

**Kingston, New Hampshire
Board of Selectmen
Meeting of October 5, 2020
FINAL MINUTES**

The meeting was called to order at 7:00 PM in the Meeting Room at the Town Hall.

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

APPOINTMENTS:

Eagle Scout Candidate Owen Tebo; Road Agent Richard St. Hilaire: Recreation Project

Owen Tebo was present to speak about his Eagle Scout project, part of which has been completed. Selectman St. James gave background on the project, saying that Owen had approached the Board with his idea, which the Board enthusiastically embraced. Mr. St. James said he wanted to explain why the initial meetings between the Board and Owen were held in non-public session. He said that while Owen had also identified a shed on the property that needed renovation, the other portion of the project is to designate the Recreation property as the Richard D. St. Hilaire Recreational Center, in honor of the Road Agent. This was kept a secret until this evening. However, Mr. St. James said that the project had reached the point where it can't be kept quiet because it will involve the Highway Department. Mr. St. James described this as a full board project to recognize Mr. St. Hilaire's many years and accomplishments with the Town.

Mr. St. Hilaire was present as well as several family members and other town personnel and residents.

Mr. St. James then commended Mr. Tebo for the phenomenal work he did on the building, which had been unusable, with a hole in the roof. Owen then spoke to the Board, saying he appreciated being a part of a tribute to a man who has given so many years to the Town. He also said he appreciated all the help he received from his troop, the adults that helped with certain aspects of the job, his Scout Master, Mr. Bloomberg, and his Eagle coach, Jay Smith. He also expressed appreciation for the generosity of the community, saying that great things are accomplished when everyone works together.

Chairman Coombs said that when Owen receives his Eagle Scout designation, his name will be added to the engraved plaque in the Town Hall lobby. Owen said it will be a great honor if he is included with the other Scouts on the plaque. It was agreed that it is well deserved.

The dedication of the Recreational Center will take place at a later date.

Danville Long Pond Protective Association: Long Pond Dam Repair Considerations

Several members of the Danville Long Pond Protective Association were present. Mike Fleck, a resident of Long Pond Road in Danville, addressed the Board and went through

some information about the pond and the dam, which he had also given to the Board in writing.

Mr. Fleck said that the dam, which created Long Pond, is located in the Town of Kingston. It is owned by LER Realty and is in a state of disrepair. In his presentation, Mr. Fleck said that the dam was built in 1750, and if it is removed, the pond will become a “wide river”, which will result in an estimated \$50,000 -\$100,000 average value reduction on abutter properties. He said that the price of repairing the dam is estimated at \$250,000, while removal would be around \$150,000. He said that if it is removed, it would cost a lot more to replace, as it would have to meet all current regulations.

Mr. Fleck said that even though only 5 Kingston residents live on Long Pond, the pond is used by many people for recreation, and is a great natural asset. He said the association was formed originally in 2012, to deal with milfoil in the pond. He said it is very active, with about 19 members, and they are currently looking for solutions to save the dam and the pond. For this reason they are approaching both Danville and Kingston to inform them of the issues and seek support and assistance.

There was a discussion of various options, such as finding ways to raise funds in the short term, to a long term solution of creating a Village District that will span the two towns. This would be a source of revenue through taxes, to repair the dam and to cover maintenance in the future. The ownership of the dam and sawmill were discussed.

Amy Murray, Vice President of the Dam Association and a resident of Danville, said that both the dam and sawmill could be deeded to the Village District. She said that the sawmill property is up for sale, but all agreed that will not be easy to sell. Selectman Briggs said that the water rights go with the sawmill.

After further discussion, Chairman Coombs said that given the current budget concerns and how few Kingston residents live on the pond, he doesn't see the Town spending money on the matter of the dam at this time. Mr. Fleck said the goal right now is to educate the local residents and town governments on the situation, and that anyone interested in the Association can find them on Facebook.

PUBLIC COMMENT I:

Charles Hannagan, a resident of Hampstead and owner of a 10.97 acre lot in Kingston, addressed the Board about his wish to return to Kingston and build a house on his land. He said he knows it is wetland, but because he had given quite a bit of land to the Town in the past, hoped to be allowed to carve out a curtilage on his remaining lot for a house. He said he has done research and believes that if the Town won't let him build, they must compensate him.

In discussion, Chairman Coombs pointed out that the lot is designated as unbuildable. The Board had been copied on a letter written by the Building Inspector, which pointed out that he cannot issue a building permit on unbuildable land, and the first step would be to try to change that designation.

Mr. Hannagan gave several documents to the Administrative Assistant to copy for the Board's information. He said he would call to be put on the agenda for a future meeting.

OLD BUSINESS:

Water Testing and Reporting - Sanborn Head - set meeting

It was determined that a meeting is not necessary at this time.

Sign Affinity/Unitil Agreement Documents for LED Street Lighting Project

The Chairman reviewed the Service Agreement and loan documents provided by Unitil, and signed both on behalf of the Town.

Torromeo Incursion into Buffer with Neighbors

Owners of property abutting Torromeo Industries have come to the Town Hall to complain that no trees have been planted to replace those removed within the protective buffer. A resident pointed out that Mr. Torromeo was to submit a plan for remediation to the Board, but this has not yet happened. Selectman Briggs will contact Mr. Torromeo to follow up.

NEW BUSINESS:

Farm Road Trash Pickup

A letter was received from Pete LaChapelle of Waste Management, informing the Board that there is no longer a place for the trash and recycling trucks to turn around on Farm Road where the pavement ends. The owner of the driveway they were using has asked them not to turn around there anymore. Mr. LaChapelle said that if they can't turn around some place, the Farm Road residents may need to bring their trash to the end of the road where they have their mail boxes. The Selectmen discussed various options, such as backing up the road, which was agreed to be unworkable. Selectman Briggs was tasked with speaking to other residents of the road to see what alternatives there are.

Rockingham Planning Commission annual dues

A letter has been received from the RPC, informing the town of the services they offer and that the dues are not increasing. It was noted that the fees are based on population, but that the per-person fee is not increasing due to COVID-19.

COMMITTEE LIAISON REPORTS:

Selectwoman Alessio reported that she has appointments to meet with both Fire Chief Graham Pellerin and Road Agent Rich St. Hilaire, to review their employment contracts. This will be a first step, to be followed by review by the Board and the New Hampshire Municipal Association, and finally to a professional contracts consultant.

Selectwoman Alessio then reported she has learned that Town Planner Glenn Greenwood, the Road Agent and Town Engineer are set to have a preconstruction meeting with Robert Pellegrino. She said the question arose whether Mr. Pellegrino has posted a bond for work to be done on property where he is apparently working with no approvals. Selectman Wilson mentioned that there are pictures of the work being done that were sent to all the board members. Selectwoman Alessio said that in order to

move on to Phase 2 of the Solar Hills development, Mr. Pellegrino needs to provide a bond in the amount of \$328,494. She said there is no point in paying the Town Engineer for his time if Mr. Pellegrino has not posted a bond for the construction.

Selectman Wilson said that after speaking with Mr. St. Hilaire it sounds like a Cease and Desist needs to be issued on the whole second phase. He said Mr. Pellegrino is cutting in a road and filling low spots, etc., and the work is not being done to town standards. Chairman Coombs said that this was an issue in Phase 1 as well, and he sees no reason to hold a pre-construction meeting when no money is available to pay the Town's engineer for his time. He said as construction has already started, he agrees that a Cease and Desist is in order. He said very questionable material is being used as fill, and not compacted properly. Selectman Wilson added that the work is not being witnessed. Selectman St. James said he agrees a Cease and Desist needs to be sent post-haste. Selectman Briggs noted that there is already a Cease and Desist in place, but it covered property owned by another party and was part of Phase 1.

Chairman Coombs said he has already spoken to Town Counsel, who said it is an appropriate remedy; he said details of that conversation will be discussed in non-public session.

Selectwoman Alessio said she had also contacted Finance Director Cindy Kenerson, to request monthly financial statements for the board. She said she would find it helpful to have a monthly picture of the Town's financial condition.

Selectman Wilson said the committee formed to discuss the MS-4 Stormwater permit had met today. The committee consists of Glenn Coppelman, Glenn Greenwood, Richard St. Hilaire, Dennis Quintal and himself. He said they are going to add Conservation Chair Evy Nathan. He said they will start writing post - construction maintenance regulations that the EPA would like in place to monitor stormwater after projects are through with the Planning and Building stages. He said they also are looking for ways to offset the \$40,000 per year cost of meeting the requirements of the permit.

Selectwoman Alessio noted that eight of the eleven "Welcome to Kingston" signs have been put up by the Highway Department.

Selectman Wilson reported on the Planning Board meeting, saying the Zoom meeting covering the project proposed by 266 Rte. 125, LLC for Tax Map R41 Lot 17-1 was well received for its coverage of the details of a very complicated application. He said the Planning Board has accepted jurisdiction of the project and after a three- hour meeting, it was continued to October 20.

Board Business:

- Halloween Trick or Treat will be held on the 31st, from 5:00 am until 8:00 pm.
- The Technical Review Committee will meet on October 15th re: 266 Rte. 125.
- A reminder will be sent to the residents at 35 Marshall Road, requesting an update on the work to bring their driveway into compliance.

- Chairman Coombs said that the Finance Director had been asked to purchase ID cards for the inspectors. Selectman Wilson suggested that the Selectmen should have ID tags for the election.

PUBLIC COMMENT II: None heard.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- A Facilities Use request for a seed swap to be held at the Recreation building on October 17 was approved.
- One disabled exemption application was approved.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectwoman Alessio to approve the public and non-public meeting minutes of September 28, 2020, as written:

SECOND: by Selectman St. James

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

NON-PUBLIC SESSION:

MOTION: by Selectwoman Alessio, to go into non-public session under RSA 91-A:3, II (l) Legal advice

SECOND: by Selectman Wilson

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

The Board adjourned to Non-public session at 9:05 PM.

MOTION: Upon motion of Selectwoman Alessio, **SECOND** of Selectman Briggs, it was voted by roll call to return to public session at 9:25 PM.

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

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

Adjournment:

MOTION: by Selectman Briggs to adjourn at 9:25 PM

SECOND: by Selectman Coombs

All in favor.

Respectfully submitted,
Susan Ayer, Administrative Assistant