

**Kingston, New Hampshire
Board of Selectmen
Meeting of July 6, 2020
FINAL MINUTES**

The meeting was called to order at 6:00 PM in the Meeting Room at the Town Hall.

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

NON-PUBLIC SESSION:

MOTION: by Selectman St. James, to go into non-public session under RSA 91-A:3, II (I): Legal

SECOND: by Selectwoman Alessio

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

The Board adjourned to Non-public session at 6:10 PM

MOTION: Upon motion of Selectman Briggs, **SECOND** of Selectwoman Alessio, it was voted by roll call to return to public session at 6:40 PM

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

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 in Non-Public:

Legal advice on site plan issues

APPOINTMENTS:

Human Services Director: Welfare Department Guidelines

Human Services Director Ellen Faulconer gave copies of the updated Welfare Guidelines document, along with supporting information for the changes. She said that amounts available for housing and food assistance are based on HUD and are adjusted every couple of years. She said the major change is that assistance with internet service is now offered. She will post the Amendments, and the Select Board will vote on them on July 20th.

Town Clerk, Moderator: Election Policy

Town Clerk Tammy Bakie spoke to the Board about the upcoming elections, the Primary on September 8 and the General Election on November 3. She said that the state is providing PPE (Personal Protection Equipment), but that other items need to be addressed, in particular the need for additional personnel. She said that many of the election workers from past years are older people, some with health issues, and so may not be willing to put themselves at risk of contracting the COVID-19 virus. In addition, she said that attracting more workers will be difficult if the hourly pay is not raised; it is

currently at \$7.50 per hour. Ms. Faulconer added that additional workers will be needed to allow for breaks or split shifts, as they will all be required to wear masks and it is a long day.

MOTION: by Selectman St. James, to increase the pay of election workers to \$15 per hour, with the exception of elected officials.

SECOND: by Selectman Briggs

There was a discussion in which Selectwoman Alessio said that this is a large increase, and that people don't work the polls because of the pay. Selectman Wilson said he thought high school students may be recruited to work at the elections. After further input, Chairman Coombs said he felt this matter should be tabled until the next meeting, to get more information. All agreed.

Ms. Faulconer asked who to approach about additional PPE needed, such as plexiglass dividers. Selectman Briggs said that she should reach out to the Emergency Management committee, which consists of himself, the Fire Chief and the Road Agent.

Town Clerk: Tax Revenue report

Ms. Bakie had been asked to provide totals of taxes collected as of July 1, to aid the Selectmen in making budgetary decisions based on cash flow. She said that out of the \$9 million tax warrant, \$423,000 remains uncollected, which she said is very good. She said she can't compare exact dates to last year, but that in 2019 at the end of July, there was \$341,000 outstanding.

Ms. Bakie added that there may be more payments received that she has not been able to process, due to a problem with the internet (email server) that occurred over the weekend and has not been fixed. She commented that this disruption in service is unacceptable.

Sanborn Youth Baseball and Softball

Chris Bashaw was present to speak on the subject of a letter sent by Anthony Scafidi, asking the Town to allow Show Baseball & Softball Academy to use the Magnusson fields this summer.

Selectman St. James made a motion to allow Show Academy to use the fields this year without charge, for three Sundays, based on the support of local families that were listed in the letter. This motion was seconded by Selectwoman Alessio, but then withdrawn when Mr. Bashaw corrected the requested use, which will be Saturdays or Sundays every weekend from July 11 through September 7.

Anthony Scafidi arrived at this time and explained that while they understood there were problems last year with a for-profit league that used the fields, they have a good working relationship with Show Academy, who will be allowing the teams to use their facility at Granite Fields all winter, and who have roots in the community. He said that maintenance will be provided by SYBS, that they will bring in their own garbage bags and there will be no bathrooms. Road Agent Rich St. Hilaire said that it would be prudent to place porta-potties with health safety guidelines.

Chairman Coombs said that a deposit should be charged, and refunded in September if the Town has not had to pick up trash or fix other problems. In addition, it was agreed that if problems are identified partway through the season, the teams could be asked to stop using the field.

MOTION: by Selectman Wilson, to require a \$1,000 refundable deposit from Show Academy for use of Magnusson fields this summer.

SECOND: by Selectman St. James

In discussion, it was affirmed that at least one porta-potty will be needed. Also Selectman St. James asked Mr. Scafidi to come back with a report next Spring on how the 2020 season worked out.

All in favor

Mr. Scafidi will confirm specific dates with Show Academy and have them submit their insurance certificate and the deposit check to the Selectmen's office.

PUBLIC COMMENT I:

Rich St. Hilaire informed the Selectmen of a complaint made by a resident of Great Pond Road about trees on town property (Map U4, lots 175, 179 and 186) hanging over residential lots. He confirmed that there are four or five large pine trees that should come down, but will require a large crane. He said the work would take two days and cost \$2500 for the crane.

Mr. St. Hilaire then said that the resident at U4-177 would be interested in buying the Town lot or lots and would then take care of the trees himself. However, he added that there is a 20' to 40' strip of land in between that belongs to someone else, so it is a confusing area and will need a survey.

Mr. St. Hilaire also informed the Selectmen that there are boats, trailers, jet skis, snowblowers, etc. being parked on the Town's lots in that area; he said that at present there are 30 or more vehicles of various types that could potentially be leaking oil and contaminating the property.

There was a lengthy discussion about retaining or selling Town property. Selectman St. James said that he has been concerned about the amount of property the Town owns, but had been made aware by Mr. St. Hilaire said that, particularly in Great Pond park, caution should be taken in case the land is needed for a septic system; it should not be developed. He asked if this lot or lots would be one of those areas. Mr. St. Hilaire said that it could service any one of several properties in case of a failed system. Chairman Coombs said he feels that the Town needs to look at divesting itself of some properties, as they do not generate tax revenue and often creates problems such as this, however agreed that some of the paper streets were left in place for a reason. The ambiguity of the lot lines was discussed, and Mr. St. Hilaire said a survey will need to be done. Selectwoman Alessio said that even before taking trees down, a survey should be done. It was agreed that a survey will cost more than the Town can spend this year. Chairman Coombs said that an engineering firm should go in to do a preliminary feasibility study, but this would cost a minimum of \$20,000 to \$30,000.

Selectwoman Alessio suggested that neighboring properties' deeds should show any encroachments on Town land. Mr. St. Hilaire said that the Town has an obligation to keep roads clear, but this is not the case on land other than roads. The property with the problem trees is not a "paper street" or road. Mr. St. Hilaire was asked if he would recommend not taking any action at this time. He said given normal weather circumstances the trees should be stable for now; however, they are hanging over a house and need to be taken care of. There was then a discussion of how certain it is that the trees are even on the town lots. It was agreed that at a minimum, Town Engineer Dennis Quintal should go look at the property and make an estimate of what needs to be done. Selectman St. James will work with Mr. Quintal and Mr. St. Hilaire and report back.

Chairman Coombs said that he did not feel the Town is in a position to sell the lots right now. There was then a discussion of whether or not the Selectmen have the authority to sell Town land without a Warrant article; this will be researched. It was noted that Planning and Conservation need to be involved; Ellen Faulconer concurred in a Zoom comment, stating that there used to be a requirement on selling land in Great Pond Park that Planning and Conservation are to be notified.

PUBLIC HEARING:

Discussion of Resident Parking Policy

Selectman Briggs prefaced the discussion by saying that complaints have been received about parking areas including on the Plains and at the town boat launch being overcrowded and unavailable to residents, as well as there being a litter problem in these areas.

Three areas to be considered for designation as resident parking only were identified:

- On the Plains in front of the State Park
- The Town owned parking at Greenwood Lake
- In front of the boat landing near the Recreation Center.

The intent would be to charge \$2 for resident stickers for those areas to limit out of state parking and cut down on trash problems. Stickers would be available for sale at the Police Department and the Town Clerk's office.

Chairman Coombs said that a policy will be drafted and voted on at the next meeting, on July 20th. Time will be set aside for public comment.

Selectman Briggs said that some complaints he has received have been that residents can't access the beach near the recreation center; he said that this area is open to residents with a key, as in the past.

OLD BUSINESS:

Water Testing of Ponds: DES, Town

Selectman Wilson noted that the State is now saying they will do one water test per month on the ponds, after previously saying they would do none this year. There was a discussion of whether or not it is required to do two tests per month for e-coli; Selectman St. James said that it is recommended but not required. A bloom of cyanobacteria was

recently seen at Greenwood lake that resulted in the State testing there; it had not been a high enough level to close the pond to swimming. Selectwoman Alessio noted that this is why every two weeks testing was necessary.

After a discussion of the money and personnel needed to do testing, and that the Lake Association tests only for milfoil annually, Chairman Coombs said that in his opinion Greenwood pond should be closed to swimming. He said it is a problem every year, and the insurance company has said that a “swim at your own risk” sign is insufficient. Board members Alessio and St. James concurred, saying that the bacteria levels are already elevated.

MOTION: by Selectman St. James, to close the Town beach at Greenwood Pond to swimming until further notice.

SECOND: by Selectwoman Alessio

In discussion it was determined that this would not affect boating or kayaking.

All in favor.

Updated Assessment, Sanborn School

The Selectmen discussed the assessment of the Sanborn School property, done at their request by the Town’s assessing company, KRT Appraisal. Selectwoman Alessio questioned if they had seen the 2017 appraisals on the property that had been done. Other questions were briefly raised, about the property included and the value assigned. Selectman Wilson will talk to someone at KRT to see how this figure was arrived at.

Half Moon and Iris, Stone Wall Location

The Selectmen reviewed a septic plan for the property at Map R23 Lot 9, where a wall has been constructed in the Town’s right of way. There was a question of whether the plan being reviewed was what had been seen in the past, which it was thought had more detail.

It was decided to have a letter prepared to send to the owner of the property, ready for signatures at the end of the week.

NEW BUSINESS:

Timber Management Plan for Acorn and West Kingston Town Forests: review

The Conservation Commission sent this Timber Management plan and payment information to the Board for review. Conservation Chair Evy Nathan sent an email explaining that the Commission is hiring Ron Klemarczyk of Foreco for this work, and that they expect the cost of the plan to be covered by the timber harvested. There was no objection from the Board.

Request to use Town equipment to clear trails

Greg Senko of the Conservation Commission sent an email request for the use of a gator, landscape trailer and small tractor to aid in hauling in or removal of materials from the trails. Mr. St. Hilaire said that he is okay with this use of Town equipment but it is up to the Selectmen to look into liability. Selectman Wilson said training needs to be provided. Selectman Briggs said a liability form needs to be signed, and he will look into

what Primex may require for training as well. Mr. St. Hilaire said that any volunteer organization needs to keep a log of who works in the woods.

Property Assessments not current due to changes not made April 1

The Selectmen reviewed a list of properties for which building permits were not processed by the Town's assessor, KRT Appraisal. The permits were entered into the system by the Assessing clerk, but KRT had not picked them up to revise the property cards on April 1, which is the usual assessing cycle, citing the COVID-19 virus disrupting their operations. As a result, some tax bills that went out in June were incorrect. According to a note from the Assessing Clerk, this list represents only the highest value permits that were missed, and there are quite a few others that will adjust taxes due for the year. Options identified were either issuing a supplemental tax bill or waiting for the second bill to catch up the balance.

MOTION: by Selectman Briggs, to issue supplemental tax bills for all the properties on the list provided of major improvements.

SECOND: by Selectman Wilson

There was a discussion in which it was agreed that a letter should be sent to KRT to make them aware of the this and other problems identified.

All in favor.

Construction being done without permits

Selectman Wilson suggested that a template letter should be prepared for use when it comes to the Town's attention that work is being done without a permit. He said he has been called to three properties in recent weeks. Chairman Coombs said that the inspectors are the eyes and ears of the Town in this regard. He said usually such concerns are brought to Building Inspector Robert Steward, who will then go and talk with the property owner. He said this has been a successful strategy, as face-to-face conversations seem to be the best way to resolve these issues; Mr. Steward can see exactly what is going on and advise the property owner what permits may be needed. Chairman Coombs said that Selectman Wilson should send any complaints on to him to share with the inspectors. In addition, Selectman Wilson will be added to the distribution list for the building permits spreadsheet kept by the Assessing and Permitting Clerk.

Employee backups; Email server issue

Chairman Coombs said that the issue, brought up earlier in the meeting, of the email server being down for several days needs to be addressed. He said it points to the problem of a lack of redundancy in the Town Hall staff, and that all employees need counterpart set up for when they are not available.

The Board discussed the email server, iPower, and the feeling that it is not secure, given the recent problem with spam mail that shut down the entire system.

Selectwoman Alessio said it is time to upgrade the server to a .gov address. Selectman Briggs offered to bring in the people he works with at the Police Department, perhaps to talk to the IT employees from the school that work with the Town's computers.

Selectman St. James said he thought a consultant should be brought in to get a recommendation. Selectwoman Alessio said that both should be done, and it was agreed to begin with the contacts that Selectman Briggs has.

The Administrative Assistant was asked to liaise with Cindy Kenerson and other Town Hall employees to be sure that everyone has a backup and that there is a structure in place in case of emergencies.

Financial Update

Selectman Alessio reminded the Board that July 1st had been the date set for receiving an update on cash flow before implementing employee raises. She said that the information received from the Tax Collector was helpful, but a complete update, including expenditures, is needed for budget purposes.

Library Reopening

Selectwoman Alessio said that she has had questions from the public about when the library will open. Selectman Wilson said that the Board had already instructed the Library Director that she could open up once all the safety measures are in place.

Fireworks Ordinance

Chairman Glenn Coppelman has brought to the attention of the Board that Hampton Falls has a fireworks ordinance, and that Kingston may want to consider doing one as well. Selectman Briggs said this can be a liability, as once the Town issues a permit it becomes responsible. Chairman Coombs wondered what would be accomplished, as having read the policy he saw that it would not really limit the number of displays. There was further discussion of the matter, and the problems with animals and people with the size and number of fireworks displays.

COMMITTEE LIAISON REPORTS:

Planning Board - Selectman Wilson reported that he brought the Board's request for an enforcement request letter to the Planning Board, on the matter of Torrromeo Industries complaints. He said they did vote to issue a letter, but questioned the need, as the complaints came to the Selectmen. Chairman Coombs said that he has been repeatedly told that if something is a violation of a Planning Board site plan, the request for enforcement needs to be requested by them.

Selectman Wilson said that the Design Review presentation for the warehouse project proposed for Route 125 was very well done. There was some discussion of the details of the plan presented.

Conservation Commission - Selectman Briggs reported that the problem of the gun range near a town trail is still being worked on, and it is possible the trail may need to be changed.

Selectman St. James reported that a deposit is due to Affinity Lighting/Unitil for the LED streetlight upgrade. He said that Finance Director Cindy Kenerson is working with Unitil on this.

PUBLIC COMMENT II: None heard.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- Letter of concern re: lack of local adherence to COVID-19 Guidelines - tabled
- Supplemental Tax Bill: Albert (Map R30 Lot 65) (signed)

- Supplemental Tax Bill: Bresnahan (Map R41 Lot 17-2) (signed)
- Abatement R32-18 (signed)
- Junkyard Permits - All three businesses have been inspected and permits were approved. There was a brief discussion of the dumpster at John's Truck & Auto; a "No Household Trash" sign is needed as there to help control dumping of items other than the intended white goods.
- Excavation Intent R19-32 (on hold)
- Timber Intent R2-8 (on hold)
- Appointment to public office: Geoff Harris, Conservation (approved)
- Facilities Use forms (2) for Cross Country meets (approved)
- Moderate Drought notice from DES
- Wetlands Permit U6-46
- Dredge & Fill Application Ridgewood Associates
- Departmental Review: Capri Realty (Planning Board)

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman St. James to approve the public meeting minutes of June 22, 2020, as written

SECOND: by Selectman Briggs

All in favor

NON-PUBLIC SESSION:

MOTION: by Selectman St. James, to go into non-public session under RSA 91-A:3, II (I): Legal

SECOND: by Selectman Alessio

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

The Board adjourned to Non-public session at 9:00 PM.

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Coombs, it was voted by roll call to return to public session at 9:45 PM.

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

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

Passed by unanimous roll call vote.

Discussed in non-public:

Legal advice

Adjournment:

MOTION: by Selectman St. James to adjourn at 9:45 PM

SECOND: by Selectman Coombs

All in favor.

Respectfully submitted,
Susan Ayer, Administrative Assistant