

**Kingston, New Hampshire
Select Board
Meeting of September 13, 2021
FINAL MINUTES**

The meeting was called to order by the Chairman at 7:00 pm.

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

PUBLIC HEARING:

The Chairman opened a public hearing at 7:00 PM for appropriation of unanticipated funds. Chairman Coombs read the legal notice for this hearing:

The Selectmen of the Town of Kingston will hold a Public Hearing pursuant to the provisions of RSA 31:95-b, as authorized by a vote on Article 45 of the 1995 Town Meeting, to accept \$337,414.73 in federal grant monies under the American Rescue Plan Act. The funds are to be used for the following purposes only:

- To support public health expenditures
- To address negative economic impacts caused by the Covid pandemic
- To replace lost public sector revenue
- To provide premium pay for essential workers
- To invest in water, sewer and broadband infrastructure

No members of the public wished to be heard on this topic.

Under Board comment, Selectwoman Alessio said that the Board is working with Town Department heads to fully maximize the use of the funds and to mitigate tax impacts on residents. Chairman Coombs said that within parameters given, the Board is trying to accomplish infrastructure projects planned anyway, but which may now be paid for with these funds.

MOTION: by Selectman St. James, to close the Public Hearing, at 7:05 PM.

SECOND: by Selectman Wilson

All in favor

MOTION: by Selectman St. James, to accept the \$337,414.73 in ARPA funds

SECOND: by Selectman Wilson

All in favor.

APPOINTMENTS:

James Lavenson and Jenna Marie Bantjes - request to unmerge Map U9 Lot 64

Jenna Bantjes was present to speak to this request. She said that at the suggestion of the Town's Planner, she and Mr. Lavenson had looked into the history of their property and whether the original two lots had been merged involuntarily by the Town in the 1990's. She said that looking at the property file, they believe this was the case. She said the burden of proof is on the Town to show that the lots were merged voluntarily.

She said that the tax bills show that the property was taxed as two lots in 1989, but by 2003 was taxed as one, so they were merged sometime in between.

Selectman Wilson said he had looking into the property, and the septic and well are contained on one of the original lots. Chairman Coombs explained that in some cases, the lots have been merged by “merger by conduct”, meaning that the owners showed the merger was voluntary by using the lots as one. Selectwoman Alessio asked if the intent was to sell the property; Ms. Bantjes said they have no plan at this time. Selectwoman Alessio then advised that a variance would be necessary to build on a 1-acre lot.

Selectman St. James asked why the Town would merge lots; Selectman Wilson responded that if two undersized lots had a single owner, they may have been merged for tax purposes. Selectwoman Alessio and Selectman Briggs had knowledge of this happening elsewhere in town. Chairman Coombs said that all cases are a little different, and then also pointed out that the extended deadline for applying for un-merging is December 31, 2021. He said that the Town would need some time to research the matter. Ms. Bantjes was invited to come back to the Board on October 4. Selectwoman Alessio suggested that she bring a packet of the information she has collected to the Selectmen’s office ahead of time.

PUBLIC COMMENT I:

COMMITTEE LIAISON REPORTS:

(Taken out of order while waiting for second Public Hearing.)

Selectwoman Alessio said that the **HDC** will be meeting this week and hearing applications from Benson’s Café about a sign permit, also from the new dentist’s office, and from Rick Korn about repairing his deck. She said she had also heard from the **Fire Chief** about possibly exploring Consolidated Communications as an alternative phone company. Information on this is also in the packets; Selectwoman Alessio said it may be an item to add to the upcoming Department Heads meeting. She said Fire Chief Pellerin had also mentioned the subject of credit cards for Departments so they do not need to use their personal credit cards.

Selectman St. James said he had spoken to **Finance** Director Cindy Kenerson on this topic, which had been on hold while TD Bank had closed its Kingston office, to be replaced by Partners Bank. Ms. Kenerson is putting together a policy for use of Town credit cards; Selectman St. James said he thought the Board should vote to open an account with the new bank, but not issue credit cards until the policy is in place.

MOTION: by Selectman St. James, to direct the Finance Officer to open an account with Partners Bank for five Department Head credit cards, and also to produce a credit card policy for the Board to approve.

SECOND: by Selectwoman Alessio

In favor: Alessio, Coombs, St. James, Wilson; Abstain: Briggs

Chairman Coombs said that Selectman Wilson had put together a list of current permits and fees; he said that at the next **Inspectors'** meeting they should be ready to put together a fee structure for Board approval.

OLD BUSINESS:

Support for Plains Cemetery Nomination to the National Register of Historic Places

In response to notification from the NH Division of Historical Resources that the Plains Cemetery is to be considered for nomination to the National Register of Historic Places, a letter has been prepared to express the support of the Select Board. This was reviewed and signed for mailing.

Working list of Eligible Expenditures for ARPA Funding

A preliminary list of items that have been discussed was provided. Selectman Coombs said that there are some dollar amounts that can be added. Selectman St. James said that Block 5 has noted that the Museum wiring is too old to be conducive to providing access to the internet. He said that the Highway Department has similar issues, and suggested that a committee should be set up to start looking at such projects that the ARPA funding could be used for. Chairman Coombs said he agrees that a committee would be useful, but that first Rich St. Hilaire should be contacted, as these items fall under Buildings and Grounds.

Selectman St. James then said that now that the streetlights have been converted to LED lighting, adding more streetlights should be considered.

PUBLIC HEARING: Pursuant to the provisions of RSA 41:14-a, on intent to sell Town-owned property

The Chairman called this Public Hearing to order at 7:30 PM and read the notice for this hearing:

The Selectmen of the Town of Kingston will hold Public Hearings pursuant to the provisions of RSA 41:14-a, on their intent to sell the following Town-owned property:

- Map U4, Lot 27 - 7 Seventh Street - .3 acre
- Map U4, Lot 30 - 12 Sixth Street - .1 acres,
- Map U4, Lot 87 - 31 Second Street - 1.3 acres
- Map U4, Lot 175 - 5 Sixth Street - .11 acres

All lots are to be sold with restrictive covenants as unbuildable.

Any interested person may attend this public hearing and present testimony related thereto.

In preliminary comments, Selectman Wilson said that after speaking to several residents, he believes that the Town should restrict the bidding to abutters only, as long as the minimum bid is met. He said that, for instance, a landlocked parcel could be bought by an outside party and "held hostage" for a higher price from the abutter who wants it.

The Town's policy for sale of Town- owned property includes a provision for offering non-conforming parcels only to abutters. This has been affirmed by Town Counsel to be allowable.

The Chairman opened the hearing to Public Comment.

Peter Bragg, 47 Great Pond Road, and Martin Giorgi, 3 Sixth Street, spoke to the Board about Lot 175, which they abut. They said that their concern was that it was opened to bids from the public at large, as the trees are a hazard that affects only them and their families. Mr. Giorgi said that recently a large limb broke off a seemingly healthy tree, that could easily have crushed a car or a child. He said that someone might bid on the lot to gain lake access and not do anything about the trees, whereas he and Mr. Bragg have been in front of the Selectmen several times and have made it clear they are ready to take down the trees.

Mr. Bragg asked about Lot 179, which also has some dangerous trees, and is not on the sale list. Selectman St. James said that lot is low- lying, and the Board had decided it would be to the Town's advantage to keep it; however, he said he will take another look at it.

Kyle Ballard, 18 Tenth Street, said he is concerned about a paper road, or right of way, that sits next to the lot he has for sale. He said the potential buyers are concerned about the lot becoming landlocked. Chairman Coombs said that something should be put in the deed that the right-of-way will be maintained, and that it is not legal to create a landlocked parcel. The potential buyers were also present and said this helped to resolve some of their fears, however they had other questions about the location of the right of way. Chairman Coombs said that they could have a survey done, and that there should be a good number of way points in the area for them to work from.

It was asked if Seventh Street will remain Town property; Chairman Coombs said it would, and the only way to remove a Town road is via Town meeting.

John Paiva, 22 First Street, said he had looked at the tax map that was sent with the abutter notice, and he has a map that is different. He showed his map to the Board; it is an older map that the Town also has on file.

Derek Vater of 44 Great Pond Road asked about the minimum bids for the properties, which had been tentatively set, slightly revised and printed for information prior to this hearing:

- Map U4, Lot 27 - 7 Seventh Street - .3 acre: \$ 7,000
- Map U4, Lot 30 - 12 Sixth Street - .1 acres, \$ 6,000
- Map U4, Lot 87 - 31 Second Street - 1.3 acres \$10,200
- Map U4, Lot 175 - 5 Sixth Street - .11 acres \$ 1,800

Chairman Coombs said this may not be where the bids start, but it totals what the Town needs to take in to cover costs, including survey work and paying the auctioneer. Mr. Vater said the numbers don't make sense given the sizes of the lots. Selectman St. James said that Lot 175 is priced low due to the hazardous trees that need to be removed at a considerable cost to the buyer. Selectwoman Alessio said that not all lots

are created equal, and the price is not based on size. Mr. Vater said that he had already cleared trees from Lot 27, which is not reflected in the minimum bid.

MOTION: by Selectwoman Alessio, to close the hearing at 7:52 PM.

SECOND: by Selectman St. James

All in favor

APPOINTMENTS, cont.:

Greg Senko, Country Pond Lake Association: Support for Grant Application

Mr. Senko, President of the CPLA, provided the Board with a printed presentation of this project request, which also involves grant funding. He said that the Watershed Assistance Grant is for projects to control pollution in the watershed, which is the cause of cyanobacteria blooms in the ponds. He said many of the steps are already included in the MS-4 Stormwater Permit, which Kingston is required to participate in, but additional projects are needed to reduce storm runoff.

Mr. Senko described the project in Kingston, which is along Concannon Road. Significant road runoff is washing across two driveways at 14-16 Concannon Road, carrying soils and phosphorous into Country Pond. Phosphorous increases the likelihood of cyanobacteria blooms; the project proposes to reduce the phosphorous loading by 2.8 pounds per year by installing a 3' deep infiltration trench.

In discussion, it was established that landowner permissions have been obtained, and that the Town Highway Department's time and equipment would minimize the cash match needed. A letter of support from the Board is requested, giving permission to carry out the project and commitment to provide matching funds. Project cost is estimated at \$10,000 or less, and a local match of \$4,000 to \$6,000 is required. Mr. Senko said that this does not need to be in cash, that he thinks that CPLA volunteer hours and outreach, along with the contribution of the Highway Department, may reach the matching threshold.

The Board agreed to approve the project and grant request. A letter of support will be signed once revised to reflect details of the Kingston project.

PUBLIC COMMENT I:

Ernie Landry, 17 Thorne Road, asked to give input on the use of ARPA funds. He said that he is most concerned with water infrastructure, and hopes this will be a use of the funding. Chairman Coombs said that engineering fees for such projects can be included, and that this is a top priority of the Board as well.

NEW BUSINESS:

BOARD BUSINESS:

Selectwoman Alessio and Town Clerk Tammy Bakie will be interviewing Highway Secretary candidates.

A description of revised duties for the Recreation Director has been received for information. Paul Butler will come in at an upcoming meeting to discuss.

PUBLIC COMMENT II: None Heard

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- Facilities Use application for use of the Plains by the school for Cross Country meets was approved; however, the Chairman said he has observed that participants are parking cars further and further onto the grass. He said one-time events are one thing, but the teams are on the Plains every day. Selectman Briggs will notify the school Principal of this problem.
- Information on changes to PFAS levels that are allowable in drinking water was briefly reviewed and will be looked into further.
- A revised Budget Committee schedule has been received.
- A letter regarding the parking area near the State Park was received.
- The budget vs. actual figures for January through August were reviewed.

APPROVAL OF MEETING MINUTES:

MOTION: By Selectman St. James, to approve the meeting minutes of July 23, Public and Non-public, as written.

SECOND: By Selectwoman Alessio, with one correction: on page 2 under Public Comment, second sentence should read, "... between the School District and developer Chinburg Properties". Motion amended.

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

MOTION: By Selectman St. James, to approve the meeting minutes of July 30, Public and Non-public, as written.

SECOND: By Selectwoman Alessio

All in favor

NON-PUBLIC SESSION:

MOTION: by Selectman St. James, to enter non-public session under RSA 91-A:3, II (a) Personnel and II (d) Consideration of the acquisition, sale or lease of real property, and (l) legal advice

SECOND: by Selectwoman Alessio

All in favor

Meeting adjourned to non-public session at 8:31 PM.

MOTION: by Selectwoman St. James, to return to public session at **9:00 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; acquisition of real property

Adjournment:

Meeting Adjourned at 9:00 PM

Respectfully submitted, Susan Ayer, Administrative Assistant