

**Kingston, New Hampshire
Board of Selectmen
Meeting of February 22, 2021
FINAL MINUTES**

The meeting was called to order at 7:00 PM.

PRESENT: Phillip Coombs, Chair; Donald Briggs, Vice Chair; Electra Alessio, Richard Wilson, Kevin St. James (via Zoom software), Select Board Members.

APPOINTMENTS:

Road Agent Rich St. Hilaire, Highway Topics

--Driveway permit procedures

Mr. St. Hilaire addressed the issue of driveway permits, saying that all permits should be under one umbrella. He said that it is up to the Planning Board to make changes to the regulations in this regard. Chairman Coombs said that the inspectors are reviewing how inspections are done, and trying to ensure that all permits are routed through the Assessing and Permitting Clerk. He said that an email conversation among other Towns was received; permit fees and when surety bonds should be required has been discussed.

Mr. St. Hilaire said that the Town owns the end of any driveway and the right-of-way, and so needs to know that all driveways are built to handle runoff correctly. He said there are new regulations and restrictions on slope. He also mentioned that the Town has liability when work is being done on Town property, including flaggers in the roadway, and that is why a bond is important. Regarding permit fees, he said he is not in favor of raising the driveway permit fee (currently \$25) for those who are following the rules. But he said there should be stiff penalties for those who do it wrong.

Chairman Coombs said that a policy should be developed right away if it is decided to bring regulation changes to the Planning Board.

--Permission requested to install beaver pipes (topic taken out of order, from Old Business)

Mr. St. Hilaire said that this method of beaver control has been tried before, and he said that it works in some places but not in others. He said if a separate group wants to do the work and pay for it, including maintenance, that is fine with him. He said that it is not a bad idea, but it should be done carefully. He added that if water rises in the area of the Town's landfill, it could cost \$25-30 million to fix, as the trash may then need to be moved and a liner placed.

Selectwoman Alessio said that the Board does not have a straight answer on the total investment involved, and there needs to be more discussion. A grant may be pursued by Conservation, but the terms are not clear. Chairman Coombs said he would like to look, with Mr. St. Hilaire, at the possible areas for placing the beaver pipes. Selectwoman

Alessio said a commitment is needed from Conservation that they will monitor and maintain the location. Selectman Briggs will relay this information to Conservation.

--Landfill

Mr. St. Hilaire brought to the Board's attention several matters involving the landfill, such as controlling the vegetation. He said that last year, as it was dry, they were able to cut the brush without worrying about damage. He said that a decision needs to be made whether to treat the brush with herbicide, and if so, whether to handle this in-house or hire a private vendor. Another alternative he mentioned was bringing in livestock to graze there.

--Highway Secretary position

Mr. St. Hilaire said that he will be posting this job next week; he said that if the warrant article for a full-time position does not pass, a part-time employee will be hired.

--Snow plowing, Mailboxes

Mr. St. Hilaire informed the Board, and the public, that plowing snow across the road during a storm is against state laws. On the subject of mail boxes, he said that only 4" x 4" wooden posts or 2-1/2- inch hollow metal posts are allowed. He said that the granite mailbox posts will shatter when hit, and allow the mail box to go through the windshield of a car. Selectman Wilson suggested that placement of a mailbox should be part of the Occupancy permit inspections. Chairman Coombs said that problem mailboxes should be identified and the owners contacted at the end of the winter.

Hawks Ridge Condominiums

Town Engineer Dennis Quintal and Building Inspector Robert Steward were present to discuss various problems that have been ongoing at this development. Mr. Quintal said that the last inspection he did was on December 28th, and the Board got that report; he has not been asked to come out since then. He said the developers need to build according to the approved plan or come up with a new plan. He said that ditch work does not need to be exact, but needs to fulfill the intent of the site plan; for example, if a ditch was to be 8.5' in the plan and ends up being 3', that is unacceptable.

Chairman Coombs said a technical review committee was to be formed and asked if this had taken place. Selectman Wilson said that there had been a meeting including Engineer Charlie Zilch and Town Planner Glenn Greenwood about two months ago, but that nothing has happened since, to his knowledge.

Mr. Steward made a report on various aspects of the site that have come to his attention. He said that the two houses released by the Board of Selectmen are going up. He said he has notified the contractors that there could be a problem obtaining a Certificate of Occupancy due to the overall issues on site, and they are naturally not happy with that. He said that Robert Vilella (formerly involved in the development) has asked for a building permit as well, but Mr. Steward let him know he was not authorized to issue one at this time. Chairman Coombs asked if the two houses being built are in compliance with the site plan, and whether the culverts in that area have been looked at. Mr. Quintal said that he has not been asked to inspect them. Chairman Coombs said

that this should be verified as it is not right to hold up these builders after agreeing to issue permits.

Mr. Steward said that another issue is the apartments being built at the Granite Fields clubhouse. He said no permits were issued as the mylar plan is not yet signed, but framing is being done. He said dormers were built which was okay, and he has inspected them.

The Building Inspector also addressed the issue of a pool built by Mr. Dufresne behind his own condominium in the development. Mr. Steward said a permit was pulled, but then revoked due to a discrepancy in the paperwork as to where the buffer area is located; he said there were two different plans. He said a letter from Mr. Dufresne's attorney did not address the discrepancy.

Selectman St. James asked if there is still money available in a bond to pay for the time of the Town Engineer and Building Inspector. Chairman Coombs said that they are being paid through an escrow account that was set up. Selectman St. James said that they should be charged for everything, that he is very dismayed that this has gone on so long, especially after meetings in the fall when the Board tried to work with the developer. As for the current bond request, Selectman Wilson said that the developer's engineer had come up with a cost figure. Mr. Quintal questioned why this is only for paving; he said that with so many other issues, it should not be limited to the top coat of paving. Selectman Briggs said that paving was discussed during the site walk that was conducted in the fall and that is where that bond request comes from.

Selectwoman Alessio said there needs to be a checklist of the problems. Mr. Quintal said that he made a list in 2017 and another in 2018. He said that whatever remains undone will be the checklist going forward. He said he will do that this week, and also look at the two new houses for compliance.

PUBLIC COMMENT I:

Charlie Zilch of SEC Engineers was present with Jim Dufresne for the discussion of Hawks Ridge, and spoke to the Board to say that he is to blame for delays as he has been very busy. However, he said that Mark Viens has been doing as much as possible to correct drainage and culverts, etc. and had gotten to the point where he could not do anything more per the original plan. At this time he said he has been trying to contact the Town Planner to set up a technical review committee meeting. He said they have ideas for every deficient area. Chairman Coombs said he will need to see the progress rather than just hearing about it as the project has dragged on for so long.

Jim Dufresne, 7 Bent Grass Circle, said that a permit was issued for his pool and that work stopped in December after a problem was identified. He also said that the mylar plan for the golf club apartments was submitted for recording, and that neither of these have any bearing on the Hawks Ridge project.

OLD BUSINESS:

Block 5 IT Services Agreement

The Administrative Assistant informed the Board that this agreement has gone back to Primex for one more review after most of their suggestions were implemented by Block 5 Technologies.

RSA 79-e Committee review of Board decision

Following a question raised about the validity of the number of years of tax relief granted by the Board to Chinburg Properties for their renovation proposal for the Sanborn Seminary, the 79-e Committee met to discuss this in detail. Selectman Wilson reported that the committee had ultimately agreed with the 9 years of relief granted by this Board. A letter of approval will be prepared for Mr. Chinburg.

South Shore Outboard Association

The Health Officer has reviewed and approved the Association’s Covid Protocol Policy to be implemented during their September event. In addition, they will be given a copy of the new state guidance for Fairs and Festivals.

NEW BUSINESS:

Surplus Equipment Bids Received

The following bids were received for three vehicles advertised for sale:

<u>BIDDER</u>	GMC 3500 UTILITY TRUCK	FORD EXPLORER 2015	FORD EXPLORER 2017
CORKERY TRACTOR TRAILER	\$203.00	\$3,187.00	\$2,121.00
JON’S ROUTE 114 AUTO SALES	\$377.00	\$2,672.00	\$3,277.00
TRACY CLAUD	--	\$5,915.00	\$3,855.00
ASIAN AUTO SERVICES	\$1,234.56	\$3,632.12	\$3,632.00
THOMAS DIORIO	\$1,179.00	\$1,678.00	\$2,286.00
YOUSEF DABBAGH	---	\$3,668.00	\$3,668.00
BAY RIDGE MOTORS, INC.	--	\$3,479.00	\$4,243.00
JOHN NIEMIEC	\$177.77	--	--

Bidders will be notified of the results.

Auditing Firm agreement

There was a discussion of whether or not this contract for auditing services needs to go out for bid. Finance Director Cindy Kenerson had included a memo stating that “due to restrictions regarding the Coronavirus and the ability to perform the audit remotely, it would be practical and prudent to continue with the firm with which the Town has developed a relationship.” Ms. Kenerson also quoted paragraph 8 of the Town’s purchasing policy, which states that the Board is empowered to appoint attorneys and other consultants. Selectman St. James said he thought the policy needed to be adhered to and that time constraints are no excuse.

MOTION: by Selectwoman Alessio, to send the auditing services contract out for competitive bids.

SECOND: by Chairman Coombs

In discussion, Selectwoman Alessio suggested that a calendar of contract renewals should be prepared.

All in favor via roll call vote

COMMITTEE LIAISON REPORTS:

Selectman Wilson reported that the 266 Route 125 project before the **Planning Board** has been approved with 34 conditions. He said that the project will generate \$400,000 in impact fees and an estimated \$500,000 in permitting fees.

Selectman Briggs reported on the **Fire Station Building Committee's** meeting and process being set in place for payment of contractors.

MOTION: by Selectman Briggs, that the process for payment for any work on the Fire Station will be to generate a purchase order for every contractor that has won a bid, and that any payments against each PO will be reviewed weekly, verified with the Site manager, and signed off on by Police, Fire and Highway Department heads.

SECOND: by Selectwoman Alessio

Chairman Coombs said that a biweekly schedule would be better than weekly, and also that in case one of the three reviewers is unavailable, two out of three signatures will be sufficient.

The Motion was amended:

MOTION: by Selectman Briggs that the process for payment for any work on the Fire Station will be to generate a purchase order for every contractor that has won a bid, and that any payments against each PO will be reviewed bi-weekly, verified with the Site manager, and signed off on by at least two of the Department Heads, to include Police, Fire and Highway.

SECOND: by Selectwoman Alessio

All in favor via roll call vote.

Chairman Coombs reported that the **Inspectors** discussed permits for the 266 Route 125 project; they felt good about the process used for the All American Assisted Living project. The inspectors also discussed the Commercial building permit fee structure after Permitting Clerk Tori Dobrowolski pointed out some deficiencies. They will be working on these and the Chairman will bring changes to the Board.

Chairman Coombs also said that once the snow melts, an illegal junkyard task force should be formed to follow up on illegal vehicles and other dumping problems.

Selectwoman Alessio said she has the employment contract for Rich St. Hilaire back from the attorney, but questions whether it should be for "Road Agent" as he has been, or "Highway Agent" as the appointed position was named in last year's Warrant article. She will clarify this with Mr. St. Hilaire. She said the contract for the Fire Chief is almost ready as well, but she will be consulting with Town Counsel about a clear definition of "just cause".

Selectwoman Alessio also said that **Town Clerk** Tammy Bakie will meet with Elections staff to begin processing Absentee ballots on Friday, March 5, prior to the March 9 election.

PUBLIC COMMENT II: None heard

BOARD BUSINESS:

- **Candidates Night** will be held via Zoom software on February 25 at 7:00 PM. Questions for the candidates will be accepted up until Tuesday by sending to the Selectmen's Administrative Assistant, or by placing written questions in a box provided at Town Hall. It was established that this meeting will be recorded and available afterward on YouTube. It will not be broadcast live.
- **Selectmen St. James and Coombs** will be naming replacements for themselves to attend Election Day, as they are on the ballot.
- The Board reviewed the first draft of a Right to Know policy. It was agreed to strike item #4. In addition, in discussion it was noted that the Police Department fields its own RTK requests, and the policy names the Selectmen's Administrative Assistant as the point of contact. It was agreed to separate Police and Fire requests, due to sensitive information unavailable to the Selectmen's Administrative Assistant.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- A new letter of interest in purchasing Town-owned land was received. All requests are next to be reviewed by the Planning Board and Conservation Commission, per the Town's policy.
- Appointment forms were signed for new/renewed members of the Kingston Days and Recreation Committees.
- One veterans tax credit application was approved.
- One disabled veterans tax credit application was approved.
- On a motion by Selectwoman Alessio, seconded by Selectman Wilson, an application for an automotive inspection station at the 125 Auto Center was approved. It has already been reviewed and signed by the Planning Board.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman Briggs, to approve the public and non-public meeting minutes of February 8, 2021, with one correction.

SECOND: by Selectwoman Alessio

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

NON-PUBLIC SESSION:

MOTION: by Selectwoman Alessio, to enter non-public session under RSA 91-A:3, II (a) Personnel and (I) legal

SECOND: by Selectman Wilson

All in favor via roll call vote

Meeting adjourned to non-public session at 8:56 PM.

MOTION: by Chairman Coombs, to return to public session at 9:45 PM

SECOND: by Selectman Wilson

In favor: Alessio, Briggs, Coombs, Wilson. Absent: St. James (left meeting at 9 pm)

MOTION to seal these minutes for an undetermined length of time, made by Selectwoman 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.

Passed by unanimous roll call vote.

Discussed during non-public session: Personnel issues.

MOTION: by Selectman St. James, to adopt a new application form for 91-A requests; to have the Administrative Assistant craft a Right to Know Request policy; and to authorize the addition of one more keypad lock to the Town office doors.

SECOND: Selectman Briggs

All in favor via roll call vote

Adjournment:

Meeting Adjourned at 9:46 PM.

Respectfully submitted,
Susan Ayer, Administrative Assistant