

**Kingston, New Hampshire  
Select Board  
Meeting of July 26, 2021  
FINAL MINUTES**

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

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

**APPOINTMENTS:**

**Conservation Commission: Discussion of proposed projects**

Greg Senko and Evy Nathan of the Conservation Commission were present to discuss two proposed projects, on the Sargent and Manuel conservation properties. Mr. Senko, chair of the Trails subcommittee, distributed a printed presentation and pictures were provided of the areas.

Mr. Senko said that the first project is to expand public access to the Sargent property and ET's Landing. He said that these two areas total about 172 acres with excellent Powwow River views, but they are underutilized. He said current access is via a right-of-way next to a private home, and parking is on New Boston Road, which is a safety issue. The plan is to remove the earth berm at the end of Sargent Road and prepare a gravel parking area lined with logs or boulders which will be monitored by a game camera. Once trails are marked and mapped, a kiosk will be added.

Ms. Nathan said that as this is already Conservation property, a decision by the Board is not needed, but they are providing information. Mr. Senko said that because it involves modifying the end of the street and using the Highway Department they do need to ask. However, it will not cost the Town any money, as it will be paid for with Forest Fund money. Selectwoman Alessio said that it is not only about money, and said there will be liability issues. She said she feels the Select Board needs to think about the worst case scenarios.

Ms. Nathan said that increased access will also allow the Commission to better maintain and monitor the property. It was agreed that all points of access should be posted with the rules of use.

Mr. Senko then described the second project, which is on the Manuel LCHIP property near the dog park. It is located along Green and Lake Roads. The purpose will be to establish a public "cartop" (ex. kayaks, canoes) boat launch on County Pond; there is currently no public access to County Pond in Kingston. Mr. Senko said there is 1500' of frontage on the pond in this area, 560' of which is swamp. Selectman Wilson expressed concern about the path in and out, as it is swampy and cars might get stuck and need to be towed out.

Mr. Senko said that the Commission will not be moderating the terrain, but creating awareness that the land is there and putting up proper signage. They will clear shrubs, etc, but won't level the land. He said that it might be a good idea to post that portion of Green Road as unmaintained, in order to minimize liability. He said that the Commission has talked with the Highway Agent and the Office of Strategic Initiatives, and wants input from the Town.

It was agreed to schedule a site walk for both sites, (followed by a walk of Tucker Road where there is a request to upgrade the road to Class 5). This will be posted once the neighbors have been contacted directly.

### **Library Trustees: Building Maintenance**

Trustees Tom Roughan (Treasurer), Heidi Blais, Melissa MacDonald and Stephanie Hasselbeck (Chair) were present, along with Library Director Rebekka Mateyk.

Mr. Roughan said that the computer screen on the HVAC system had broken. He said the heating and cooling system works fine and the screen is a diagnostic tool, backed up by another computer. However the cost of replacing the screen (\$3,583) caused a 39% increase in the library's building maintenance expense line.

Mr. Roughan said that this has brought about a discussion of whether such expenses should be in the library budget, as the library is a Town building. He said they would like to clarify who is paying for what. Selectwoman Alessio said that the Trustees pay for it. Chairman Coombs said that he thought this would fall under the category of a normal wear item. Ms. Mateyk said that it is an emergency expense, as opposed to normal maintenance items that the maintenance line is meant for, such as inspections or carpet cleaning.

Chairman Coombs asked when, given that the system is working, this would become a critical item. He said that rather than "throw a bandaid" on the matter tonight, it will be better to sit down and study where the line is between library and Town expenses. Selectwoman Alessio said she thought the library should plan for the future by planning a budget line for maintenance and emergencies. She said it will be good to assess the building for future needs and have a capital improvement plan. Ms. Mateyk said she still wants to clarify if the mechanics of the building itself are the responsibility of the Town; she said the Trustees govern the management of the library. Selectman St. James said that he would approve taking money out of the Town's building maintenance fund but only after following the Town's procedure of obtaining three bids. Selectman Wilson said that if maintenance expenses come under the umbrella of the Town, the library will need to go to the Town before spending any money.

It was agreed that further discussion should take place on the issue.

Selectman Wilson said that the screen that has broken is a diagnostic tool that is actually a money saver, as it saves a lot of time for a technician brought in to make a repair of the system. He said he can easily get three quotes for a replacement.

### **Revision Energy: Potential Solar array at Landfill**

John Brannigan and James Hasselbeck gave a presentation on a possible solar array to be built at the former Kingston landfill. They stressed that this is an informational discussion, and no decision is being requested this evening.

Selectman St. James asked what had changed in State legislation to make this possible now; Mr. Hasselbeck said House Bill 365, which has raised net metering capacity for municipalities from 1 megawatt to 5 megawatts has made landfill solar arrays financially feasible.

Mr. Hasselbeck gave introductory information about Revision Energy. He said the company is 18 years old, has 300 employees overall and 70 in the Brentwood office, and has received awards including being ranked the #5 rooftop solar contractor in New England and #1 in the U.S. He said he lives in Kingston and has 7 employees that live in town as well.

Mr. Hasselbeck then talked about the Town's landfill site, saying he wanted to change it from a non-revenue generating asset, which actually costs taxpayer money, to a revenue generating asset. He said that the site has a closed cap in good condition which makes it an ideal opportunity for building a solar array. He said that the array would not change the drainage profile of the landfill or damage the cap. The preliminary model shown would be comprised of 15,210 panels as compared to 434 in the array at the Brentwood fire station. Mr. Hasselbeck said that a key advantage to the Kingston site is access to a utility pole with 3 phase power located at the edge of the site on Route 125.

A snapshot of solar production over 12 months was given. Major components and warranties were discussed and examples of the racking system and alternatives were shown. Operations and Maintenance to take place after construction were also briefly discussed.

Mr. Brannigan gave an overview of financial options. He said that all his information is still very preliminary as the law is just changing in New Hampshire. He went through a financing overview, which highlighted two possible pathways to payment. One would be a lease agreement (probably 35 years) with a private investor that would include a payment in lieu of taxes. Mr. Brannigan said this would be a way to have some money coming in with low risk and low complexity. The other option would be turnkey ownership, which would allow for higher potential revenue but would be very expensive. Mr. Brannigan said that outright ownership would make more sense with a smaller array, utilizing bonding and possible grant money.

The topic of "load and solar offset assumption" addressed the need of the Town to show enough consumption within the town to get high value of the electricity from the utility. Mr. Hasselbeck said that Kingston can show enough load due to having the school system within the Town. He said this is good as the best case scenario is to have a small number of groups to manage, but that collectively have large consumption.

After further discussion, pathways to development were identified as:

1. Town commitment to moving forward
2. Utility pre-application
3. Engagement with Sanborn Regional School District
4. System design and size refinement (making the unknown, known)
5. State permitting and system impact study

Mr. Hasselbeck said that he would be happy to share examples of Request for Qualifications documents to use in the process of finding a company to do the work, but that Revision is very interested in the job so he would not do anything that would disqualify them.

It was agreed that the Board is interested in pursuing a solar project, and that the school system needs to be contacted as the project would become more difficult without their participation. Mr. Brannigan noted that there is a webinar on the topic through the New Hampshire Municipal Association to be held on August 18.

### **Jericho Road residents: Torrromeo quarry blasting**

Matthew Taglieri, 24 Jericho Drive, addressed the Board to share his experiences during a recent blast at the Torrromeo quarry, which abuts his property. He said that debris had fallen over his property line, and no one was hurt but could have been. He mentioned the recent incident of a “gender reveal” tannerite blast that was allowed to be detonated at the quarry, which caused damage and a lot of bad press for the town. He also mentioned that the berm, constructed by Torrromeo to mitigate the noise from the blasting after a large area of trees were cut down, is inadequate and a danger in itself, as a person or animal who climbs it will find a sheer drop on the other side.

Mr. Taglieri said that this is the time for the Town to act, before someone gets hurt or killed. He said that the company should be prevented from blasting on the north wall of the quarry, which is the side abutting residences. He asked the Town to do whatever is in its power to stop them. He also said that none of the residents have seen the document that proves Torrromeo Industries is grandfathered and does not need to adhere to the Town’s ordinance, but aside from that, he feels endangered.

Chairman Coombs said that he completely agrees that no one should feel in danger standing on their own property, and that it needs to be investigated. He said that obviously the mitigation measures have not been enough. Selectwoman Alessio asked if the blasts are recorded in such a way that it can be observed if debris is flying. Selectman Briggs said that they do set up monitors to measure the impact. Mr. Taglieri said that he had videotaped multiple blasts, but they do not provide any proof; however, he observed the falling debris.

Selectwoman Alessio said that there is no doubt that Torrromeo Industries is grandfathered. She said that the abutters may need to take measures of their own, that there may need to be a multi- pronged approach to the problem. She said that the berm may need to be larger, and that the vegetation also needs time to grow. Mr. Taglieri said that they had looked into legal action. He said he expects that it would not be much of an opportunity, and expensive, as Torrromeo has the money and backing to drag out the

process and wait it out. He went back to his main point, that the situation is bad and heading in a bad direction. He said that when someone gets hurt, there will be questions about who knew about the danger.

Selectwoman Alessio said that she is frustrated by the abutters' frustration, but that the Town is doing all it can, and has researched the matter, but that Torromeo is operating within its rights, even if the Town doesn't like it. Selectman St. James said that he recalls that the files were researched and it was found that Torromeo has the right to blast within 50 feet of the property line, not 200 feet as had been formerly believed. Selectman Wilson clarified that it is to within 50 feet of the property line, but 250 feet from the house. Selectman St. James said that he feels the pain of the neighbors, but that Torromeo is operating within the rules.

Ellen Faulconer, 4 Jericho Drive, asked who the blasting authority is. Selectman Briggs said that it is the State Police. Ms. Faulconer said that she has called the State Police and was told it is up to the local authority. Chairman Coombs said that it is shocking how little control the State Police have over the blasting; they have control only over the handling, storage and transportation of explosive materials, and neither they nor the Town have any authority in the pit.

Chairman Coombs said that residents can exercise their rights by placing a petition warrant article on the Town ballot, to create a blasting ordinance that would be enforceable after the fact.

Ms. Faulconer said that her point was that the State Police told her that permits were issued by local police or fire, and that if the permit does not allow debris to fall on the neighbors, then the permit could be denied. Chairman Coombs said that it is merely a courtesy that the Town is notified; Selectman Briggs said only the Fire Department is contacted. Fire Chief Graham Pellerin was present and explained that most towns do not have a blasting permit; Kingston established a permit process in order to be notified when a blast is to take place. He said the department does not grant the right to blast, they only request a copy of the license and insurance and are given 24-hour notice of the event.

Ms. Faulconer brought up the matter of the Tannerite gender reveal event; Selectman Coombs said that although he appreciates the "pattern of behavior" point, this is not germane to the topic at hand.

Selectman Briggs said that there is an investigation ongoing in the matter of the debris falling on abutting property. Chief Pellerin said he and (Police Chief) Briggs sat with members of the bomb squad to look at detonation reports. He suggested that maybe bomb squad and fire personnel could come to Mr. Taglieri's yard during a blast to observe.

Mr. Taglieri said that he is not asking to shut down the entire Torromeo business, only work on the north wall. Selectman St. James said that the Town has no authority to tell them to stop work, they only stopped temporarily because the Select Board asked, and

never said would not resume. He said that this Board can only enforce the laws that are in place.

Chairman Coombs said that the Board has done research and consulted numerous legal authorities, but this was a case that could not be won. However, he said that this is new information that needs to be investigated, and agreed that having official personnel on hand to observe a blast from an abutting property would be effective. Selectman Briggs agreed, saying he would recommend that fire personnel should be required to be on the scene at every blast.

Tina Bouraphael, 22 Jericho Drive, said that it has been about a year and that she has still never seen any documentation of Torromeo's grandfathered status. She asked repeatedly how anyone can be 100% sure that this status is valid if no one has the legal paperwork he was required to file. Selectwoman Alessio said that Torromeo has been in business long enough that his status is not in question. Chairman Coombs said that she should submit a request for information in writing to the Select Board's Administrator, and will be provided with the position of the Town's legal counsel.

#### **Resident request to purchase Town owned lots, U4, Lots 216 and 217**

The resident who is making the request (owner of lot 214) was not available to attend this meeting. Selectman Wilson explained that his urgency in wishing to buy the parcels is because he is planning to sell his property and the two small Town lots infringe on his lot, and he fears a third party will buy them and essentially "hold them hostage" for a extorted rate.

There was a brief discussion in which it was decided that rather than cause further delay in getting this year's lots to auction by adding to the list of properties requiring surveys, the owner will be notified that these two lots will not be considered for auction this year.

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

Ellen Faulconer informed the Board that the Library Trustees did go to the Budget Committee and Selectmen at one time to see about adding a capital reserve fund to their budget. They were told at that time that the library is a town building, and if they need extra money for maintenance it should come from the existing Building and Grounds maintenance line.

Rick Russman said that he felt the solar project on the landfill should be a "no-brainer", and he felt it should be moved along quickly before there is a backlog of projects. Selectwoman Alessio said that the school's business administrator has already said he would be interested; Mr. Russman said that he has also talked to Dan Doyle of the school's maintenance department. Mr. Russman expressed his willingness to help with the process.

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

Selectwoman Alessio said that the Kingston Days Committee deserves kudos for all they have done to pull the 2021 event together with a small budget. She said it's a new committee but they have worked very hard and have done a great job.

Selectman Wilson said that about half of the Kingston History book have been sold, and they continue to sell well.

Selectman St. James reported on the Recreation playground project. They will have a booth at Kingston days selling bricks at different sponsorship levels. He said that Partner's Bank has offered a matching funds challenge, at \$10,000.

Chairman Coombs said that at the Inspectors meeting Selectman Wilson had brought forward a spreadsheet to help simplify the permit fees.

#### **OLD BUSINESS:**

##### **Updated Welfare Guidelines: Approval**

These guidelines had been received at the last meeting. Selectwoman Alessio complimented Ellen Faulconer on the detailed work she had done with the updates.

**MOTION:** by Selectwoman Alessio, to adopt the revisions to the Welfare policies and procedures.

**SECOND:** by Selectman St. James

**All in favor**

##### **Consolidated Communications settlement request: New information; discussion**

A Zoom meeting with representatives of Consolidated was held last Monday. Former Assessor Fred Smith was asked to review the assessment settlement figures and has calculated that the tax bill for 2017 should be \$2400 less than Consolidated claimed, and this information will be relayed to Consolidated. Lists of poles and conduits requested from Consolidated have been supplied, and they have asked for a listing of new poles that the Town has compiled. Chief Briggs and Highway Agent Rich St. Hilaire have also compiled a list of double poles. Chairman Coombs said that double poles won't count toward the assessment, and a new pole within 5 feet of an old one is not considered a new pole. Selectman St. James said he thought that there was a limit to how many double poles are allowed. Chairman Coombs said that the old company does not have the resources to take them all down and the Public Utilities Commission is the one that has the authority to instruct the new power company to take down old poles. It was agreed that approaching the Public Utilities Commission is the only way this will be accomplished.

##### **Holiday pay- Juneteenth**

Selectman Wilson said he has reviewed the Personnel Policy and has learned that recognized holidays are individually listed, and are not just "all federal holidays" as had been thought. Fire personnel who work 24 hour shifts are covered specifically in the policy as to how they are paid for holidays.

After some discussion, it was decided that the Personnel Policy should be updated. Chairman Coombs said he thought the Juneteenth holiday should be skipped for 2021 as it was put in place so late, and it could be decided later whether to include it going forward.

**MOTION:** by Selectwoman Alessio to add Juneteenth to the 2022 list of employee holidays

**SECOND:** by Selectman St. James

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

**Saddle Up Saloon - Decision on extension of temporary outdoor music permission**

Site plan review for Saddle Up Saloon has been continued by the Planning Board, one reason being that there has not been sufficient opportunity to measure sound levels during outdoor music events. They return to the Planning Board on August 17.

**MOTION:** by Selectman Wilson, to extend the temporary permission for outdoor music at the Saddle Up Saloon until August 17, 2021.

**SECOND:** by Selectwoman Alessio.

In discussion, Selectman St. James said he thought this should be a Planning Board decision. Selectman Wilson said that the Board is doing this at the request of the Planning Board. He also said that the Planning Board is not guaranteeing to approve outdoor music in the site plan even if the sound level testing shows they are within the legal limits.

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

**NEW BUSINESS:**

**Carriage Museum, 19 Marshall Road**

Selectman Wilson said that the owner of this property has been opening his carriage barn to the public for 3 or 4 hours on Saturdays. He said the Planning Board did not see any way to approve this use without site plan review, but rather than go to that extent, they suggested that this Board might grant a special event permit for 4 hours per month.

**MOTION:** by Selectwoman Alessio to grant an annual permit for the Carriage museum to operate 4 hours on one Saturday per month

**SECOND:** by Selectman Briggs

There was a discussion of the merits of granting this permit, and whether it falls under the category of agritourism (the Planning Board had determined it does not). Owner Brien Albert was present and gave some information about the carriages and activities at the property. He said he charges only for carriage rides. He said that after an article appeared in the newspaper, there was an upsurge in visitors, but there are fewer coming now, and he will be happy with opening only one Saturday per month.

Selectwoman Alessio amended her motion:

**MOTION:** to grant an annual permit for the Carriage museum to hold 15 events per year, for 4 hours on any Saturday.

**SECOND:** by Selectman Briggs

**All in favor.**

**Resident only parking**

Selectman St. James said that he felt these signs are tacky and uninviting. He said he understand having them during COVID but maybe they should be taken down.

Selectmen Wilson and Coombs pointed out that the State Park is crowded on the weekends and the parking area is always full.

It was pointed out the Highway Agent is planning to eliminate the parking area on the Plains and add parking along the roadway.

**BOARD BUSINESS:**

### **Right-To-Know Law updates**

Updated Right-to-Know Law guidance, shared by the Planning Board Administrator after attending a webinar, were reviewed.

**PUBLIC COMMENT II:** None heard

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

- The Kingston Republicans have asked permission to hold a gun raffle at Kingston Days. **Motion** by Selectman St. James to approve; **Second** by Selectman Coombs, All in favor.
- A note from Rich Tremblay (Trustees of the Trust Funds) along with the June Trust report informed the Board that there was over \$20,000 in unrealized gains in the 350<sup>th</sup> Anniversary balance. It was determined this is due to the way the History Book funds were handled.
- A memo has been received from Glenn Coppelman with a suggestion for use of American Rescue Plan Act funds. A working list of possible eligible expenditures will be discussed at the next meeting, and at the Department Heads meeting on August 30.
- A memo regarding possible rearrangement of Town Hall office space was received from the Administrative Assistant. Chairman Coombs said he had spoken to the Finance Officer about this, which is proposed as a way to create quiet space for the Admin, who currently works in the same area as the Building and Health Inspectors. He said he had told Ms. Kenerson to order noise cancelling headphones, but that he did not want to rush into moving furniture. He said he would like to have all affected personnel review the options and be on board with any changes. There was a brief discussion of the need for better space for the Selectmen, especially for non-public sessions. Ideas included use of the stage area. Selectwoman Alessio said that she would also like to see the Permitting office open at 8:00 am instead of 9:00 as is the current schedule.

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

**MOTION:** by Selectman St. James, to approve the public and non-public meeting minutes of July 12, public and non-public, with one correction: On page 4, under "American Rescue Plan, Janet Stevens' title should read, "Governor's Executive Counsel".

**SECOND:** by Selectwoman Alessio  
**All in favor**

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

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

**SECOND:** by Selectwoman Alessio  
**All in favor**

**Meeting adjourned to non-public session at 9:37 PM.**

**MOTION:** by Selectman Wilson, to return to public session at 10:00 PM

**SECOND:** by Selectwoman Alessio

**All in favor**

**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 10:05 PM**

Respectfully submitted, Susan Ayer, Administrative Assistant