

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of July 11, 2022  
FINAL MINUTES**

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

**PRESENT:** Chairman Richard Wilson; Kevin St. James, Vice Chair; Charles Hart, Phillip Coombs, Electra Alessio, Select Board Members

**APPOINTMENTS:**

**Melissa Burleigh re: Legal work for Town**

The Chairman introduced Atty. Burleigh and said that she has been approached about whether she would be interested in taking on some legal work for the Town on occasion. (She currently works for the Police Department on court cases.) Ms. Burleigh said she would be interested. There was a brief discussion about the work; Chairman Wilson said that initially Ms. Burleigh would be asked to write letters, mainly about Code violations, that would have more weight coming from an attorney.

Ms. Burleigh was asked to submit a fee schedule along with her availability, by the end of the week.

**Caitlin Milhomme, Interim Town Clerk- Tax Collector**

Ms. Milhomme asked to be heard in non-public session to discuss personnel issues. This will take place at the end of the meeting.

The Chairman chose to take several matters out of order, so that the Police Chief's swearing-in can take place at 7:00 pm as planned:

**Ernie Landry, Heritage Commission: Stained Glass windows project**

Mr. Landry gave some background on this project to repair the stained-glass windows at the old Nichols library, now the Historical Museum. He said that that the windows are over 120 years old, and they start to deteriorate after 80 to 100 years. He said at this point they need complete restoration. The Heritage Commission came up with 6 names of companies that do this work and sent out requests for bids, to include qualifications and references and insurance; three companies returned bids. He said they varied in cost: \$21,000, \$36,188, and \$41,500.

Mr. Landry said that the lowest bid was so low that the committee questioned the quality of it and set it aside. The middle bidder did not really provide much of what was requested by the Town, such as qualifications or references or professional affiliations, and the incompleteness was a concern. He said the highest bidder supplied all but references, but did list major projects, so those effectively are references. This bidder had also done one window, so the quality of the work is known, and he has good credentials. He said that the Commission recommends that the high bidder, Sash and

Solder, be chosen as they are confident that they can do the work at the quality level desired. They are based in Portsmouth and the Commission has visited their studio.

Chairman Wilson pointed out that the plan is to pay for the windows through fundraising, with no use of town funds; the main goal is to have sponsors for individual windows. He said that so far there are two windows with firm sponsors. He said that once the company is selected, he can provide an exact price for a sponsorship. If all the windows are not sponsored, general fundraising will be done, and if there is still a deficit, the Town will be asked to contribute.

Selectman St. James questioned the selection process; Mr. Landry reviewed the reasons for preferring the higher bidder and rejecting the lower ones as incomplete.

**MOTION:** by Selectwoman Alessio, to award the bid for restoration of the Nichols Library/Historical Museum to Sash and Solder for a price of \$41,500.

**SECOND:** by Selectman Hart

**All in favor**

Chairman Wilson said that the price for sponsoring a window will be \$2,500, \$3,500 or \$4,500, depending on the size of the window.

A contract will be developed and reviewed by Town Counsel; Mr. Landry said that he has spoken with Primex, who have advised that the windows need to be insured while in the custody of the company renovating them.

#### **OLD BUSINESS:**

##### **Solid Waste and Recycling Contract**

Pete LaChappelle of Waste Management was present to discuss the potential contract renewal. The Chairman called him forward, along with Stacy Dion, Chair of the Solid Waste and Recycling Committee, who have been involved in researching the Town's options for solid waste and recycling.

Ms. Dion said that at the last meeting of the SWRC, the committee had reviewed the proposed contract with Waste Management, and she had made a chart showing the differences with the current contract. There was a discussion of some of these points, mainly that where the old contract did not specify which plastics are allowed in the recycling bins, the new contract limits them to #1, #2 and #5.

Mr. LaChappelle talked about the reasons for this, saying that China stopped taking all the recycling it used to, and now finding ways to dispose of some items is difficult. Selectman Coombs said that the Town will get credit for salable items but be charged for items that are not, which puts more variability in the contract. All agreed that education of residents will be key.

After some further discussion, it was agreed that more time is needed to go over the changes. The SWRC will review it with Mr. LaChappelle on July 20<sup>th</sup>, and then it will be

added to the agenda for the next Select Board meeting, on July 25<sup>th</sup>. All are encouraged to attend the SWRC meeting.

#### **APPOINTMENTS, cont.**

##### **Swearing-in of new Police Chief, Joel Johnson**

Many residents and police personnel were present. Chairman Wilson said he would like to first bring forward retired Chief Don Briggs, and Highway Agent Rich St. Hilaire, who is soon to retire. He commended them both on their years of service. Selectman Coombs spoke to the accomplishments of each and presented them with ceremonial "Keys to the Town".

Tammy Bakie swore in Chief Joel Johnson; retired Chief Briggs pinned the Chief's badge on Chief Johnson's uniform. There was an opportunity for photographs to be taken; all congratulated the new Chief.

##### **John Hartwell re: work on Back Road**

Rich St. Hilaire introduced the matter, saying he had seen complaints on Facebook of digging being done on Back Road, a Class 6 town road, so he took a ride to see what was going on. He said that he saw that Mr. Hartwell was using a backhoe on the roadway, trying to make it more passable. He said that the road is in deplorable condition. He said that he had an amicable discussion with Mr. Hartwell and asked him to come in and discuss with the Select Board to understand his options. He said that the Town's Highway Department can't work on a Class 6 road except in very few cases, such as opening an emergency lane.

Chairman Wilson said that there had been calls from others in the area that the drainage was being altered. Wetlands issues also need to be addressed; Mr. Hartwell has a vacant lot he is trying to access, but the abutting land is privately owned.

Selectman Coombs asked Mr. Hartwell what he plans to do to repair what has been done. Mr. Hartwell said that he has been educated and needs to learn more about the process. He said that his initial goal was to remove some of the high areas in order to be able to pass through to his land. He was asked to get together with Mr. St. Hilaire and Selectman Coombs, and to come up with a plan to bring to the Select Board.

The Administrative Assistant pointed out that the Town had been copied on a letter from Southeast Land Trust, an abutting owner, to Mr. Hartwell. This had been received by the town today, and she had forwarded it to Mr. Hartwell to be sure he saw it before this meeting.

Mr. Hartwell said he will contact Mr. St. Hilaire or Selectman Coombs.

##### **Town Engineer Dennis Quintal re: Dorre Road**

Mr. St. Hilaire said that this road has been in contention since the early 1970's. He said that the landowner and business (Torromeo Industries) in the back has been using the substandard road to truck out millions of tons of material. He said there have been court

cases over the years, and battles legal and otherwise. He said work had been done on the road by the Town and by Torrromeo.

Selectman Coombs said that after a 1996 court case, the road had to be paved. He said that 30 years later, it needs to be paved again. However, the road is not the appropriate size for what it's being used for; it is not wide enough, and the drainage is not up to standard. He said there is a dust issue and also a moisture issue when there is a rain event. He said that at this point there are two options: to repave the existing road (which he, Mr. St. Hilaire and Mr. Quintal are not in favor of) or to draft a plan to widen it and put in appropriate drainage. This will require some land to be taken from some property owners on the road. Some owners are not in favor of giving up any land, so if that course of action is taken, a survey would need to be done, to make clear exactly what needs to be done and what land will need to be taken to fix the ongoing problems.

Selectwoman Alessio questioned the Town's ownership from the center of a road. Selectman Coombs said this is not the same for every road, and on Dorre Road the Town is at the edge of its legal right.

Mr. Quintal said that input from the abutters will definitely be needed; one lot is only 200' x 200', so if any of that needs to be used, it would have to be adjusted for by adding land from an abutter. It was noted that the Town owns land in the area and maybe an exchange can be worked out. Asked about a right-of-way, Mr Quintal said that a right-of-way takes away from the ownership of a property, but an easement does not. However, he said that outcome is the same in that pavement and drainage would be added to the private lot. He said that Paul Nichols has done some work to survey from stone wall to stone wall; some of the walls have disappeared. All the properties surrounding the road will need to be surveyed to provide a plan that gives the square footage of each lot before and after the project. Some are good size, some are not. There will need to be an agreement between neighbors ahead of time. Mr. St. Hilaire said that there is 32 feet of ROW between the stone walls; any new road built now requires 60'. Currently the pavement is only about 20 feet wide. He said the neighbors are not all going to be happy and won't willingly give up land; the only way this Board can do their job is to move forward and tell them what is going to be done. He said that the Town's position is that this is not a regular subdivision, and it will possibly be a land taking for public good. He said the State does this all the time, and someone at that level should be consulted.

Selectwoman Alessio said that the Town is under court order to fix the road. Mr. St. Hilaire said if he found money in the budget and paved it right now the problems and lawsuits would continue.

Selectman Coombs said that in fairness to all, the Town needs to do research and present a plan. He said there is a long history and just paving the road is not going to fix the problems; he said if the work is done right now, it will end the longstanding issues.

Mr. Quintal was directed to work with the new DPW Director to come up with a logical plan. Mr. Quintal said he will talk with Paul Nichols, who did the 1996 plan; he said he

thinks Mr. Nichols will work with the Town on this. The attorney to be used for any legal work will be Drummond Woodsum.

#### **Water line for fire suppression system - survey**

Mr. Quintal had also been asked to do mapping for the water line that is being laid on the Plains, to service the fire suppression system running from the fire station to the Town Hall and the Congregational Church. Mr. Quintal said he will need to map the existing line as well. He will meet up with the DPW Director on this.

#### **PUBLIC COMMENT 1: None heard**

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

Selectman St. James said that the **library's** new phone system is in, as is the fire station's system. He also reported that the **Police** Department is down three people, and there is no second in command for Chief Johnson. He said they need a payroll scale. He said the Police budget is okay for now due to the vacancies.

Selectman Hart said that the **Fire** Station dedication will be on August 6, during Kingston Days, and will be open to the public that day. Selectman Coombs said that there is still no money from the state for the generator at the new station. He said he asked Graham to draft a letter to state delegates. He said that Bauen does not want to put in the water line until the generator is received due to liability, and this is impacting the general contractor and the timeline. There was a discussion of the grant, which was promised two years ago, that was to reimburse \$68,000 for the generator. It can't be put in with other funds and reimbursed because that would disqualify the town for the grant.

#### **OLD BUSINESS:**

##### **Review ARPA Fund Proposals and Expenditures**

The Board reviewed an updated chart of proposed expenditures and what has been spent to date of the American Rescue Plan Act.

Adjustments made included removing the library's request for a 3-D printer and laptops, as well as Fiber Optic infrastructure, Recycling Center feasibility study, and filing for a ROW for Circuit and Babscott. Added is a proposal for updating and digitizing the Town's tax maps; the Administrative Assistant will be drafting a Request for Proposals for this. Selectman Coombs said that the Board needs to prioritize where the money is going. The Library Director will be notified that they need to find alternate funding for the laptops and 3-D printer they requested.

##### **Electrical Aggregate Memorandum of Understanding**

This agreement has already been agreed to and the Chairman is authorized to sign. Tammy Bakie as Interim Finance Director will be the primary contact.

##### **Water line agreement with Congregational Church**

Selectman St. James has talked with the church representatives and there are a few questions to be answered. As discussed earlier, the Fire Station generator needs to be paid for first, and some questions about the arrangement also need to be cleared up. There was a discussion of a small leak in the existing piping between the hydrant by the

Masonic Lodge and the church. Selectman Coombs said that it has been identified as something that should be repaired to keep the hydrants live and in case there is a need to utilize the line due to a failure in the other. Mr. St. Hilaire said that the Highway Department could dig up the line and repair it for \$5,000.

**MOTION:** by Selectman St. James, to approve investigation and potential repair of a leak in the line, at a cost of up to \$5,000.

**SECOND:** by Selectwoman Alessio

**All in favor**

## **NEW BUSINESS:**

### **Correspondence from NH DES**

A letter received from NH DES regarding next steps for testing and addressing contamination concerns in Town drinking water sources was reviewed. There was a discussion of prior testing, ongoing testing of filtration systems, and the results received so far. It was decided to discuss this with Sanborn Head and take their advice going forward.

### **SMP Architects estimate received**

The estimate from SMP Architects for assessment of Town Hall needs has been received. There was a question on whether to get the usual three estimates; this is to be paid out of ARPA funding. Selectman Coombs said he thinks at least one more estimate should be obtained; he will talk to some other companies and get another quote.

### **Correspondence from RPC re: Regional Safety Action Plan**

This request, for towns to participate in a regional Safety Action Plan, was discussed. It was decided it was not the sort of thing that will be of enough benefit to Kingston to be worth the cost.

## **BOARD BUSINESS:**

### **Code Enforcement Officer/ Building Inspector**

Selectman Wilson reported that of the two viable candidates for this position, the best choice wants more money than the Town can offer. The second choice was far below the first as far as qualifications. The position will be reopened to applicants.

### **Land Use Administrative Assistant**

A number of applications have been received for this position. A small committee will be formed to go through the resumes and make a recommendation on who to interview.

**PUBLIC COMMENT 2:** None

## **CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:**

- A letter was signed to send to the Oral Board Chiefs who interviewed candidates for the new Police Chief
- Yield tax levy warrant was signed, to allow for a bill to be sent for the timber cut at Map R4 Lot 9.
- Three paid leave requests were signed.

- A resident has requested a permit to sell firearms from his residence. He spoke to Selectman Hart and brought an example of a permit form from Weare. Selectman Hart has talked to the resident. He meets the requirements for a home-based business and already has a federal firearms license. A permit form will be created for use by the Board in this instance and for the future.
- Facilities Use request - parking for a wedding on the Plains is requested. Over 100 people requires a police detail. Various options were discussed; Chairman Wilson will go talk to the people holding the event.
- Request for Abatement for All American Assisted Living: The recommendation of the Assessor was to deny this request. On a motion by Selectwoman Alessio, Seconded by Selectman Coombs, this request is denied.
- There was a discussion of a problematic deed for a property sold at last fall's auction of Town properties. The owner will be told that it will be sent to Drummond Woodsum attorneys to be researched. The owner will be notified that this will be at his expense.

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

**MOTION:** By Selectwoman Alessio, to approve the meeting minutes of June 27 and 30, 2022, public and non-public, as written.

**SECOND:** by Selectman Hart

**All in favor**

**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 8:32 PM.**

**MOTION:** by Selectman St. James, to return to public session at 9:30 PM

**SECOND:** by Selectman Wilson

**All in favor**

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

**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**

**Meeting Adjourned at 9:32 PM**

Respectfully submitted:

Susan H. Ayer

Administrative Assistant to the Select Board