

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of November 16, 2020  
Final MINUTES**

The meeting was called to order at 6:30 PM in the Meeting Room at the Town Hall.

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

**APPOINTMENTS:**

**John Ingalls, Attorney Keri Marshall: Solar Hills Development**

Attorney Marshall requested that this discussion be conducted in non-public session; it was decided that the subject matter qualified under RSA 91-A:3, II (c).

**MOTION:** by Selectman Briggs, to enter non-public session under RSA 91-A:3, II (c): Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this Board.

**SECOND:** by Selectman Wilson

**All in favor**

**MOTION:** by Selectwoman Alessio, to return to public session at 7:00 PM

**SECOND:** by Selectman Briggs

**All in favor**

**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:** legal issues concerning Solar Hills that include disputed deeds

**James Dufresne: Hawks Ridge Development - Request for Release of Cease and Desist Order**

Mr. Dufresne, Charlie Zilch of SEC & Associates and Mark Viens were present to talk about progress made on drainage issues in the development and their efforts to move forward with building permits.

Mr. Zilch gave some background on the problems with drainage and the “quagmire” that has ensued, resulting in the Town’s Cease and Desist order. He said his firm has been brought in to work on solutions and to meet the intent of the site plan by bringing the water away from the roadway and houses. He said that some spots can be built to the original plan but some cannot. He said he has some draft plans to begin with.

Mr. Zilch said that he has asked that the plans be run through a technical review committee to consist of the Town Planner, Town Engineer and Planning Board Chair if

he wants to be involved, and any others that have an interest. He said he is including condominium association members in the process. He said he spoke with the Town Planner and Planning Board Chair, who were in favor of this approach. The goal is to complete as much work as possible within the original plan, and then take one waiver request to the Planning Board for whatever can't comply.

Chairman Coombs said he had met with Mr. Quintal, who agrees that a Technical Review Committee is the right approach. However, he said that before the Board releases the Cease and Desist, he would like to see results of the TRC, and specifics on what needs to be changed from the original plan.

It was decided to conduct a site walk with the Town Engineer by the end of this week. This will be posted and condominium association members will be invited to attend.

#### **PUBLIC COMMENT I:**

##### **Hawks Ridge**

Glenn Powers, 17 Mulligan Way, described the problems with the development that he has experienced. He said there had been a large rock ditch next to his house, which Mark Viens has corrected and put in some drainage. He said that is much better, but that during an hour-long rain on September 10, he observed that rain water was going to the first catch basin near his house but not going through to the second, larger catch basin. He asked that someone look at the design to see if corrections can be made, as even that hour of rain caused the first catch basin to nearly overflow, right near his basement. He said he was concerned that a larger amount of rain will cause a real problem.

Chairman Coombs said that is the concern the Town has, that the drainage systems work properly.

Mr. Powers went on to say that since the Cease and Desist went in to place on the roadway, the driveways are eroding as they have only the base coat of paving. He said the second layer is needed on the road and driveways as soon as possible. Chairman Coombs said that this is not a Town road. Mr. Dufresne said that the driveways will receive a top coat once the road gets a top coat. Mr. Powers said they just want to be sure there is a plan for it to get done, and commented that residents had to pay for their own gutters.

**Selectman St. James joined the meeting via speaker phone for portions of the meeting from this point forward.**

##### **Road Agent: Nichols Building update**

Rich St. Hilaire gave copies of a change order document for work done at the Nichols Building. He said the contractor had to do a considerable amount of work beyond the amount agreed upon. The change order is in the amount of \$13,060. After some further explanation of the work done and the changes, Mr. St. Hilaire recommended that the Board sign the document.

**MOTION:** by Selectwoman Alessio, to authorize the Chair to sign the change order for work on the Nichols Building in the amount of \$13,060.

**SECOND:** by Selectman Wilson

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

**Matt Taglieri, 24 Jericho Drive: Torromeo gravel pit**

Mr. Taglieri asked the Board for an update on matters regarding the Torromeo gravel pit and how close the work is coming to neighboring residential properties. Chairman Coombs said the Board did meet with Counsel, and will be going in to do a site walk. Selectman Briggs said that Mr. Torromeo told him he is waiting to hear back from his insurance agent and attorney before agreeing to a site walk. He said that the neighbors will be notified when it is set.

Mr. Taglieri said that he understood no more blasting permits were to be issued for now. Selectman Briggs said that was his understanding, but only for the north wall which is close to the properties. Mr. Taglieri asked if the Board was in agreement that the north wall is within 500 feet of the Jericho Drive property lines. Chairman Coombs said that the issue is the overriding state law, and what it allows the Town to enforce; he said the focus needs to be on what is legally allowed.

Mr. Taglieri said that a blast that took place today felt just as strong as previous blasts, and he hoped it was not on the north wall. He wanted to know if pictures had been taken when Selectman Briggs visited with the Town Engineer (they had). He said his neighbor thought that the cleanup of the blasting material finished and more cutting was being done; the neighbor thought the wall is now 20 feet closer. Mr. Taglieri said that he just got his tax bill and is wondering if he should pursue an abatement, as he thinks his property has lost value.

Chairman Coombs asked Selectman Briggs if he could go up tomorrow to take a look, and Selectman Briggs agreed that he would do this. Chairman Coombs said that he understands the difficulty of the abutters' situation, but a lot of information needs to be processed to find a way forward, and the Town needs to do what is legally right for all involved.

**OLD BUSINESS:**

**Employment Contracts, Fire, Highway - Review**

It was decided to discuss the contracts in non-public session.

**NEW BUSINESS:**

**Employee travel policy**

Fire Chief Graham Pellerin addressed the Board to say he had an employee who had just returned from Florida and this had raised the issue of employees returning to work after traveling, with regard to Covid-19 quarantine guidance. He said that in the absence of a Town policy, he requested that the employee have a rapid Covid test done before returning to work, and then talked with the Finance Director. He said he hoped she can work with the Board and the departments to adopt a policy, possibly with information

through the NH Municipal Association and Primex. Selectman Briggs said the Police Department has a policy.

There was a discussion of various issues to address through a policy. Chairman Coombs said that this should be addressed before Thanksgiving, possibly in a Zoom meeting.

**Selectman St. James left the meeting at this time.**

**COMMITTEE LIAISON REPORTS:**

Selectwoman Alessio said that if the **Highway Department** is to have a full time secretary, it will need to be approved by the voters. She said the part time position is in place and could be filled now, then put it on the Warrant to go to full time with benefits.

**MOTION:** by Selectwoman Alessio, to place a warrant article to fund a full time assistant for the Highway Department.

**SECOND:** by Selectman Wilson.

There was a brief discussion of pay for the position, but it was agreed to address this later.

**In favor: Alessio, Briggs, Coombs, Wilson. Passes.**

Chairman Coombs said that at the next **Inspectors'** meeting, pictures will be taken for ID badges.

**PUBLIC COMMENT II:** None heard.

**CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:**

- One Veterans Credit application was reviewed and approved.
- Revenue and Expense report through October 31 was received for review.
- Purchase orders and manifest were reviewed and signed.

**APPROVAL OF MEETING MINUTES:**

**MOTION:** by Selectwoman Alessio to approve the public and non-public meeting minutes of November 9, 2020, as written.

**SECOND:** by Selectman Briggs

**In Favor: Alessio, Briggs, Coombs, Wilson.**

**NON-PUBLIC SESSION:**

**MOTION:** by Chairman Coombs, to enter non-public session under RSA 91-A:3, II (a): compensation of public employees, and (l) pending legal issues.

**SECOND:** by Selectman Alessio

**All in favor**

**Meeting adjourned to non-public session at 7:55 PM.**

**MOTION:** by Selectwoman Alessio, to return to public session at 9:05 PM

**SECOND:** by Selectman Briggs

**All in favor**

**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:** legal issues concerning Solar Hills that include disputed deeds

**Next Meeting of the Board:**

The Board decided to not hold a regular meeting on November 23; the next regular meeting will be on November 30. A site walk will be set up for the end of the week at Hawks Ridge, to include the Town Engineer.

**Adjournment:**

**MOTION:** by Selectman St. James to adjourn at 9:06 PM

**SECOND:** by Selectman Wilson

**All in favor.**

Respectfully submitted,  
Susan Ayer, Administrative Assistant