.

Chairman Coombs explained that the area being talked about is where the outflow of Kingston Lake goes into the Powwow River. He said it is extremely swampy on both sides, not easily accessed, and the beaver dam spans almost the entire mouth to the river.

There was a discussion of how to approach the problem, and whether Conservation funds can be used for this. Mr. St. Hilaire reiterated that this is not a candidate for the beaver deceiver.

MOTION: by Selectman Wilson, to initiate trapping and explore methods of removal and funding.

SECOND: by Selectwoman Alessio
All in favor.

Pine Grove Cemetery complaint

Chairman Coombs said that he had contacted the person with the complaint, which had to do with snow being pushed near a relative's grave. He said he had given the person several options to meet and talk about the issue. He said he is not sure what to do, as the snow is in a buffer area, not on the plot, and it is rare for it to have to be moved there. He said there is not much that can be done now but he can see if they want to meet out there in the Spring. Selectman St. James said that the person who wrote the letter was very impassioned and should receive a response. Chairman Coombs explained that a family member had contacted them previously about a loam pile, which was removed immediately. The snow is a different situation as the way the cemetery is designed, this is where it is pushed. He said that in the case of another winter burial he can see if there is another place to put it.

Records Force Agreement

The Administrative Assistant explained that the agreement had been reviewed by Town Counsel and by Primex, and the remaining issue is the language about indemnification. The changes made by Primex were not agreed to by the attorney for Records Force. After some discussion it was agreed that Selectman Wilson will talk to Attorney Kalman to see if there is a middle ground.

NEW BUSINESS

Bids received for work on Grace Daley barn

Mr. St. Hilaire said that he had sent out seven bids to companies that are on the state's list preservation work; two bids were received, one for \$39,000 and the other for \$61,640. He said the lower bid did not include roof shingles. He said that they are basically apples to apples otherwise.

Selectman Wilson said that basically, nothing needs to be done with these bids until it is seen if the warrant article passes that will pay for the work. The amount requested on the ballot is \$55,000 and would come out of an existing fund (no tax impact).

Zoning Articles on Warrant: Language summary

The Administrative Assistant pointed out the language of the Planning Board's motion to use a topical description in lieu of the full text for Zoning Articles. She said that the motion was "for the BOS to place a topical description....". She said that at this time,

although Town Planner Glenn Greenwood will be the one to write the descriptions, the Planning Board would like direction from the Select Board to do so.

MOTION: by Selectman Wilson, to go by the Planning Board's recommendation to conserve text on the ballot by placing a topical description in lieu of full text.

SECOND: by Selectwoman Alessio

In favor: Alessio, Briggs, St. James, Wilson; Opposed: Coombs; Passes

LED Lighting

Selectman St. James said that he, Rich St. Hilaire and Chief Briggs spoke to Affinity and got an assessment of changing the lighting in Town buildings. The cost given was \$45,000, however, he said that he remembers Steve Lieber stating that rebates will make it revenue neutral, meaning that if \$450,000 is spent, \$45,000 will be rebated. It was agreed to see if Mr. Lieber can come in to do a presentation to the entire board.

There was a discussion of the savings that should be showing up from the change to LED streetlights. From a conversation with Tim Noonis of Unitil, Selectman St. James said that he had been told that the savings have not shown up yet because the meters were not changed. He asked about getting those few months refunded, but was told it doesn't work like that. It was decided that a letter should be drafted to Unitil, stating that the Town does not agree with that. Selectman St. James will work with the Administrative Assistant to draft a letter.

There was a discussion of LED lighting in general and whether all the office lights should be changed, as some people say they are not bright enough.

Notification of absence

Selectman Wilson said that he thinks there should be a policy that if a department head will be out of the office for any reason, other department heads should be notified. He said that recently there were issues with people trying to reach an employee and not knowing they were absent. It was agreed to bring this up at the Department Heads meeting on the 31st.

BOARD BUSINESS

2022 Warrant and Default Budget

The Board signed these documents for posting.

PUBLIC COMMENT 2: None heard

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- Two notices of violation have been issued by NH DES for properties on Ball Road
- One request for paid leave was approved.
- Wetlands permit for logging to be done at the Acorn Town Forest was signed (on a motion by Selectman Wilson, seconded by Selectwoman Alessio, approved by all); the timber intent was approved in the fall. Selectman Wilson related that when Conservation Chair Evy Nathan posted this timber cut on Facebook she was badgered with "ridiculous" comments.

- An appointment form to make Holly Ouellette a temporary Supervisor of the Checklist for the Town and School Deliberative sessions was signed.
- Letter of commitment, 2022 Fall Hazardous Waste Day, was signed.
- A letter was received from the State Division of Historical Resources officially announcing the entry of the Plains Cemetery into the National Register of Historic Places. Chairman Coombs read the letter and commended the Heritage Commission and Ernie Landry for their work on this.

APPROVAL OF MEETING MINUTES:

MOTION: By Selectman St. James, to approve the meeting minutes of January 10, as written.

SECOND: By Selectman Briggs
All in favor

NON-PUBLIC SESSION:

MOTION: by Chairman Coombs, to enter non-public session under RSA 91-A:3, II (I) Legal, and (a) Personnel

SECOND: by Selectwoman Alessio
All in favor

Meeting adjourned to non-public session at 8:12 PM.

MOTION: by Selectman Wilson, to return to public session at 8:30 PM

SECOND: by Selectwoman Alessio
All in favor

Motion made to seal these minutes: Motion made by Selectwoman Alessio, seconded by Selectman Wilson, because it is determined that divulgence of this information likely would...

XX Affect adversely the reputation of any person other than a member of this board.

Roll Call Vote to Seal Minutes:

Phillip Coombs	Y	Richard Wilson	Y
Kevin St. James	Y	Electra Alessio	Y
Donald Briggs	Y		

Motion: PASSED

Discussed in non-public session: Personnel; Legal advice recieved

Adjournment:

Meeting Adjourned at 8:45 PM

Respectfully submitted,

Susan Ayer, Administrative Assistant