

**Kingston, New Hampshire
Board of Selectmen
Meeting of May 9, 2022
FINAL MINUTES**

The meeting was called to order at 7:00 PM by the Chairman.

PRESENT: Chairman Richard Wilson; Kevin St. James, Vice Chair; Electra Alessio, Phillip Coombs, Charles Hart, Select Board Members (Selectman Alessio joined via Zoom.)

APPOINTMENTS:

Dan Parks, 7 Small Pox Road

Mr. Parks was present to discuss the Cease and Desist placed on his excavation and de-watering activities after it was discovered wastewater was being discharged into the wetlands on his property. The Board had subsequently received a copy of a letter written to Mr. Parks from NHDES, which read in part, "You are requested to voluntarily refrain from carrying out any additional work except for the installation of siltation and erosion controls until NHDES further investigates this matter." Mr. Parks had not yet received this letter, dated May 5; he was given a copy.

Mr. Parks handed out copies of a preliminary plan drawn by his engineer, which includes a large pond area to pump the water from the excavation area into. He said his problem is he can't dig unless he gets the water out of the way. He said he needs the plan approved and can't dig or pump until then. He said he is losing money as he can't operate at all. Chairman Wilson said he had seen trucks leaving the property carrying material; Mr. Parks said that was not him it was his son, moving material such as loam.

Mr. Parks requested a partial lifting of the Cease and Desist so that he can move piles of sand that are already piled and dry on site. He said he had cleaned up the wetland area and that the DES is concerned with the spot where the violation occurred, not the rest of the site.

Chairman Wilson said that notification is needed from NHDES that the violation has been remedied before the Town can lift the Cease and Desist; otherwise, the Town could face liability. Various ways to compromise to allow Mr. Parks limited permissions were discussed. Selectman Coombs said that this Board does not know the area, and that Town Engineer Dennis Quintal could go out and look at the site if the DES can't get there right away.

Selectman Wilson said he will call Mr. Quintal tomorrow, and that in the meantime, Mr. Parks needs to get a completed plan from his engineer as soon as possible.

Evy Nathan, Conservation Commission

Ms. Nathan said she is here because she was notified of an Intent to Cut form that is before the Board for signatures. She said that the Conservation Commission is

supposed to be given copies of timber intents for review. She said that this one has some obvious issues, as it is LCHIP property in a Conservation easement. She said it has a management plan and has been logged a couple of times, but that this new Intent, dated May 2, indicates that the owner intends to clear- cut the entire parcel, which is half in the Town of Newton.

Ms. Nathan said she brought the matter to the attention of Charlotte Harding of the Conservation Land Stewardship Program; she distributed a letter from Ms. Harding. She read from the letter, in which Ms. Harding said there is much unknown, but that a forester should be hired by the landowner for oversight of the logging, to “look after the wellbeing of the landowner”.

Ms. Nathan went over some of the land’s background and said that the second cut was reviewed by the forester retained by the Conservation Commission, Ron Klemarzyk, and was found to be within reasonable limits. She said that this time it is proposed to clear-cut the land, and she would like to have the intent form held by the Select Board until a forester looks at it.

Selectman Coombs noted that the Board can’t hold up an intent to cut, that at the local level it is mainly an instrument of taxation and not approval of what is to be cut. It was suggested that a Cease and Desist could be issued pending receipt of an updated Management Plan. Chairman Wilson indicated that a new plan was given to the Town in December; in briefly reviewing this, Ms. Nathan said it sounds like a plan for this specific cut and not an update to the original overall plan.

The December document will be sent to Ms. Nathan, and she said she will consult with her contacts at LCHIP. The Board will revisit the Timber Intent form at the next meeting.

Highway Agent Rich St. Hilaire: Water Line Bids

Mr. St. Hilaire had submitted sealed bids he received for putting in new water lines connecting the new fire station with the Swasey Gym and Town Hall. Four proposals were received; the Select Board opened them and briefly reviewed:

- BPB Construction: \$105,500 DICL/ \$75,500 CL 900 Blue Bute
- Eastern Seaboard: \$104,500 / \$5,400 PVC Credit
- Mark Viens: \$137,602 along street/ \$120,422 through Plains
- F & S Construction: \$70,000 PVC/\$110,000 Iron

MOTION: by Selectman Coombs, to send the bids to the Highway Agent for review and recommendation

SECOND: by Selectman Hart

All in favor

Paving Bids

Mr. St. Hilaire gave the Board a breakdown of the paving bids received last week; he explained the conversions he had used to compare the total bids accurately.

- Bell & Flynn: \$437,509
- Brox: \$487,517
- Pike: \$483,187.50

Mr. St. Hilaire cautioned that these are based on tonnage estimates so the totals are not hard numbers.

MOTION: by Selectman St. James, to award the 2022 paving work to Bell & Flynn

SECOND: by Selectman Coombs

All in favor

Driveway Permits

Selectman Coombs brought up this topic, saying there are issues with the way driveway permits are issued and enforced. He said all the players should get together to work out the disconnect between the administrative authority and enforcement authority, with the Highway Department in the middle. Mr. St. Hilaire said that the system is broken, and this is the only area not enforced by the Select Board. Chairman Wilson suggested that this should be brought to the next Inspectors meeting, and to invite Town Planner Glenn Greenwood.

Town Clerk-Tax Collector Tammy Bakie: Tax bill inserts

Ms. Bakie said that she has two requests to put inserts in the tax bill. She said it is not illegal, but the Select Board needs to vote on it. She said there should be a process for approving the inserts.

In discussion, it was determined that the two documents to be mailed this year can fit on one two-sided sheet of paper.

MOTION: by Selectman Coombs, that going forward, inserts to the tax mailings will be allowed upon approval of the Select Board, with a limit of one two-sided sheet of paper.

SECOND: by Selectman St. James

All in favor

Property Deeding to Town

Ms. Bakie then said that the deeding date for properties with delinquent tax payments is tomorrow, and she has one property left that is still unpaid and subject to deeding. She said if they don't come up with the money, she would suggest a deed waiver. This is allowed for only two reasons, environmental concerns or because taking the property will cause liability to the Town. Ms. Bakie said that in the case of this property, the house is rented, so the Town would have the liability of getting the renter out.

MOTION: by Selectman Coombs to authorize the Chair to discuss both courses of action with Town Counsel.

SECOND: by Selectman St. James

Chairman Wilson suggested a joint call with the Town Clerk.

All in favor

Folding machine; ARPA expenditure

The folding machine approved for purchase by the Town Clerk under ARPA funding requires a signed contract for \$3,680 which includes a maintenance fee going forward.

MOTION: by Selectman St. James, to authorize the Chair to sign the agreement.

SECOND: by Selectman Hart

There was a discussion on the maintenance fee, which was noticed to be \$732 per year after the first year. It was agreed that this is an excessive amount. Ms. Bakie said she can ask the company if it is required to sign up for the maintenance agreement, and what it includes. Chairman Wilson said that he can sign the agreement, which is only for the purchase price although it mentions the maintenance contract.

Public Comment 1 - None heard

COMMITTEE LIAISON REPORTS:

Selectman Coombs reported that discussions at the **Solid Waste and Recycling Committee** meetings have led to an appointment with Pete LaChapelle of Waste Management to discuss an extension of the Town's contract that is expiring at the end of 2022.

Selectman Coombs also said he has been trying to reach the owner of the property that the Town was authorized by the voters to purchase. He said he has contacted Town Counsel for help.

Selectman Hart reported that the date for the **Fire Department** to move into the new station is not set; the Fire Chief would like to be sure the new building is totally ready to be moved into. This will probably take place in the first part of June.

Chairman Wilson said that the **Planning Board** has learned that there should be a vote annually to place alternates.

MOTION: by Selectman Coombs, that both the Chair and Vice Chair of the Select Board be standard alternates for any appointed committee in which the Select Board is a standing member.

SECOND: by Selectman Hart

All in favor

Selectwoman Alessio said that 15 requests for Qualifications have been sent out by the **Solar Committee** and will be returned to the Selectmen's Office.

Selectwoman Alessio also reported that the **Kingston Days Committee** will be looking for a new Vice Chair as Carol Carbonneau is moving away.

OLD BUSINESS:

LED Lighting agreement- Affinity

This document was reviewed and it was found that rebate information was not included; this will added before the agreement is signed.

Bi-weekly payroll

Input from various departments indicated that most would prefer the change to bi-weekly payroll to be implemented at the first of the year rather than sooner, to allow employees time to prepare. Highway Department employees have expressed that they do not want the change at all.

There was a discussion of what benefit there is to a change to bi-weekly payroll. It is a time saver for the Finance Director but monetary benefit is not known. Selectman St. James said that the Town of Exeter and the County are both seeing a significant benefit over time. Selectman Coombs said that a payroll company is an option if the concern is saving time for the Finance Director. He said that if this is not a significant monetary savings, it is more important to keep the employees happy. Chairman Wilson will get an

estimate of savings. This will be a topic of discussion at the next Department Heads meeting, on May 23.

DPW Director Job Description draft

This draft was determined to be complete and acceptable; it will be posted along with an advertisement for the position.

NEW BUSINESS: none

BOARD BUSINESS:

Solar Hills Bond Reduction

A bond reduction worksheet prepared by the Town Engineer and signed by him and by the Planning Board Chair was reviewed by the Board. The bond will be reduced to \$126,784.09. Mr. Pellegrino, the developer, has asked for a letter from this board to bring to his bank.

MOTION: by Selectman St. James, to authorize the Chair to sign the bond reduction worksheet as well as the letter.

SECOND: by Selectman Hart

In favor: Hart, St. James, Alessio, Wilson; Abstain: Coombs; passes

Juneteenth holiday/ Select Board meeting schedule

As the Town Hall will be closed on June 20, that meeting will be rescheduled to June 13, if needed.

79-e tax relief for Seminary project

Chairman Wilson reported on progress as the project is beginning with test pit being done. They need to go to the Planning Board. Selectman Coombs said that with the Board's permission he would like to write an informational article to help keep the public informed on what is happening on the Seminary site.

Ballot tallies

Selectman St. James said that on the Town's ballot, the Select Board and Budget Committee show a tally of how many are for or against a measure, while the Planning Board only shows whether they support it or not, with no vote tally. Selectman Hart said he will talk with the Planning Board about adding this.

Code Enforcement

Chairman Wilson said that Code Officer Chet Dzioba has been sending out a lot of letters in an effort to clean up various code issues, but that very few have generated a response from the property owner. After some discussion, it was decided that the procedure should be to send out the first letter as an open-ended request to address the problem; if a second letter is needed, it will give a time frame in which to respond (15 days); if there is still no response, a legal letter will be sent that indicates enforcement proceedings.

PUBLIC COMMENT 2: None

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- **Request from resident to waive fee for Hawkers and Peddlers permit:** It was decided that more information is needed, and the resident will be invited to a meeting.
- **Appointment forms for Select Board members on various committees and boards were signed.**
- **The request to resume contradancing at the Town Hall was revisited; it was agreed that if there are no issues of increased dust in downstairs offices, they may resume if the meeting room usage fee is paid. The group will be asked how they want to handle moving the microphones in the meeting room.**

APPROVAL OF MEETING MINUTES:

MOTION: By Selectman St. James, to approve the meeting minutes of May 2, 2022, public and non-public, as written.

SECOND: by Selectman Coombs

All in favor

Meeting Adjourned at 8:30 PM

Respectfully submitted:

Susan H. Ayer

Administrative Assistant to the Select Board