

**Kingston, New Hampshire  
Select Board  
Meeting of July 12, 2021  
FINAL MINUTES**

The meeting was called to order by the Vice Chair at 6:30 pm.

**PRESENT:** Phillip Coombs, Chair (6:55 pm); Richard Wilson, Vice Chair; Electra Alessio, Kevin St. James, Donald W. Briggs, Select Board Members.

**NON-PUBLIC SESSION:**

**MOTION:** by Selectwoman Alessio, to enter non-public session under RSA 91-A:3, II (b) Personnel

**SECOND:** by Selectman St. James

All in favor

**Meeting adjourned to non-public session at 6:32 pm.**

**MOTION:** by Selectman St. James, to return to public session at 6:44 pm

**SECOND:** by Selectwoman Alessio

All in favor via roll call vote.

Upon return to public session, Part-time Police Officer Sean Seely and Full-time Code Enforcement Officer Michael Rousseau were administered their oaths of office by Town Clerk Tammy Bakie.

**Police Detail Rates**

Selectman Briggs gave a breakdown of the pay rates for outside police detail, and his proposal to raise it from a total of \$71 per hour as it currently stands, to \$76. He said this is in order for the portion that is paid to the officers to be more competitive with nearby towns.

**MOTION:** by Selectwoman Alessio, to raise the Police outside detail rate to a total of \$76 per hour.

**SECOND:** by Selectman St. James

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

Chairman Coombs joined the meeting at this time.

**APPOINTMENTS:**

**Code Enforcement Officer**

Chairman Coombs introduced Michael Rousseau as the newly hired Code Enforcement Officer. He said Mr. Rousseau will also be the Deputy Health Officer. He will be working alongside Building Inspector Robert Steward, and will be in regular contact with the Electrical and Plumbing Inspectors. The Board held a brief question and answer period with Mr. Rousseau.

**Human Services Director: Update to Welfare Guidelines**

Ellen Faulconer distributed copies of changes to the welfare guidelines, which are updated every year. She said all changes are noted, and are mainly minor. She supplied the Selectmen with updated forms, "Allowable Levels of Assistance" which gives the dollar amounts revised according to local market values, and Local Market Factors, which gives local data to back up the numbers. The revised guidelines have been posted, as required, and will be adopted at the next meeting after the Board has time to review them.

**John Wilder, Fieldstone Meadow Realty re: Map R2, Lot 13**

Mr. Wilder appeared with his civil engineer, Doug Maguire, to discuss work being done on his site on Route 125. Chairman Coombs said that the reason they are here is that there was a Cease and Desist put on his project until he had an approved plan through the Planning Board, and that pursuant to his conditional site plan approval, he was not to begin work until his bond was in place, the Mylar plan was signed, and a preconstruction meeting had taken place. He had been given 180 days to fulfill these conditions, which time had elapsed. However, Chairman Coombs said that construction work is being done at the site anyway. Mr. Wilder said that the only construction is on the driveway.

Mr. Maquire said that Mr. Wilder had made a lot of progress and had gotten all the state permits that were required. He said the Mylar plans had been dropped off in March, so he did not know why they were not signed and filed at the registry; there have been no changes to the plans. Mr. Maguire also said that a significant point is that the access to the property required an easement from Comcast, for which Mr. Wilder obtained a \$30,000 bond. He said the only thing still needed is a bond for the drainage improvement aspects of the property, for which Mr. Wilder had worked with the Town Engineer. He said that Mr. Wilder was able to get a bond but not immediately able to get a letter of credit due to being with a new bank.

Chairman Coombs said that the bond with Comcast is not what the Town needs, the drainage bond is still needed, and Mr. Wilder is not through with the Planning Board process. He repeated that there has been no pre-construction meeting, the Mylar plan is not recorded, the Cease and Desist is still in place, and no work is supposed to be taking place.

Mr. Wilder said that in that case, he should not have been issued a driveway permit, because once he started the driveway he had to clean up after the work. Mr. Maguire said that having been issued the driveway permit, Mr. Wilson did not think he needed a preconstruction meeting. Selectman Wilson said that the remaining requirements of the Planning Board are not difficult to do, and he should just get them done.

Selectman St. James said it sounds like Mr. Wilson is blaming the Town. He said he thinks the fines outlined in the Cease and Desist should be implemented now.

Mr. Wilder said there had been some miscommunication about what was required. He said that he ran into a problem attempting to get a letter of credit rather than a bond, which he said his insurance company could not issue, and said that the Town will not

accept a bond, it requires a letter of credit. It was clarified by Ms. Faulconer, Planning Board Administrator, that the Town will accept either a cash bond or a letter of credit. Ms. Faulconer also explained that the registry fee is paid by the applicant, and Mr. Wilder had not paid the fee, so that is why the plans are still waiting at the Planning Board office. Mr. Maguire said that they had not been aware the Planning Board was waiting for a check.

After more discussion, Selectwoman Alessio pointed out that Mr. Wilder at this time needs to stop work and meet with the Planning office to get them what they need and set up a pre- construction meeting. Mr. Wilder said he would come in to the Planning office tomorrow. It was pointed out that he needs an extension of time, and that the bond required for drainage is \$90,000. All the items the Planning Board is waiting for need to be submitted by the Thursday ahead of their Tuesday meeting.

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

Highway Agent Rich St. Hilaire informed the Board that Consolidated Communications is running fiber optic cable underground in the area of Pheasant Run and Red Gate without a permit. He said a permit and restoration bond will be required; he is meeting with someone from the company tomorrow at 1:00 pm. He said he had asked the Administrative Assistant to prepare a Cease and Desist letter in case it is needed. The Administrative Assistant said she had had a conversation with the Consolidated manager for rights of way and permitting (today), who acknowledged a mistake had been made by the subcontractor, and that she would follow up with the permitting requirements. They were sent the permit application package. Mr. St. Hilaire said his problem with this is that he had been in contact with them recently and they should have known a permit was needed.

Chairman Coombs pointed out that this seems to be part of a larger problem with Consolidated. He said the company is seeking a settlement in which they would receive a refund of tax payments from 2017 and 2019, while at the same time having many double poles in town, and also not having pulled a pole license in years. He said they need to be held accountable. He also made the point that the Town needs to deal directly with Consolidated rather than subcontractors.

**MOTION:** by Selectwoman Alessio, to authorize the Chairman to sign the prepared Cease and Desist letter for Consolidated Communications if necessary.

**SECOND:** by Selectman St. James

All in favor

#### **COMMITTEE LIAISON REPORTS:**

Selectman Wilson said that the History of Kingston book is selling well from the Town Clerk's office.

Selectman Briggs said that the Conservation Commission has started scheduling a second meeting per month as needed, to be able to review Planning applications when the Planning Board holds two hearings in a month.

Selectman St. James said that the process of selling Town owned lots is on hold, still awaiting surveying to be completed by SEC Engineering. He will call to check on progress.

## **OLD BUSINESS:**

### **American Rescue Plan Act/Governor's Office for Emergency Relief and Recovery:**

#### **Allowable expenses**

There was a discussion of various possible uses for the emergency relief money that the Town is set to receive. Chairman Coombs said that the Town has received the basics on what is to be eligible for funding; water, sewer and broadband projects will be eligible, along with measures to protect residents from COVID-19 infection. Department Heads will be bringing suggestions to their next meeting with the Board, on August 30. It was noted that the deadline to accept funding is August 18, but the Town will have several years to identify and implement eligible projects. Selectman St. James said that Governor's Executive Counsel Janet Stevens has offered to help with the process. He said he would like to explore whether the money can be used for setting up water source infrastructure, including land purchases. He also said there are five water systems installed in Town for PFAS mitigation, and questioned if going forward expenses related to PFAS can be funded.

The Administrative Assistant brought attention to information in the packets, including a memo from the Finance Director that includes eligible project information as well as important deadline dates. It was agreed that the Board will review all information for further discussion.

#### **Block 5 overall plan information**

The Board reviewed a memo received from Finance Director Cindy Kenerson showing Block 5's plans for 2022. One item added since the original agreement is upgrade of 6 workstations to Windows 10. The Administrative Assistant said that Ms. Kenerson had spoken to a representative from Block 5 today, who said that some of the items may be eligible for funding through the ARPA/GOFERR funds, especially as some of the workstations are needed at the Police Department.

Selectman St. James said he had had a conversation with Block 5 about moving the main Town server to the new fire station, and was told that is not a good idea since the primary use is at the Town Hall. However, he suggested that fiberoptic line might be run between the Fire Station and the Town Hall, which would speed everything up and might be an eligible expense under the grant. He said he had a separate conversation about upgrading the Microsoft 365 accounts for town employees to include Microsoft Office, which may also be eligible.

#### **Saddle Up Saloon update**

Chairman Coombs said that Saddle Up Saloon has asked for a Planning Board continuance. Selectman Wilson said that one reason is that due to rainy weather, they did not have music for two weekends. As their temporary permission to have outdoor music is only for 30 days (during which sound measurements are to be taken), they would like more time. He said that they did have music last weekend. The sound engineer has not submitted any readings, instead planning to report on all events measured together. It was agreed that the Planning Board continuance does not affect the 30-day deadline for music.

### Affinity Lighting: update

Selectman St. James updated the rest of the Board on progress in replacing street lights with LED lighting. He said that Unitil was needed to replace the mast arms, which was done, but some issues with a third party contractor have caused delays. He said the work should be completed the first or second week in August. With regard to some of the lights that were illuminating private property, Selectman Briggs said that he has talked with the property owners, and the lights will be removed.

### **NEW BUSINESS:**

#### Solar Array at landfill property

Chairman Coombs and Highway Agent Rich St. Hilaire met with Revision Energy at the old landfill recently, in order for them gather information about the logistics of placing a solar array there. Chairman Coombs said that it is more feasible now, due to changes in the laws governing size of a municipal solar facility. Revision will come to the July 26<sup>th</sup> meeting to present a proposal; Selectman St. James said that this will need to go out to bid if it is decided to go forward. Chairman Coombs said that it may be best to have Revision prepare the Request for Proposals. Selectman Briggs suggested that this may also be eligible for ARPA/GOFERR funding.

#### Conservation Commission proposed projects

The Board reviewed information on two projects that Conservation is considering. Selectman Briggs reported that they are looking at putting in a boat launch to be accessed via the end of Green Road. He said this would be the only access to Country Pond from the Kingston side. In addition, a parking area is proposed for the end of Sargent Road. The plan is to hold a site walk in order for the Board to see what they have in mind.

Conservation Commission members will attend the next Board meeting, on July 26, at which time a site walk will be scheduled.

#### Class 6 Roads

Bob Bean has requested a decision on whether Tucker Road can be upgraded to a Class 5 Road, citing that the Town has been maintaining it for years. Chairman Coombs said that this topic is linked to the former topic, as Green Road is also a Class 6 road. He said in the case of Green Road he sees a reason for upgrading to Class 5, as the Town would be giving access to the public, and it could be used for emergency access for water rescue. On the other hand, the problem he sees with the Tucker Road request is that the only reason for it is so someone can build a house on it. He said that unless there is a similar scenario to Green Road such as a public access area, there is no good reason for the Town to get involved. However, he said Mr. Bean is owed a decision on the matter.

After further discussion, it was decided to invite the Road Agent and Town Engineer along on the Conservation site walk, as well as the Fire Chief, to assess the cost and emergency access at Green Road, and also to look at Tucker Road. The date and time will be determined after the meeting with Conservation on July 26. Mr. Bean will also be invited.

## **BOARD BUSINESS:**

### **Meeting of the Board of Health**

Selectman Wilson said that under the new Health Department guidelines the local Board of Health (which consists of the Health Officer and the Select Board) needs to meet regularly. He said this can take place during a Selectmen's meeting, but it needs to be a stand-alone meeting with its own minutes. It was decided to hold Health meetings in October and again in late spring.

### **Juneteenth Federal Holiday**

The Board discussed how to handle this holiday, as it was made a federal holiday the day before it took place and employees all worked. Selectman Wilson recommended that employees be given a floating holiday this year. He made a motion to that effect, and Selectwoman Alessio seconded the motion, but in discussion it was decided to take the matter under advisement. The Finance Director will be asked how this will work with fire department employees who work 24 hour shifts.

**PUBLIC COMMENT II:** None heard

### **CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:**

- There was a discussion regarding purchase orders for a new Fire Department vehicle. Selectman St. James said he supports the purchase but it should have been part of the budget process.
- **Motion:** by Selectman Briggs, **Second:** by Selectwoman Alessio, to authorize the Chairman to sign the memorandum of understanding with Plodzik and Sanderson for auditing work for the Town. **In favor:** Alessio, Briggs, St. James, Wilson.  
**Abstain:** Coombs. **Passes.**
- A rooster complaint will be followed up on by the Animal Control officer.
- Three employee paid leave requests were approved.
- The holiday schedule to accommodate use of the meeting room for Human Services was approved.
- A request to hold a wedding on private property was reviewed; no Town permits are necessary.
- The Town has been copied on a letter from NH DES, notifying Robert Griffin of LER Realty that the Letter of deficiency from 2015 on the Cheney Dam has been officially closed.
- Planning Board applications involving Granite Fields and Campers Inn were briefly reviewed and discussed. Selectman Briggs supplied some detail on the Campers Inn case, in which they are seeking to expand their parking area.

### **APPROVAL OF MEETING MINUTES:**

**MOTION:** by Selectman St. James, to approve the public and non-public meeting minutes of June 21 and June 28, public and non-public.

**SECOND:** by Selectman Wilson

**In favor:** Alessio, Briggs, Coombs, Wilson; **abstain:** St. James; **passes**

### **NON-PUBLIC SESSION:**

**MOTION:** by Selectman Wilson, to enter non-public session under RSA 91-A:3, II (b)

Personnel and II (I) Legal

**SECOND:** by Selectwoman Alessio

**All in favor via roll call vote**

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

**MOTION:** by Selectman Wilson, to return to public session at 9:25 PM

**SECOND:** by Selectwoman Alessio

**All in favor via roll call vote.**

**Motion made to seal these minutes:** Motion 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.

**Roll Call Vote to Seal Minutes:**

Phillip Coombs	Y	Richard Wilson	Y
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Kevin St. James	Y	Electra Alessio	Y
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Donald Briggs	Y
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**Motion: PASSED**

**Discussed in non-public session: Personnel**

**Adjournment:**

**Meeting Adjourned at 9:26 PM**

Respectfully submitted, Susan Ayer, Administrative Assistant