

**Kingston, New Hampshire
Board of Selectmen
Meeting of October 26, 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; Electra Alessio, Richard Wilson, Select Board Members.

(Selectman St. James joined the meeting at 7:25 PM)

NON-PUBLIC SESSION:

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

SECOND: by Selectman Alessio

In favor: Alessio, Briggs, Coombs, Wilson

The Board adjourned to Non-public session at 7:05 PM.

MOTION: Upon motion of Selectwoman Alessio, **SECOND** of Selectman Wilson, it was voted by roll call to return to public session at 7:25 PM

In favor: Alessio, Briggs, Coombs, 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

(Selectman St. James arrived at 7:25 pm.)

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- Information on health insurance options is available; the Board agreed that this should be shared with the department heads so that employees can have input on the decision.
- Land Use Change Tax: The following properties were removed from Current Use, and tax bills will be issued: Map R41 Lots 7-1, 7-3, 7-5, 7-6 and 7-7. All signed.
- Veterans Credit Application - approved
- Emailed complaint re: Torromeo blasting
- Intent to Cut application R15 Lots 8, 8-1: The Board will continue to try to reach the land owner to verify where the cutting will take place.
- Purchase Orders and manifest - circulated for signatures.

APPOINTMENTS:

Torromeo Industries, Jericho Drive Residents

Following up on discussion at the October 19th meeting of the Board, Selectman Briggs said he had contacted the NH Department of Environmental Services. He said the three organizations that govern mining operations such as Torromeo Industries are the Environmental Protection Agency, the state DES, and the Mine Safety and Health Organization. He said they are not governed by the Fire Marshall as previously thought. He said the Board is looking into how the Town ordinances work with the State and Federal laws, and that legal guidance is being sought.

Since last week, Selectman Briggs said he and Town Engineer Dennis Quintal had visited the site twice, and Mr. Quintal has filed a report. He said they have permission to enter the Torromeo property as needed, and that Mr. Torromeo has agreed to cease drilling on the north face of the quarry, which is the side behind the properties on Jericho Drive. This agreement is in place until the issue is resolved.

Selectman St. James said that it still needs to be determined what the ordinances are regarding setbacks. He added that he was disturbed to learn that within days of the last meeting work was being done in the buffer area, and that he hoped this could remain a neutral zone until legal counsel is heard from.

Selectman Wilson said that there are two issues in play, the blasting within 500 feet of the property line, and the buffer of 200 feet that they are working within.

PUBLIC COMMENT I:

Members of the public present for this topic shared their comments:

- James Bouraphael, 22 Jericho Drive: Mr. Bouraphael recapped what was discussed at the last meeting and what has taken place since then. He said his fear is that there will be no land left for a buffer or remediation. He said something needs to be set in stone, that Torromeo can come no closer to his property.

Chairman Coombs asked if blasting had taken place since the last meeting, and Mr. Bouraphael said no. Chairman Coombs said that typically, this would be a civil matter between neighbors, but for this case, legal interpretation is needed due to the multiple layers of ordinances and regulations. A copy of the report written by Dennis Quintal and the relevant ordinances and regulations were given to the residents.

Chairwoman Alessio said that Torromeo has been in business a long time and has done good for the Town. She said that nonetheless, the Board is not trying to avoid the situation, but to clarify it.

Chairman Coombs said that the company has agreed to stop blasting in that area for now, but the Town can't legally tell them to stop; it would have to go through the state and a hearing with the subcontractor. He said he understands the concern, but there are conflicting laws depending on when the operation was put in place.

- Matthew and Sarah Taglieri, 24 Jericho Drive: Mr. Taglieri said he understood that the Town Engineer was to go out as an objective third party to take definitive

measurements. He asked if it has been established that work is taking place within the 500' buffer without actually taking measurements. Selectman Briggs said that all parties have agreed that the work is within 500' of the property line. Mr. Taglieri said that there is no official plan for remediation, and equipment has been in use in the buffer area. It was noted that Mr. Quintal had requested that for safety, an earth berm must be constructed along the top edge of the recently blasted rock face, and this means equipment is needed in the area. The agreement was to stop blasting, not all work.

Mr. Taglieri asked about the Intent to Cut that was mentioned at the last meeting as not having been signed: Chairman Coombs said that that was a mistake; the most recent intent was not signed but an earlier one had been. There was a discussion of the process of timber intents, and how it happened in the first place that trees were cut in the buffer. The Chairman said that the logger is responsible for following the laws. It was again pointed out that in this case it needs to be determined which laws apply, local ordinance or RSA 155-E.

Mrs. Taglieri asked for clarification about the dirt berm, and if it is in place for safety or as a buffer. Selectman Briggs said mainly for safety. She asked if there is any sense of when an answer will be received; Chairman Coombs said that it had been hoped to have some answers today, but until legal counsel weighs in, and the rules are known, the Board can't take action.

Mrs. Taglieri commented that they have enjoyed the home for 11 years and it was peaceful. However, she said there is now noise from 6 am until 5 pm, and she worries about loss of privacy and loss of value.

The Board agreed that when a legal answer is received, the residents will be invited to another meeting.

OLD BUSINESS:

NHDOT Route 125 Project: Cross Walk Option

After discussing the matter with Road Agent Rich St. Hilaire, the Board affirmed that they are not in favor of a crosswalk being installed at the Hunt Road/Newton Junction intersection with Route 125. The Town would need to maintain the apron around the crossing signals, and be liable for repairs.

MOTION: by Selectman Wilson, to inform the NH DOT that the Town does not want a crosswalk at the Hunt Road intersection.

SECOND: by Selectwoman Alessio

All in favor via roll call vote.

School Building/Electrical/Plumbing permits: Fees?

The Administrative Assistant said that there is still some confusion in the Permitting Office about whether or not to charge permit fees for school building projects. It was agreed that the intention was to charge only for plumbing and electrical permits, as those inspectors are paid by inspection, not by salary.

MOTION: by Selectwoman Alessio, to charge Plumbing and Electrical permit fees for all permits issued, regardless of who they are for.

SECOND: by Selectman St. James.

All in favor via roll call vote.

NEW BUSINESS:

Proposal for “Sip & Sign” at Recreation Department

None of the board members had objections to this event going forward; Selectman Briggs will contact the insurance company to see what they advise for a “BYOB” event and the Health Officer will be consulted about Covid guidelines.

COMMITTEE LIAISON REPORTS:

Chairman Coombs reported that the inspectors are working on a new fee structure, that will be more user friendly for the office and the public both. He said that after Thanksgiving they hope to get back to a weekly meeting to work on this.

Selectwoman Alessio asked if impact fees for storm water control are being considered. Selectman Wilson said it has been determined this is not possible.

Selectman St. James said that the Fire Chief had to buy three sets of gear but had money in his budget for them. He said the Budget Committee will be working with liaisons; he said the Budget Chair had contacted him with concern that the preliminary budget is at around 4% increase. Selectwoman Alessio said she felt the budget should be reviewed as a Board. It was agreed to set aside time at 6 PM before the next regular meeting. It was also agreed that because of Board participation in the election, there will be no meeting on November 2.

Selectwoman Alessio said that the Clerk has requested permission to bring in extra help due to an upcoming temporary absence of one of her staff. The Board was in agreement that the Clerk could bring in extra help to cover the absence. The Chairman commended the Town Clerk’s office for the way they have been handling a very busy time.

Selectwoman Alessio said that the Road Agent had said he will be looking into drainage issues at the Town dump. Chairman Coombs commented that it appeared much of the work can be done by the Highway Department. However, he added that the landfill is unlined and is near water, and animals get into the area. He mentioned trapping needs to be done, but also the landfill as a whole needs to be addressed. He said that if the water table goes up a couple of feet, such as due to a beaver dam on the river, contaminants could leach out of the landfill. There was a discussion of the landfill maintenance fund, and that it would not be enough for major problems. It was agreed that a long term plan for the future of the area is needed.

As an update on parking on Sands Lane, the Road Agent has been given permission to work with the Town Engineer to delineate Town property.

PUBLIC COMMENT II: None heard.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectwoman Alessio to approve the public and non-public meeting minutes of October 19, 2020, as written:

SECOND: by Selectman Briggs

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

NON-PUBLIC SESSION:

MOTION: by Chairman Coombs, to go into non-public session under RSA 91-A:3, II (I)
Legal advice

SECOND: by Selectwoman Alessio

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

The Board adjourned to Non-public session at 8:15 PM.

MOTION: Upon motion of Selectwoman Alessio, **SECOND** of Selectman Briggs, it was voted by roll call to return to public session at 8:55 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 8:55 PM

SECOND: by Selectman Coombs

All in favor.

Respectfully submitted,
Susan Ayer, Administrative Assistant