

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of April 10, 2023  
FINAL MINUTES**

The meeting was called to order at 6:00 PM by the Chairman.

**PRESENT:** Vice Chair Chris Bashaw; Glenn Coppelman, Charles Hart, Kevin St. James, Select Board Members

**ANNOUNCEMENT:**

Selectman Bashaw read the following letter of resignation for the public's information:  
April 6, 2023, 7:00 am: "As of the above date and time, I submit this letter of resignation from the Select Board and my duties as Health Officer. My time will end immediately. Thank you, Richard G. Wilson"

**Non-Public Session:**

**MOTION:** by Selectman St. James to adjourn public session and enter non-public session at 6:02 PM, to discuss personnel matters.

**SECOND:** by Selectman Hart

**All in favor via roll call vote**

**MOTION:** by Selectman St. James, to adjourn non-public session and return to public session at 8:15 PM

**SECOND:** by Selectman Hart

**All in favor**

**Discussed in non-public session: Personnel and Legal matters**

**Motion made to seal minutes of non-public sessions.**

Motion made by Selectman Coppelman, seconded by Selectman St. James, because it is determined that divulgence of this information likely would...

\_X\_ Affect adversely the reputation of any person other than a member of this board.

\_\_ Render a proposed action ineffective

\_\_ Pertains to preparation or carrying out of actions regarding terrorism

**Roll Call Vote to Seal Minutes:**

Chris Bashaw	Y	Charles Hart	Y
Kevin St. James	Y	Glenn Coppelman	Y

**Motion: PASSED**

**Board information:**

Selectman Bashaw re-read the announcement of Mr. Wilson's resignation, above, for the benefit of the recorded meeting.

It was acknowledged that Selectman Bashaw, as Vice-Chair, will be acting Chair until a new board member is appointed and the board reorganizes.

**MOTION:** by Selectman St. James, to recommend that any resident interested in serving as a Select Board member until the election in March, 2024 should submit a letter to the Board via Susan Ayer, Administrative Assistant, by noon on April 24.

**SECOND:** by Selectman Coppelman

**All in favor**

## **APPOINTMENTS**

### **Brad Maxwell, Trustees of the Trust Funds**

Selectman Hart explained that he wanted to meet with Mr. Maxwell because the Select Board doesn't always know what some of the accounts are for and what the balances are. He gave as an example the Legal Fund. Mr. Maxwell explained that the Legal Fund was established at the 2001 Town Meeting and is earmarked for "extraordinary" legal expenses.

Selectman Hart asked about the Transportation Improvement Fund. Mr. Maxwell said that this was set up at the same meeting in 2001 and was supposed to fund the New Boston traffic light. The State ended up doing that work, so it was no longer needed and was rolled into this new fund. The Select Board is the agent to expend. This fund was most recently used to replace a light, and to pay for preliminary work on the Main Street bridge.

Selectman Hart asked if there are any funds that are underutilized that may be used for other purposes. Mr. Maxwell said that the Infrastructure Fund can be used, but it requires a Public Hearing ahead of time.

Mr. Maxwell explained the cemetery funds, which are used for perpetual care and the expenditures have to be accounted for. He said that accounting for every expenditure out of the individual accounts is time consuming; the Trustees petitioned the state to be able to pool the funds, and this resulted in the "New Cemeteries" fund. Mr. Hart asked whether any of these funds could be used for mowing of cemeteries. Mr. Maxwell said that a portion of lot sales goes to the lot sales trust fund, and this might be able to be used for maintenance purposes. Selectman St. James noted that the DPW has taken over the care of the cemeteries, but specialized equipment is needed that perhaps this fund could be used for.

## **PUBLIC COMMENT 1:**

**None heard.**

## **LIAISON REPORTS**

Selectman Hart reported on current activity at the DPW Department (the Director is still looking into a grant to refurbish the boat ramp) and discussion at the Conservation Commission meeting. Conservation is working on the ongoing issue of incursions to the conservation land from a neighbor. A boat and fencing, among other things, are on Conservation land, but they are trying to reconcile plot plans after the owner, Mary Fidler, produced a plan from 1986 that does not agree with the one on file. Selectman St. James said there is money in the LCIP fund to have a survey done. Evy Nathan, Conservation Chair, said that it was surveyed in December by Town Engineer Dennis Quintal. Selectman St. James said this needs to be resolved; he suggested that the Code Enforcement Officer meet with Mr. Quintal.

Selectman St. James mentioned the matter of tree replacement on the Bresnahan property, saying that there has been no headway after 2 to 3 years of time extensions. Selectman Coppelman said there was another extension, which he said he thinks expired in December, but will check with the Planning Board Administrative Assistant tomorrow. Selectman St. James said that the Planning Board needs to request enforcement from this Board.

Selectman Bashaw reported that the Planning Board met to take care of administrative items; he said that Lynne Merrill will continue as Chair and Robin Duguay is Vice Chair. Selectman Coppelman said that he met with the Museum Committee, which is very active in addition to their regular activities of cataloguing items for the museum. He said they are updating procedures which they will forward to the Board Administrative Assistant and to the Town Clerk.

There will be a celebration of the 125<sup>th</sup> birthday of the Nichols building and in recognition of stained-glass window donors, on June 10<sup>th</sup> at 1:00 pm.

## **OLD BUSINESS:**

### **Herbicide treatment in the Unutil Right-of-Way**

In response to concern expressed by residents after the posting of the Unutil's announcement of annual treatment in the right-of-way, the Board's assistant had compiled information for the Board's consideration. The Town's Planner had highlighted the areas within the treatment plan that are in the Aquifer Protection Zone, which ended up being the majority. The Board also reviewed the ordinance governing this zone. Selectman Coppelman said that based on Article 201.4: E18, the application of herbicides appears to be a prohibited use. He said that the relief for Unutil would be to seek a variance. Selectman St. James said he agreed with this.

**MOTION:** by Selectman Coppelman, to notify Unutil of this decision in a letter, and authorize Selectman Bashaw to sign the letter.

**SECOND:** by Selectman St. James

**All in favor**

## **NEW BUSINESS**

### **Human Services**

The Human Services Director, Marissa Federico, had sent a notice to the Board to announce the Kingston Age-Friendly Community Forum, which will take place on Thursday, April 20 at the library beginning at 11:30 am.

The Director also provided the Board with information about a series of comedy shows being put on to fund food pantries; the producer has offered to donate the proceeds of a show on May 18 at Mill 77 Brewery in Amesbury to the Kingston food pantry. Ms. Federico asked the board for permission to accept the funds, and also if they want to give the comedian a list of topics to avoid.

Selectman Bashaw said he would not be comfortable dictating content; the venue is not affiliated with the Town.

**MOTION:** by Selectman St. James, to accept the funds for the food pantry from a comedy event to be held on May 18.

**SECOND:** by Selectman Hart

**All in favor**

## **BOARD BUSINESS**

### **Deputy Fire Warden Appointment:**

The Board signed the form appointing Jason Fellows as Deputy Fire Warden.

### **Revised Board appointments:**

In view of Mr. Wilson's resignation from the Board, Selectman Coppelman will take over as liaison to Heritage Commission and Stained-Glass subcommittee; Selectman St.

James will represent the Inspectors, as needed, along with Selectman Bashaw.

Selectman Hart will take over as the liaison for Human Services.

Appointments to conduct several employee evaluations were re-appointed as well.

The matter of a contact for Melanie Dostie of River Road to call to report shooting in that area was discussed; she will be directed to call Selectman Bashaw, with Selectman Coppelman as a backup. As agreed previously, the Select Board member contacted will then call the Police Department and go with an officer to the property with the Department's decimeter to measure the sound.

## **PUBLIC COMMENT 2:**

Fire Chief Graham Pellerin came forward to discuss the contract for one of his employees to attend the paramedic program. He said the contract has been vetted by legal counsel and the Finance Director has drafted the revised paperwork for signatures. He produced a purchase order to go with the contract.

Chief Pellerin then said that one tanker truck needs two rear springs replaced at a cost of between \$3,000 and \$4,500. There was a discussion of where this money can come from, such as impact fees or the maintenance fund. In addition, he said the department needs a new Smoky the Bear sign to indicate fire hazard levels to the public. This will cost \$3,057.

Selectman St. James noted that some of the purchase orders did not have the budget line for the expenditure written on them.

There was a discussion of the limit on town credit cards, and the difficulties of having it at \$1,000 per month. Chief Pellerin suggested raising the limit to \$5,000 per month for each card.

Selectman St. James said that the Town should research whether the cards produce rewards on expenditures, which could be very beneficial.

**MOTION:** by Selectman St. James, to approve the contract for the paramedic program

**SECOND:** by Selectman Coppelman

**All in favor**

Selectman Hart questioned Chief Pellerin about the Fire Station Capital Reserve Fund and whether there will be excess funds that can be used elsewhere. Chief Pellerin said that this fund is only for a specific purpose. He added that there are still some things that need to be done with that money.

He also said that the generator grant money should be coming in the next month, at which time the Board will need to hold a public hearing to accept it.

There was a discussion of the status of fields use applications, specifically one by the Sanborn Baseball league. Selectman Bashaw said that the insurance questions had been resolved. The DPW will sign off on the application as soon as the fields are usable. Selectman Bashaw will be authorized to sign the applications at that time.

Selectman Coppelman reported on an issue with the phone system at the library. He said that when the routine alarm testing takes place, it activates the answering machine and fills the voicemail box. This causes the problem that callers can't get through. He will work with Paula on this issue with Block 5 and Comcast.

**CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:**

- Elderly Exemption application (1)
- Notice of intent to excavate, Dorre Road
- Veterans tax credit (2)
- Veterans tax credit for 100% disability (1)
- Planning Board current plans: review

**MOTION:** by Selectman Coppelman, to adjourn public session and enter non-public session at 7:45 PM, to discuss personnel and legal matters.

**SECOND:** by Selectman Hart

**All in favor via roll call vote**

**MOTION:** by Selectman St. James, to adjourn non-public session and return to public session at 8:19 PM

**SECOND:** by Selectman Hart

**All in favor**

**Discussed in non-public session: Personnel ; Legal correspondence**

**Motion made to seal minutes of non-public sessions.**

Motion made by Selectman Hart, seconded by Selectman Coppelman, because it is determined that divulgence of this information likely would...

\_X\_ Affect adversely the reputation of any person other than a member of this board.

\_\_ Render a proposed action ineffective

\_\_ Pertains to preparation or carrying out of actions regarding terrorism

**Roll Call Vote to Seal Minutes:**

Chris Bashaw	Y	Charles Hart	Y
Kevin St. James	Y	Glenn Coppelman	Y

**Motion: PASSED**

**Elderly Exemption Application:**

**MOTION:** by Selectman Coppelman, to disapprove an elderly exemption application on the grounds that the property is in an irrevocable trust with no beneficial interest for life reserved for the resident.

**SECOND:** by Selectman Hart

**All in favor**

**Meeting Adjourned at 8:20 pm**

Respectfully submitted:

Susan H. Ayer, Administrative Assistant to the Select Board

**NONPUBLIC SESSION MINUTES**  
**Kingston, New Hampshire Board of Selectmen**

**Date:** April 10, 2023-2

**Members Present:** Interim Chair Christopher Bashaw; Charles Hart, Kevin St. James, Glenn Coppelman, Select Board members.

**Motion to enter Nonpublic Session** made by Selectman Coppelman, seconded by Selectman Hart  
**Specific Statutory Reason** cited as foundation for the nonpublic session:

XX **RSA 91-A:3, II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, **unless** the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

     **RSA 91-A:3, II(b)** The hiring of any person as a public employee.

     **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, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

     **RSA 91-A:3, II(d)** Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general community.

XX **RSA 91-A:3, II (l)** Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present

**Roll Call vote to enter nonpublic session:**

Chris Bashaw	Y	Charles Hart	Y
Kevin St. James	Y	Glenn Coppelman	Y

**Remove public meeting tape** (if applicable).

**Entered nonpublic session** 7:45 PM

Other persons present during nonpublic session: Selectmen's Administrative Assistant Susan Ayer;  
Finance/Human Resources Director Paula Mahoney

Description of matters discussed, and final decisions made. Note: Any votes taken must be recorded "in such a manner that the vote of each member is ascertained and recorded":

**Legal advice regarding an exemption application**

An opinion had been solicited from Attorney Huddy Grandy about an elderly exemption application received for property at XXXXXX, which has been placed in an irrevocable trust. The attorney gave the Town a detailed explanation of how the trust could be interpreted, concluding that the owner had not preserved "beneficial interest for life" in the subject property for himself when he put it in the trust. For this reason, she said the Board would be justified in denying the application.

**Legal/Personnel matter regarding Selectman St. James**

Selectman Bashaw explained that he had received a sealed and initialed envelope and he did not know what it contains. He opened it and read the letter inside, which came from Ventura Law firm, dated April 10, and that the firm is representing Police Chief Joel Johnson. (See letter, attached).

Selectman St. James said that he had a matter for this non-public session as well, which was his review of Chief Johnson, which he said the Board would find is very favorable.

In response to the allegations, Selectman St. James said that he and Chief Johnson both work full time and for that reason he doesn't call him often as liaison. He then admitted that he did use the language he is accused of, and told the Board the specific terms he used.

Selectman Bashaw asked Selectman St. James how he could think that it would be appropriate to say such a thing in that setting, to a subordinate. He said he can't imagine a context where it would be.

Selectman St. James said there was a difference of opinion regarding the role of liaison.

Selectman Bashaw said he would not have brought up the question of whether the Chief supported him in an election, either. He said that this evaluation goes into the personnel file and can affect the employee's pay, and now if the evaluation is less than perfect it can be considered due to a personal grievance.

Selectman St. James said that he could contact the Attorney General about Chief Johnson electioneering, by placing a political support letter in the paper as Chief, not as a private resident. He said the Chief also offered residents rides to the polls, but he had not brought any of this up at the evaluation.

Selectman Bashaw said this is a complicated situation. He said the wording of the letter, "to remove Mr. St. James from any position that may allow him to further harass Chief Johnson in any way" could mean only to keep him from anything affecting the Police Department, but as it continues to say that "If we deem your actions regarding the matter inadequate, we will be forced to take legal action" indicates that they want Selectman St. James removed from office. He said that this board does not have that authority, that it would have to be referred to the Attorney General or the Secretary of State.

It was noted that while Attorney Ventura states that "if further action is required to address this matter after your non-public session.... Chief Johnson... will insist upon the discussion taking place in a public session", a discussion with Town Counsel would not be public.

**MOTION:** by Selectman Hart, to defer to legal counsel before deciding on a course of action

**SECOND:** by Selectman Coppelman

**In favor: Bashaw, Coppelman, Hart; Abstain: St. James; passes**

Selectman St. James said that he will not be able to attend the benefits committee meeting, as Chief Johnson will be there. He said that he would like the committee to look at the section that states cost of living increases will be at a minimum of 3% per year; he said he doesn't think a percentage should be set as policy.

**Motion to leave nonpublic session and return to public session by** Selectman St. James, seconded by Selectman Hart

**Roll Call vote to leave nonpublic session:**

Chris Bashaw	Y
Kevin St. James	Y
Charles Hart	Y
Glenn Coppelman	Y

**Motion: PASSED**

**Public session reconvened at 8:19 pm**

These minutes recorded by: Susan Ayer, Administrative Assistant to the Selectmen