

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of July 29, 2019  
FINAL MINUTES**

The meeting was called to order at 6:32 PM in the Meeting Room at the Town Hall.

**PRESENT:** Kevin St. James, Vice-Chair; Donald Briggs, Jr., Phillip Coombs, Richard Wilson, Selectmen.

**ABSENT:** Chairman Mark Heitz

**Non-Public Session**

**MOTION:** Upon motion of Selectman St. James, **SECOND** of Selectman Briggs, it was voted by roll call to adjourn to Non-Public session under the provisions of **RSA 91-A:3, II(b)** The hiring of any person as a public employee.

**In Favor: Briggs, Coombs, St. James, Wilson; Motion passed.**

The Board adjourned at 6:33 PM.

**MOTION:** Upon motion of Selectman Coombs, **SECOND** of Selectman Wilson, it was voted by roll call to return to public session at 6:45 PM.

**In Favor: Briggs, Coombs, St. James, Wilson; Motion passed.**

**Topic(s) discussed:** Hiring of Police Prosecutor, Hiring of Police Officer

**Decisions made:**

**MOTION:** by Selectman Wilson to hire Melissa Burleigh, Burleigh Law Office, as Police Prosecutor for the Town of Kingston.

**SECOND:** by Selectman Coombs

**In favor: St. James, Coombs, Wilson; Recuse: Briggs; Motion passes.**

**SCHEDULED APPOINTMENTS:**

**Robert Griffin, Long Pond Dam**

Mr. Griffin, LER Realty, who owns the Long Pond Dam off Danville Road in Kingston, was present to speak to the Selectmen about a meeting he hopes to hold at the Town Hall on August 7. He has submitted a Facilities Use application. He said this will be an informational meeting for anyone interested in the Fall draw-down of water from Long Pond.

Mr. Griffin said that he has to notify Fish and Game, and they have guidelines including holding a public meeting 30 days ahead of time. He said he sent out a letter to lake front owners in June, and will send another to invite them to attend the meeting if they have any questions. He said he does not anticipate any problems.

Selectman St. James referenced a 2018 letter of deficiency sent to Mr. Griffin from the DES, that the Town was copied on, and asked if the matters pointed out, such as keeping the spillway clear of debris, had been addressed. Mr. Griffin said that he is not aware of any deficiencies at this time.

**MOTION:** by Selectman Briggs, to allow the use of the Town Hall meeting room on August 7 for an informational meeting on the Long Pond Dam.

**SECOND:** by Selectman Wilson

**All in favor.**

**PUBLIC COMMENT 1:** None heard.

## **OLD BUSINESS:**

### **3 Cardinal Road**

Richard Devlin was present to hear what the Board would decide after consulting with the Road Agent and Town Counsel, regarding a solution to the problem of the outbuilding on his property that is partially on neighboring Town property.

Selectman St. James said that the attorney had recommended the lot line adjustment solution, which will be a matter for the Planning Board.

**MOTION:** by Selectman Coombs, that Mr. Devlin and the Town should proceed with a lot line adjustment for 1 and 3 Cardinal Road (Tax Map R21, Lots 13 and 14), resulting in an even swap of land, pending Planning Board approval.

**SECOND:** by Selectman Wilson

**All in favor.**

### **John's Truck and Auto, Offer of large item recycling bins**

Selectman Briggs said he received a phone call from the owner of John's Truck and Auto, who wants to know if the Town is in favor of his going forward with putting out bins for items like white goods and tires. The Board questioned if this is something that needs to go to the Planning Board. Planning Board Chairman Glenn Coppelman commented that because this would be an addition to activity on the site, it should be recorded as an amendment to the site plan.

It was agreed that the business owner should meet with the Planning Board and go from there.

There was a brief discussion of ways to limit problems and ensure the owner does not incur any additional costs, such as promoting the service on the Town's website and informing the public of what it will be acceptable to bring to the bins.

### **Dorre Road: Property damage**

Road Agent Rich St. Hilaire, following up on a complaint from a Dorre Road resident about property encroachment and a wall broken by a truck from a nearby business, said that before he talks to anyone else he wants to see a full survey done. He said one or two residents have already threatened lawsuits, and that while one owner will allow the Town to fix the road issues, he wants the bounds reset. This requires a survey.

There was a discussion of the cost of doing a survey. Town Engineer Dennis Quintal will be asked about whether an old survey can be used, so that a cost can be known by the next meeting.

### **PFOA Standards: Responsibility for remediation**

Mr. St. Hilaire said that the new lower standards for PFA chemicals in drinking water have been accepted, although they will not be enforced until October 1. He said that he is concerned that the Town accepted responsibility for contamination in wells in the area of the Plains, based on what he felt was bad information at the hearing. He said that another area town has refused to accept responsibility. He said they are going back and forth with NH DES with the result that the residents are not being served.

Mr. St. Hilaire said that to install and maintain charcoal filters for a widening circle of wells could cost the Town hundreds of thousands of dollars and have a huge impact on property taxes. He said that as new chemicals are being found every year, some of which were not even in the mix when fire-fighting foam was used by the Fire Department, he did not see how the NH DES could claim all the contamination was caused by the foam. Mr. St. Hilaire said that he thought a lawyer should be asked for an opinion before any more filters are installed.

There was a discussion of water testing methods and costs. It was decided to invite Town Counsel Sumner Kalman to a meeting with the Board, ideally to include Dave Alwine of Stantec and Andrea Kenter of GeolInsight.

It was also noted that calls from residents about water quality or testing should be referred to the Town Hall.

## **NEW BUSINESS:**

### **Vintage Bazaar**

Devon Chouinard, co-founder of Vintage Bazaar, addressed the Selectmen about the possibility of holding an event on the Plains in October. She said she is looking for a new venue as the one she had planned on may be unavailable due to development, and after coming to Kingston Days realized that the Plains would be a good location.

Ms. Chouinard gave background information on her festivals, which began in 2011 in Salisbury, Mass. Since then she has held two per year. She said she gets vendors from all over, and it is basically an antique/craft show including music and food, and optionally beer and wine. She said her biggest need is a large flat area; she usually has 150 booths occupied by 75 or more individual vendors. This is a two-day event on a weekend, with added access for set up and clean up. She informed the Board that she has her own parking staff and brings in a generator for electricity.

There was a discussion of various aspects of the event, including parking, signage, temporary fencing used, and permits and fees needed by the Town. Ms. Chouinard had already obtained permit forms and was advised to meet with the Highway, Police and Fire Departments first before the permits will be considered by the Board. Ms. Chouinard agreed that she would meet with the department heads as soon as possible.

Mr. Coppelman suggested that, as a courtesy, the Historic District Commission Chair should be contacted.

### **Brightfields Solar conference**

The Selectmen's Administrative Assistant shared information from the solar conference held recently in Manchester. Some points shared were:

- The state is still awaiting a vote in September on whether to override the Governor's veto of HB365, which would raise the project size cap from 1 Megawatt to 5 Megawatts. Without this increase, the landfill project would probably not be worthwhile to investors or the Town.
- Landfills are considered brownfields, and as such likely require a Phase 1 Environmental assessment before being built on. The landfill's cap would also need to be assessed to know how much weight it could bear.
- A 3-phase power source needs to be nearby. The Electrical Inspector has been consulted, and said there is 3-phase power adjacent to the site.
- One solar company has offered to do a preliminary assessment of the site for free, as it will not be worth their time or money if it is not suitable.
- Group net metering does not require that the energy produced be consumed on-site. The "group" can be Town buildings, school, library, and residents who sign on.
- The rough amount paid for a lease of the land per megawatt produced would be \$5,000 or more per year, plus taxes. There is no cost to the Town.

Selectman St. James said that it seems worthwhile to at least lay the groundwork for this project. He asked the opinion of Mr. Coppelman, who said that he did not attend, but had brought the conference to the Town's attention, and was glad that someone was allowed to attend. He added that although HB 365 had bipartisan support, the governor vetoed it. The override vote is coming up, and he said that there is heavy lobbying for those who voted for it initially to not override the veto.

## **COMMITTEE LIAISON REPORTS**

**Conservation Commission:** The August Conservation meeting has been moved to August 15, so Selectman Wilson will be available to attend after all.

**Planning Board:** Selectman Coombs reported that the developer for the Hazel Hanson property on the corner of Rte 107 and Marshall Road came to the Planning Board for design review. The house on the parcel was abandoned and a subdivision is proposed.

**Inspector's Meeting:** Selectman Coombs said that there was discussion at the Inspector's meeting about the Galloway property, which Planner Glenn Greenwood had researched upon request in July. He said that when the Planning Board contacted the owner, their attorney answered that all was fine. Selectman Coombs said that in fact it is not fine, that the stock pile on the site plan was meant to be 20 feet tall but is now probably over 100 feet tall. It was decided that enforcement action should be taken, and could be done without Planning Board request because the matter had been brought to the attention of the Road Agent. A letter will be drafted for the next meeting.

Selectman Coombs said that there was also a discussion at the Inspector's meeting about the need to have a review of Kingston Days after it's over, to discuss points of improvement, best ways to handle traffic, etc.

**Code Enforcement:** Selectman Briggs reported that he visited 111 Route 125 again, and the occupant will be totally out of the property within 2 weeks.

**Building Committee:** Selectman St. James said that because of the land purchase for the new fire station, the Town needs to go to the Planning Board for a lot line adjustment. A survey will need to be done. The Town is on the agenda for the next Planning Board meeting.

**MOTION:** by Selectman Coombs to have Selectman St. James sign the lot line adjustment application.

**SECOND:** by Selectman Wilson

**All in favor**

It was agreed to have Selectman St. James sign the application for the lot line adjustment

**PUBLIC COMMENT 2:** None heard.

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

- Facilities Use application for use of the Town Hall Meeting Room for the meeting about the Long Pond dam was signed.
- On a motion by Selectman Briggs, second by Selectman Coombs, all were in favor of authorizing Selectman St. James to sign the notice requested by NH DRA stating that the Town will not use form PA-28 in 2020.
- Correspondence was reviewed regarding the Rockingham County tax assessment as well as the State budget.
- A check has been received from the Kingston Public Library for unused fund balance.
- A sample letter to parties interested in acting as Bond Counsel for the bond that will be required for Fire Station construction was supplied by the Finance Officer and reviewed by the Board.
- A letter was received from a person who had been denied a refund of a motor vehicle registration fee and wished the Board to reconsider. This matter was tabled so that Selectman Coombs could talk to the Town Clerk before deciding.

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

**MOTION:** by Selectman Briggs to approve the public and non-public session meeting minutes of July 15, 2019, as written.

**SECOND:** by Selectman Coombs

**In favor: St. James, Coombs, Briggs, Wilson;**

### **Non-Public Session**

**MOTION:** Upon motion of Selectman Wilson, **SECOND** of Selectman St. James, it was voted by roll call to adjourn to Non-Public session under the provisions of **RSA 91-A:3, II (a)** The dismissal, promotion, or compensation of any public employee.

**In Favor: Briggs, Coombs, St. James, Wilson; Motion passed.**

The Board adjourned at 8:15 PM

**MOTION:** Upon motion of Selectman Coombs, **SECOND** of Selectman St. James, it was voted by roll call to return to public session at 8:32 PM.  
**In Favor:** Briggs, Coombs, St. James, Wilson; Motion passed.

**Discussed in Non-Public Session**

Employee Sick Leave

**Adjournment:**

**MOTION:** by Selectman St. James to adjourn at 8:35 PM

**SECOND:** by Selectman Coombs

**All in favor.**

Respectfully submitted,  
Susan Ayer  
Administrative Assistant