

**Kingston, New Hampshire
Board of Selectmen
Meeting of December 7, 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 (via Zoom), Richard Wilson, Kevin St. James, Select Board Members.

APPOINTMENTS:

Road Agent Rich St. Hilaire: Highway Topics

Mr. St. Hilaire addressed the Board on several matters.

1. The Highway Department is still looking for a person with a large plow truck, or someone with a license to drive a Town plow truck; they are short of people for plowing routes.

2. Mr. St. Hilaire asked the Selectmen if his unused vacation could be rolled forward to 2021. He said the four weeks of time would add to his extended benefits if he leaves before the year is out.

MOTION: by Selectman Briggs, to carry over Mr. St. Hilaire's unused vacation time to 2021.

SECOND: by Selectman St. James

Selectman Wilson said that after a discussion with Finance Director Cindy Kenerson, he recommends that unused vacation time should be carried over for all employees. Details of the motion were also discussed.

The motion was amended to "...to allow employees to carry over up to 4 weeks of unused 2020 vacation time, which must be used in 2021."

All in favor.

3. Mr. St. Hilaire asked that a memo be sent to all departments, that if anyone in any Town building tests positive for COVID-19, the Maintenance crew needs to be notified. This is for their own safety, and also so that they will be prompted to run the disinfecting machine. Finance Director Cindy Kenerson will be notified so that she will relay the information to the Maintenance Department.

4. Tom Roughan and Brian Martin in the Highway Department do not currently have Town cell phones, and would prefer to not continue using their private phones. There is money in the Highway budget; this also will be relayed to Ms. Kenerson.

5. Mr. St. Hilaire said that he had neglected to address funding for the water piping (related to the new fire station) that will go to the museum building and Congregational church into his budget. This will cost \$80,000 that is not included in the fire station budget. In discussion, it was noted that there are funds available in the Capital Reserve Fund, and also that if the church opts out of being included, the price would be the same.

6. Lastly, Mr. St. Hilaire spoke to the Board about Perambulations of Town bounds, that are supposed to be done for each boundary with a neighboring town every 7 years. He said that he had done research for the files back to 1694, which may have been lost, and took over the job of the perambulations. However, he said it has not been done recently and needs to be kept up to date for tax purposes. He suggested a surveyor should be hired to do one town boundary each year, and that this should be an item to be added to the Capital Improvement Plan.

PUBLIC COMMENT I:

Mr. Richard Willey, 5 Lefevre Drive, spoke to the Board about the lack of snow and ice removal on Lefevre Drive during the recent storm. He said the road is rutted and icy and hard to negotiate. He said that the Court had affirmed that the builder is responsible for clearing the roads, but he wondered what the Town would do to ensure compliance. He said that the road needs to be passable for emergencies.

There was a discussion of ownership of the road, which is in a private, uncompleted subdivision. Chairman Coombs said that if the Town plowed the road on a regular basis, it would automatically become a Class 5 road; he said that in this way, the attempt to help could cause a bigger problem. He said that if there is an emergency, the Town would be sure personnel could get through.

There was further discussion including the Road Agent, of the status of the road, and that the Town will not take any part until the road is completed and turned over to the Town. It was noted by the Chairman that the builder of the subdivision has had a preconstruction meeting and is proceeding to build the road into Phase 2 of the project. Mr. Willey said this could take 25 years as there seems to be no deadline.

OLD BUSINESS:

Hawks Ridge: update

Selectman Wilson reported that a pool permit was approved by Building Inspector Robert Steward a couple of weeks ago for a property in Hawks Ridge, but after the fact, abutters called Mr. Steward to say the pool could not go in as it is on common land. The owner was made aware of the problem, and a discrepancy was found between two plans submitted, one showing 25 feet more usable land than the other. Selectman Wilson suggested there should be a cease and desist on building a pool until there is an explanation for the additional 25 feet.

Chairman Coombs said the Building Inspector can only work with the information submitted. Selectman Wilson said that is the problem, and that he had verified with the Planning Board that no alterations to the condominium documents had been received. Chairman Coombs questioned whether pools are even allowed in a cluster housing development like Hawks Ridge. Selectman Wilson said that the abutters told him that their neighborhood association had a rule against pools, but as this was not added to the condominium documents, that is not for the Town to get involved with.

Selectman St. James said the building permit should be revoked. Selectman Wilson will talk with the Building Inspector and have him handle this.

Selectman Wilson said that another issue had come up during his conversation with the Building Inspector; he said that plans showing foundation locations have been stamped by someone who is not certified to do that. Mr. Steward said that he needs plans certified by a licensed surveyor. This matter will be addressed at the same time as the pool issue, and will be followed up by a formal letter.

Sale of Town-Owned Land - Discussion of Policy

The Board reviewed information on RSA 41:14a, which outlines requirements for acquiring or selling property. From the RSA and also examples from other towns, a step-by-step procedure has been prepared. This will be reviewed by Town Counsel before formal adoption.

There was a discussion of details in which it was suggested that only abutters should be eligible to buy the small non-conforming lots, so that there will be no attempt to build on them. Mr. St. Hilaire said that many of the small lots in Great Pond Park were originally building lots, and the only way to make them go away is to have them absorbed into a neighboring lot.

NEW BUSINESS:

Open Bids: Mosquito and Tick Control Services

Two bids for the 2021- 2023 contract were opened:

1. Dragon Mosquito Control, Inc.: Total bid \$29,900 per year
2. Northeast Vegetation and Mosquito Control: Total bid \$27,500 per year

MOTION: by Selectman Wilson, to give the Mosquito Control bids to the Health Officer for evaluation.

SECOND: by Selectman St. James

All in favor

COMMITTEE LIAISON REPORTS:

Selectman Wilson reported on Planning Board activity. He said that a site walk of the 266 Rte. 125 site was wet but went well. He also said that the Planning Board had planned to print the chat messages from their Zoom meeting for the public to see along with minutes, but found that there was a lot of slanderous and/or vulgar comments that could not be shared. These can't be edited, so can't be used. For future meetings, it must be stressed that there is no "private" chat.

Selectman St. James said that the budget was completed at the last Budget Committee meeting, and there were no surprises.

Chairman Coombs said that at the last Inspectors' meeting, photographs were taken for ID badges. Selectman Wilson asked about progress on updating permit fees. Chairman Coombs said this is tied into the enforcement mechanism, and whether the Town brings on a Code Enforcement Officer. It was agreed that at least the fees need to be

addressed as soon as possible; Chairman Coombs will bring a working copy to the next meeting. Selectman Wilson said he is willing to sit in and help. Chairman Coombs said electronics and software should be acquired so that the inspectors can track what they are all doing, improving follow-up and reducing wait times. He said this is another area where a code officer might have a preference and help to know what would work best.

PUBLIC COMMENT II:

Mr. and Mrs. John Ingalls, 78 Hunt Road, came in to comment after seeing Mr. Willey's previous public comment about plowing on Lefevre Drive. They said that the builder has been ordered by the judge in court today, to plow and maintain the road or go to jail. They said they wanted to clarify that today's court date was for contempt.

Mr. St. Hilaire commented that how the Town processes subdivisions that involve potential new roads needs to get cleaned up. He said that once the mylar plan is accepted and signed, a road becomes a "paper road", owned to the middle by owners of the lots until the Town takes the road over. He said the Planning Board needs to be sure they are taking the right steps; the process has not been changed since 1968. It was agreed this is a Planning Board matter. Selectman Wilson will bring up the topic at their next meeting.

BOARD BUSINESS

There was a follow-up discussion regarding removal of private property from the Town lot abutting Sands Lane. The area has been surveyed and staked out. The police department will be asked to go down to identify who owns the boats and other property that has been left there.

MOTION: by Selectman St. James, to send a letter to the owners of property being stored on the Town lot, giving them 7 days to remove it, and then install snow fencing to delineate the area. The Chairman is authorized to sign the letter once prepared.

SECOND: by Selectman Wilson

In favor: Alessio, St. James, Wilson; Abstain: Coombs, Briggs; Passes.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- Two property abatements (Map R20 Lot 6 and Map U8 Lot 16) prepared by the Assessor were approved and signed.
- An email received from the Conservation Chair, with an attached letter she would like to send regarding an incursion, was reviewed. Selectman Briggs, as Conservation liaison, will talk with Ms. Nathan about changing some of the language in the letter before sending it.
- A request to use Town property has been received from the Southern NH Trailblazers, a snowmobile club. They will be contacted for more information, as they did not say what property they wish to use.
- Paperwork from NH DMV that needs a signature for licensing was reviewed. The Planning Board has approved it. On a motion by Selectman St. James, seconded by Selectman Briggs, the Board authorized the Chair to sign the licensing approvals for AJA Auto and National Recovery (4 in favor, Chairman abstained).
- An agreement form to contract with R. C. Brayshaw & Co. to print the 2020 Town Report was discussed. This company submitted pricing lower than that submitted

by other companies, including Select Print, the company used for many years. The Board requested that pricing per book be obtained, to see the cost if fewer books are ordered.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman St. James, to approve the public and non-public meeting minutes of November 30, 2020, as written.

SECOND: by Selectman Briggs

Chairman Coombs asked for two corrections, one name spelling, and to change the year cited on page 3 to from 1988 to 1981. Motion changed to "as amended".

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

NON-PUBLIC SESSION:

MOTION: by Selectman Wilson, to enter non-public session under RSA 91-A:3, II (I), pending legal issues.

SECOND: by Selectman St. James

All in favor

Meeting adjourned to non-public session at 8:35 PM.

MOTION: by Selectwoman Alessio, to return to public session at 8:50 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 advice

Next Meeting of the Board:

The Board will meet on December 14 at 7:00 PM.

Adjournment:

MOTION: by Selectman St. James to adjourn at 8:51 PM

SECOND: by Selectman Wilson

All in favor.

Respectfully submitted,
Susan Ayer, Administrative Assistant