

**Kingston, New Hampshire  
Select Board  
Meeting of June 21, 2021  
FINAL MINUTES**

The meeting was called to order by the Chair at 7:05 pm.

**PRESENT:** Phillip Coombs, Chair; Richard Wilson, Vice Chair; Electra Alessio, Donald W. Briggs, Select Board Members.

**ABSENT:** Kevin St. James

**APPOINTMENTS:**

**Fire Chief Graham Pellerin: Fire Station Construction; Personnel**

Chief Pellerin gave an update on progress with the new Fire Station building. He said that footings are going in and the cistern will be delivered in July and that the project is on schedule. He said that he would like to clarify the issue of the generator which was brought to the Board's attention at the last meeting. He explained that an email between the architect and electrical engineer specifying that the generator needed to back up the Fire Station, Town Hall, Museum and fire pump was lost. This resulted in a misunderstanding on the kilowattage needed; the original generator in the plan was 150 kilowatts and 250 kilowatts will be required. The difference in price is \$81,000 vs. \$47,275. Seabrook Station will pay \$25,000 and the state will pay half of the balance, so the cost to the Town for the larger generator will be \$28,000. Chief Pellerin added that it is possible that FEMA will pay part of this as well.

Because the increased cost was the result of an error by the architect, Chief Pellerin talked with other project managers about recourse, who advised that suing the architect for the difference in cost would negatively affect the relationship and that the Town would probably not win the case. Chairman Coombs asked Mr. Pellerin to verify this with Town Counsel. Selectwoman Alessio said she thought there should be some form of concession from the architect, although the Town also bears some of the blame. She also said that the larger generator is clearly needed. Mark Furlong, Chair of the Building Committee, said that the good news is that the error was caught early so that there was no additional cost in the form of a 30% cancellation fee.

Chief Pellerin also reported that he had a conversation with Paul Hatch, who advises on FEMA matters. He said that in the case of a nuclear release at Seabrook, there continues to be an agreement with Manchester as an evacuation destination and as a location for continuity of government activities. He said that it is up to the Select Board to create and sign a memorandum of understanding with another Town, aside from Manchester, for long term planning. He will bring a sample MOU to the Board.

On the subject of Fire Department personnel, Chief Pellerin reported that 4 out of 6 of his per diem employees have left to take work in other towns. He said this means more will be required of the on call members; he said he wants to avoid going back to a situation where he is unable to staff the department sufficiently to answer calls and keep

the Town safe. He pointed out that part of the issue he is facing is that Kingston is the lowest paying town for per diem Fire personnel. He said other towns are facing the same problem and he has been in conversation with them about solutions, such as shared resources and shared personnel. Asked if he is advertising, Mr. Pellerin said he has ongoing ads in place on Fire Department websites, but that it will also take up to 8 months to get someone ready to fully serve. He pointed out that increased development in Town means increased calls, and that sooner or later he will need 4 more full time employees. He went on to outline a few options for paying for that, including grants that would phase out after 5 years. There was a brief discussion of budgeting as well as the possibility of regionalization of departments. Chief Pellerin said that as he gets more information and ideas for solutions, he will bring them to the Board.

#### **PUBLIC COMMENT I:**

Highway Agent Rich St. Hilaire informed the Board that 5 trees on the Plains need to be taken down. He said this will likely generate calls and complaints, but that as the tree warden he has made the decision based on the presence of disease or rot and decay.

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

Selectman Wilson said that the latest information on the History of **Kingston book** is that it will be shipped tomorrow. They will be stored at the Town Hall.

Selectwoman Alessio reported on the latest preparations for **Kingston Days** by that committee. Chairman Coombs said that at the most recent **Inspectors'** meeting, they mainly shared information about current issues.

#### **OLD BUSINESS:**

##### **Consolidated Communications: Assessment Settlement Offer**

Chairman Coombs said that Consolidated Communications has not pulled a pole permit since 2015, and given that, he does not see how it is possible to agree to a settlement that requires the Town to pay the company a refund. He said that he has spoken to Town counsel, and former assessor Fred Smith has been called to give what input he can. There should also be a fee paid for all new poles, and a change fee paid when ownership changes. Selectman Briggs noted that another issue is that there are a number of double poles. Selectwoman Alessio said that it will be appropriate to lay out the Town's concerns in a letter, to not take the settlement offer at this time but to keep the conversation open.

##### **Depot Road Property Complaints**

Chairman Coombs said that the owner of the property on Depot Road (that has been the cause of many complaints from other residents due to loud vehicles operated on the property and into the street, junk cars and loose dogs) declined to come to the meeting to discuss the complaints. Selectman Briggs said that there has been increased enforcement by the Police Department that has resulted in several arrests. He also said that some of the vehicles have been moved and cleanup seems to be continuing. The Chairman asked if any neighbors were present who wished to speak.

Carl and Sarah Oppenheim asked whether the Town's new Code Enforcement Officer will be enforcing the noise ordinance once he is in place in July. Chairman Coombs said that usually the police would do this as the disturbances are liable to happen after hours.

Mr. Oppenheim said he disagreed with this, and asked if the Town owns a decimeter. He said there is no sense in having an ordinance that the town can't enforce. Chairman Coombs said that the best he can say for now is that the Town is monitoring the situation. There will be follow up at the next meeting.

### **Sale of Town Owned Land**

The Board reviewed a Plan of Land prepared by SEC Engineers for Map U4 Lot 175. It was confirmed that the four other lots to be surveyed for auction are Map U4, Lots 27, 30, 87 and 179. Selectwoman Alessio suggested that going forward there should be a schedule and deadline each year for any sale of Town land.

### **NEW BUSINESS:**

#### **Saddle up Saloon- Discussion of Cease and Desist Order**

Selectman Wilson said that at the last Planning Board meeting, there was a question of whether the Select Board would temporarily lift the Cease and Desist they had imposed in September of 2020, ordering all outdoor music to be stopped. The owners are before the Planning Board to amend their site plan and would like the opportunity to have music for a trial period of 30 days, during which the sound level would be monitored.

Chairman Coombs said that the Planning Board had asked for the action of this Board initially due to a site plan violation, and the applicant is back before them. He said that this seems to be putting the cart before the horse, as the site plan has not yet been amended to allow music, so it would constitute a site plan violation. He said the Board would be superceding another independent board.

Selectman Wilson said that the Planning Board may be interested in seeing if Saddle Up can operate music within the ordinances, but would not be able to grant a trial period with a Cease and Desist in place.

Selectman Briggs said it depends on the type of music, and whether it is acoustic only. Selectwoman Alessio said that the music is going to be loud and will carry across the pond, and there have been a lot of complaints from many areas on that side of town. She also said that if Saddle Up is allowed to have outdoor music, other venues will want to do the same.

Selectwoman Alessio commended the owners of the business for how many of the problems they have resolved, but also said that music had not always been allowed at the venue in the past when it was the Pond View, it was only on certain occasions. She said this Board would like to see the Saddle Up Saloon succeed, but also to play by the rules.

Robert Waters, Berkshire Dominion Holdings, owner of the business property, said that he regrets the problems that took place last year, but that he is taking control of the music, and they want to operate within the ordinance boundaries. He said they are trying to honor the existing site plan but also to modify it. He said there is ambiguity in the history of the site plan and permissions. Chairman Coombs said that it is not the job

of this Board to solve that ambiguity. He said that in the first approval of the site plan, people were repeatedly assured there would be no outdoor music.

Selectman Wilson said that what they are asking for is a 30- day probation period to try having outdoor music, but that Glenn Coppelman had made it clear that this does not mean permission will ultimately be granted. Trying to solve issues in current site plan. He said they were going round and round trying to solve issues in the current site plan, and probation seemed a good way to see they can meet the sound ordinance. He said his motion would include that sound checks would be made during the probationary period and paid for by the applicant through their bond.

Selectwoman Alessio said she wants to know that if this does not work, they will stop. Selectman Wilson agreed and said there is the danger that they would play acoustic music to start and then once they have permission, invite the Rolling Stones. Mr. Waters said that in effect, what they are asking is for the Board to temporarily suspend enforcement; their next Planning Board hearing is on July 20.

**MOTION:** by Selectman Wilson, to grant a 30-day trial period for the Saddle Up Saloon to hold out door entertainment, with independent sound checks to be conducted at the expense of Saddle Up through their bond. Hours of outdoor music to be limited to Fridays and Saturdays until 9:00 pm, and Sundays until 7:00 pm.

**SECOND:** by Selectman Briggs

**In favor: Alessio, Briggs, Wilson; Opposed: Coombs. Motion passes.**

#### **Timber Sale Management Contract**

**MOTION:** by Selectwoman Alessio, to authorize the Chairman to sign a contract with Forest Resource Consultants to act as the forester and agent for the Acorn Forest timber sale.

**SECOND:** by Selectman Briggs

**All in favor**

Selectman Wilson noted that there is a lot of money in the Conservation account that can only be used for timber expenses. He said he would like to find out how else the money that is not needed for timber can be spent. The Finance Director will be consulted.

#### **BOARD BUSINESS:**

##### **Boat Launch keys**

The Town Clerk has asked whether or not she should order more of the keys for the boat launch area, as more than usual have already been ordered, but she is almost out of them. Limited parking is an issue. There was a brief discussion of how busy the area has been.

**MOTION:** by Selectwoman Alessio, to authorize the Town Clerk to order 50 additional keys to the boat launch area.

**SECOND:** by Selectman Wilson

**In favor: Alessio, Briggs, Wilson; Opposed: Coombs. Motion passes.**

Selectman Wilson noted that the Highway Agent will be eliminating the gravel parking area across from the State Park, and adding 8 parking spaces parallel to Main Street. The new spaces will be marked with green spray paint.

### **Torromeo Blasting**

Selectman Wilson announced for the public that there will be blasting at the Torromeo quarry on Wednesday June 23 between 11:00 am and 2:00 pm.

**PUBLIC COMMENT II:** None heard

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

- A letter received from a Jericho Road resident outlining concerns about sediment in his water was reviewed. It was noted that the NH DES was copied on the letter, and that it is their jurisdiction.
- A Facilities Use application to use the Town Hall for a History of Kingston book party on July 15, was approved. They will use the Town Hall only if it rains.
- Chairman Coombs said that Planning Board Administrator Ellen Faulconer has suggested that conditions of approval for site plans need to be shared with the inspectors. Ms. Faulconer will generate a list to be shared at the inspectors' meetings, for their information when approving permits. All were in agreement.
- The dog warrant for 2021 was signed, allowing the Town Clerk to collect late fees.
- A notice from NH Municipal Association has been received with information about applying for funds through the American Rescue Plan Act. This will be through the state portal under GOFERR (Governor's Office for Emergency Relief and Recovery. Due date to apply is August 16; the Board agreed this should be a topic of conversation at next week's meeting with Department Heads.

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

**MOTION:** by Selectwoman Alessio, to approve the public and non-public meeting minutes of June 7, 2021

**SECOND:** by Selectman Briggs

**All in favor via roll call vote.**

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

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

**SECOND:** by Selectwoman Alessio

**All in favor via roll call vote**

**Meeting adjourned to non-public session at 8:28 PM.**

**MOTION:** by Selectman Wilson, to return to public session at 8:45 PM

**SECOND:** by Selectwoman Alessio

**All in favor via roll call vote.**

**Motion made to seal these minutes:** Motion made by Selectman 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**

**Adjournment:**

**Meeting Adjourned at 8:45 PM**

Respectfully submitted, Susan Ayer, Administrative Assistant