

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of June 6, 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; Charles Hart, Phillip Coombs, Electra Alessio, Select Board Members

**APPOINTMENTS:**

**VFW Awards**

Commander John Berrini of Kingston Memorial Veterans of Foreign Wars Post 1088 introduced himself and gave a brief introduction, saying that the VFW is awarding members of the community who have shown consistent excellence and skill within their profession. The winners of the Voice of Democracy and Patriot Pen essay contests are also to be announced. The awards were announced and distributed:

**Policeman of the Year:**

**Corporal Daniel Hein**

**Fireman of the Year:**

**Jason Fellows**

**EMT of the Year:**

**Nathan McDonald**

**Teacher of the Year:**

**Donna Harvey**

**Voice of Democracy Essay Winner:**

**Luke Dorow**

**Patriot Pen Essay Winner:**

**Alexandra Dorow**

The essay winners read their essays; time was given for photographs after each award.

**Michael LaPointe, 19 Beach Drive re: Driveway Permit**

Mr. LaPointe explained that he had put in a driveway area next to his existing driveway, in a portion of his yard, as he needed more space for visiting family to park. He said he had no idea that the Town owns 20' in from the roadway; his driveway permit was not approved, and that is why he is here.

Highway Agent Rich St. Hilaire was present, and said that Mr. LaPointe had done the right thing, applying for a driveway permit and measuring the distance to the lot line, which was 5'. However, he said the rules are that it must be 20' off the line, and there is no wiggle room. He said that he has no issue with this driveway addition, but driveway rules are under the Planning Board. He said that Mr. LaPointe should try to get onto the next Planning Board agenda under Board business. He said that he thinks the Select Board should be in charge of driveways, but as it is, Mr. LaPointe is in limbo.

Selectwoman Alessio questioned whether the lot line is with Town land, or common land in Ridgewood. Mr. St. Hilaire affirmed that it is common land. He said he has the right to grant the driveway permit but must meet the rules. Selectwoman Alessio said she had visited the property today, and it makes sense to put the driveway where it is; it has been there for years, and Mr. LaPointe is only expanding it.

Selectman St. James asked what it would take to set this right. Selectman Coombs said that the Code Enforcement Officer, the Road Agent, a couple of Select Board and Planning Board members had planned to meet on this topic but for various reasons it has not happened. He said this meeting should be scheduled, to resolve the issue that there is no mesh between the enforcement and rule-setting arms of the Town. He said that anyone in this position must wait for weeks to get on a Planning Board agenda, and it has happened six or seven times in recent years.

Selectwoman Alessio suggested that a letter of support should be sent to the Planning Board.

**MOTION:** by Selectwoman Alessio, to support Mr. LaPointe and the Highway Agent in what they project to do with this piece of property.

**SECOND:** by Selectman St. James

**All in favor**

**(Several items were taken out of order while waiting for the next appointment):**

#### **NEW BUSINESS:**

##### **Stained glass window project bids**

Three bids had been received for this work and were opened:

- |                                 |          |
|---------------------------------|----------|
| 1. Burnham & LaRoche Associates | \$36,188 |
| 2. Sash & Solder                | \$41,500 |
| 3. Shalan Stained Glass LLC     | \$21,380 |

**MOTION:** by Selectman St. James, to turn over the bids to the Heritage Commission for a recommendation.

**SECOND:** by Selectman Coombs

**All in favor**

##### **Oil Sludge removal - Contract and purchase order**

Mr. St. Hilaire explained that waste oil is collected at the Town garage every first Saturday from 11 am- 1 pm. He said that this oil is used to heat the Town garage, which saves \$12,000 per year in heating costs at current prices. However, sludge is left at the bottom of the tank as it is emptied, and this is put into 55-gallon drums. There are currently 10 drums on the property that need to be removed, representing about 6 to 8 years of sludge. A grant has been applied for to cover the cost of removal. The Board agreed to have the Chairman sign the contract for collection.

#### **OLD BUSINESS:**

##### **Water line proposal bids: Decision**

Mr. St. Hilaire has reviewed the bids and recommended F & S Construction, LLC for the work.

**MOTION:** by Selectman Hart, to award the bid to F & S Construction at a cost of \$70,000.

**SECOND:** by Selectwoman Alessio

**All in favor**

### **Other Highway business**

Mr. St. Hilaire informed the Board that the Highway Department is now a certified licensing location for CDL operators (Town employees). He said he is the administrator for now and noted that some liability goes with it, so whoever in the Department takes this on should be compensated. He said this entails getting oneself certified, and making sure people are ready through both studying the book and spending time driving. Selectman Coombs said that for a new certification, candidates must go to school, they can't just take the test.

Mr. St. Hilaire also said that the point of contact for drug and alcohol testing results is currently Finance Director Cindy Kenerson because the Highway Agent is subject to testing. He said now the contact should be changed to the Highway Administrative Assistant. In addition, he said that trash and recycling communications should be routed through the Highway Admin as well, instead of through the Selectmen's office as is the current process.

### **PUBLIC COMMENT 1:**

#### **Country Pond Algae blooms**

Sandra Maida asked to speak on the subject of herbicides in Country Pond, which was on the agenda under Correspondence. A petition had been circulated by residents objecting to the use of herbicides. Ms. Maida had sent an email containing a letter from resident Dana Akers to the Country Pond Association and the NH DES with information about non-chemical vs. chemical treatment of weeds.

As this letter had only been received today, the Board had not had time to read it, but Ms. Maida spoke on the subject. She said that Mr. Akers, who sponsored the petition, had not been available to speak this evening.

Ms. Maida said that between 2009 and 2017 there were no algae blooms on Country Pond. Then they started to be seen after 2017, and the suspicion was that someone had applied herbicide, which causes the weeds to die, which causes bacteria to grow. Ms. Maida explained some personal background with the chemicals, that she blamed for her cousin's cancer death.

Ms. Maida went on to talk about the chemical Diquad, which kills fish and turtles, and which the NH DES had admitted causes algae blooms.

Chairman Wilson said that all those involved in this topic need to come in to discuss it. Ms. Maida said that it looks like the Country Pond Lake Association does not intend to use the chemicals this year.

### **APPOINTMENTS, cont.**

#### **Muriel Ingalls Re: Aquifer Protection Zone signs**

Ms. Ingalls presented the Board with two examples of the signs she proposes to have placed in 5 locations that have been identified by Conservation Commission Chair Evy Nathan. She said that the Lake Association is prepared to pay for the signs, and they have discussed this with Highway Agent Rich St. Hilaire as well. She said all they need is permission to place them.

Selectman Coombs said he liked the simpler design: all agreed.

**MOTION:** by Selectwoman Alessio, to grant permission to the Lake Association to place signs denoting Aquifer Protection zones, of the simple water drop design

**SECOND:** by Selectman St. James

**All in favor**

Fire Chief Graham Pellerin said that they need to check with the NH DOT if they plan to place any signs on state roads. He said that he will talk to the Highway Agent and have him advise Ms. Ingalls.

Ms. Ingalls said that there will be a presentation on June 29 at the library on the topic of healthy water quality.

#### **PUBLIC COMMENT 1:**

##### **Fire Department**

Chief Pellerin introduced Kevin Holter as the Fire Department's newest full-time hire. He said Mr. Holter had been a call employee for 2 years and had been a per-diem medical technician at Lawrence General hospital before that. He said that his department is currently fully staffed.

Chief Pellerin then informed the Board that he has two purchase orders for approval; the department has been awarded a grant that the Board had previously agreed to cover a 10% match on, or whatever portion of the 10% not payable with Fire funds. The grant will cover a power load cot and power load stretcher for both ambulances to go along with the LUCAS CPR system, at a cost of \$52,368.82; the Town's match will be \$5,282.82. Chief Pellerin recognized Kelly Muldoon for her work on this grant.

##### **Congregational Church fire suppression system**

John Whittier of the Kingston Congregational Church said he knows they are behind the 8-ball for joining in the Town's water line for the fire suppression system, but they would like to be included if it is still possible. He said that calls from the Town about whether the Church wished to be included seemed to have been missed or dropped, and now their sprinkler system will be in the hands of a private enterprise.

Chairman Wilson said that this process started years ago; Selectman Coombs said that the cistern has been sized without the church included. Chief Pellerin said that they had brought the engineers over at the time to tour the facility and measure the ability to reach the steeple.

Mr. Whittier said he recalls Selectman Briggs contacting them, but that he (Mr. Whittier) is no longer on the committee, and it seems a decision was made. However, he said he believed it is in the best interest of the church to be included in the water system, as the alternative may be to close down the church.

Selectman St. James said the cost of the system will be \$70,000 and suggested that the Church pay half of that.

Questions raised included whether the system can handle the church, if it would cost extra to add it now, and if the church has the option of staying with Chinburg Properties (who bought the Sanborn Seminary from the school). Selectman Coombs said that to his knowledge Chinburg is not interested in including the church on their system. Chief Pellerin will speak with the engineer to get answers on the Town's system.

#### **COMMITTEE LIAISON REPORTS:**

Selectman St. James said that Block 5 anticipates getting to the upgrades to the phone system at the **library** within the month. He also reported that the recent public meeting the Historic District Commission held on the Chinburg project was well attended. He said one person spoke loudly and was irate about the decisions made about the Seminary building; Selectman St. James said he did point out that this was not done in a vacuum, that the school sold the property based on a vote by two towns, after which the Town established the 79-e provision also by vote, solicited people to serve on the committee, and held several hearings.

Other input from the public was received at the meeting, and a Technical Review Committee is to be set up. Selectman Coombs said that he thinks the TRC should include members of Planning, HDC, and possibly the ZBA, to address stormwater, traffic, electrical and other technical aspects ahead of time. He said this would be a more efficient use of town resources, to have collaboration at the start.

Selectman Coombs reported that the **Conservation Commission** has drafted updated operational guidelines, which were ratified at their last meeting. He said he thinks they are a good template for other committees.

Selectman Coombs said that the intent to cut on the Newman property is all set; he gave details learned at the site walk and said that all the work to be done is within the rules of the conservation easement. He said the property is well maintained.

Selectman Hart said that there is only one item on the **Planning Board's** agenda for June 21, so there will be no problem including the driveway issue on 19 Beach Road.

Selectwoman Alessio said that the **Solar Committee** has received responses to their Request for Qualifications and will begin to review them. She said this is just the beginning of the process.

Selectman Coombs said that the **Solid Waste and Recycling Committee** put out the flyer with the tax bills, then learned after the fact that Landscapers Depot has stopped taking brush. The Administrative Assistant said that a person had stopped at Town Hall asking what he can do with a trailer full of brush; it was determined that in that case a burn permit should be obtained. Selectman Coombs said that better long-term solutions to problems such as this are being discussed by the SWRC.

Selectman Hart said that the tentative date for the Fire Department to move into the new station is June 15.

Selectman Hart also commented on the year-to-date budget supplied by the Finance Director, saying the one thing that caught his attention was the heat line for the Fire Department. He said that it turned out the fuel tanks were paid through this budget line, but that it will be remedied with the next bill.

#### **NEW BUSINESS:**

##### **Add Departmental User for NH DOT fuel system**

It was explained that the SUV formerly used by the Fire Department is now to be used by the Inspectors. For this reason, and in order to take it off the Fire Department's responsibility, a new departmental user for the DOT fuel distribution system will need to be added.

**MOTION:** by Selectman St. James, to authorize the Chair to sign the form for enrollment in the DOT fuel distribution system for the Inspectors' vehicle.

**SECOND:** by Selectwoman Alessio

**All in favor**

##### **Tax Maps and Digitalization quote**

The Administrative Assistant had given the Board an informal quote for updating and digitizing the tax maps, which are overdue to be updated. She said this is a possible use of ARPA funds. The Board agreed that formal bids need to be solicited; the Administrative Assistant will prepare a Request for Quotes for Board review.

##### **Review/revise policy for sale of Town-owned land**

There was a discussion of this policy. Two requests to purchase Town lots have been received; the deadline per the policy is June 15. These lots need to be reviewed by Conservation and Planning before a decision is made whether to sell them. The Administrative Assistant said that she had added a line to the policy which would state the new deed must be recorded with the County Registry within 60 days of the sale. She said that this had been left for the buyer to do, per Town Counsel, but that in one case the buyer never recorded the deed, with the result that the tax bill did not go to the owner.

**MOTION:** by Selectwoman Alessio, to add a sentence to the Policy for sale of Town-owned land, that includes language stating that the deed must be recorded within 60 days of the sale, or it will revert to Town ownership with no refund.

**SECOND:** by Selectman St. James

Selectman Coombs said that this should be run by the Town's attorney to make sure it's legal.

**All in favor**

##### **Fire Department antique equipment**

Chairman Wilson said that the Fire Department is interested in moving the antique pumper that has been housed at the Museum building to the new Fire Station for display. There has been a discussion about who should have the equipment, and who has the authority over it. All agreed that the antique pumper belongs to the people of Kingston, and that as the Fire Station is open all the time, there will be more opportunities for it to be seen.

**MOTION:** by Selectwoman Alessio, to support the move of the antique pumper to the new Fire Station, where it will be more visible to the public

**SECOND:** by Selectman St. James

**All in favor**

**BOARD BUSINESS:**

**Special Event application- Saddle Up Saloon**

The Saddle Up Saloon has put in an application for a fundraising event to be held next weekend. Chairman Wilson said that he would like it to be reviewed by Police and Fire first. Selectman Coombs said he had not signed it because it was not submitted in the 90-day time frame stated on the applications, and other applications have been rejected for this reason. Selectwoman Alessio said she is inclined to give them a pass because they tried to do the right thing. Chairman Wilson said that he agrees because they have done a lot of work with the Planning Board and Town Engineer to do everything they need to do to make the property right. Selectman St. James said that there must be a time limit on the music.

**MOTION:** by Selectman St. James, to approve the Special Event permit for Saddle Up Saloon for a fundraiser to be held on June 11 and 12, pending approval of the Fire and Police Chiefs.

**SECOND:** by Selectwoman Alessio

**In favor: Alessio, Hart, St. James, Wilson; Opposed: Coombs**

**Application for use of Town Hall parking lot**

The neighbor to the Town Hall would like to use the parking lot during a wedding reception on their property on June 25 between the hours of 3 pm and 11 pm. This is the same date as the Fire Association Brewfest, so they were told they need to talk to the Police Chief.

**MOTION:** by Selectman St. James, to approve the use of the Town Hall parking lot provided the application is signed by the Police Department.

**SECOND:** by Selectman Hart

Selectman Coombs said that he is concerned about the cemetery with a crowd of 150 people gathering close by. He also questioned liability for use of the lot. Chairman Wilson said involving the police is to reduce liability, and he will also talk to Lieutenant Johnson about the cemetery.

**All in favor**

**Audio visual bids for Town Hall meeting room**

Selectman St. James reported that he has three bids for this work and has been holding out for a fourth that he expected to receive. However, he said he has three solid bids and would like to move forward. Selectman Coombs suggested that the bids should be turned over to Highway Agent Rich St. Hilaire for review, as he also oversees buildings and grounds.

**PUBLIC COMMENT 2: None**

**CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:**

- Veterans Tax Credit applications (2) were approved, to be applied in 2023

- Abutter notice received from the Town of Kensington about a cell tower project

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

**MOTION:** By Selectman St. James, to approve the public and non-public meeting minutes of May 23, 2022, as written, except for the non-public minutes that covered a conversation with counsel; this was a “non-meeting” and did not require minutes.

**SECOND:** by Selectwoman Alessio

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

**Next Meeting:** June 27<sup>th</sup> at 9 am with Department Heads.

#### **NON-PUBLIC SESSION:**

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

**SECOND:** by Selectman Coombs

**Meeting adjourned to non-public session at 8:55 PM.**

**MOTION:** by Selectman St. James, to return to public session at 9:32 PM

**SECOND:** by Selectman Coombs

**All in favor**

**Discussed in non-public session:** Hiring of a public employee; Legal

#### **Motion made to seal minutes of non-public sessions?**

Motion made by Selectman Wilson, seconded by Selectman St. James, 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.

☐ Render a proposed action ineffective

☐ Pertains to preparation or carrying out of actions regarding terrorism

#### **Roll Call Vote to Seal Minutes:**

Phillip Coombs	Y	Richard Wilson	Y
Kevin St. James	Y	Electra Alessio	Y
Charles Hart	Y		

**Motion: PASSED**

**MOTION:** by Selectman St. James, to approve imposing a Cease and Desist on the Solar Hills subdivision until the Building Inspector has received building and septic plans and has issued a building permit.

**SECOND:** by Selectman Coombs

**All in favor**

**Meeting Adjourned at 9:34 PM**

Respectfully submitted:

Susan H. Ayer

Administrative Assistant to the Select Board