

**Kingston, New Hampshire
Board of Selectmen
Meeting of May 2, 2023
FINAL MINUTES**

The meeting was called to order at 4:00 PM by the Acting Chairman.

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

APPOINTMENTS

Stacy Dion, Kingston Days Chair: Vendor forms

The Board reviewed two forms Ms. Dion had created for use when signing up vendors for Kingston Days. She said she had looked into the requirements from the past and worked with Primex to update forms and better understand indemnification vs. liability insurance. She said one thing that needs to be changed in the paperwork is a line about consulting Primex for TULIP coverage (for vendors who do not have their own insurance); Primex no longer offers TULIP policies so the applicant will have to do this on their own.

Ms. Dion went over the forms and the chart she had created and explained the types of vendor activities with corresponding insurance or indemnity requirements. She said that all are required to sign the Indemnity Agreement unless they are a Town entity and therefore covered by the Town's policy. Insurance requirements will depend on the activity and risk factors. There was some discussion on how to handle car shows. It was decided that there should be a subset for this category, so that there will be a line for car clubs as well as non-sponsored individual cars.

Selectman St. James said this will be a policy that can be used for all Town events, not just for Kingston Days, so the headings will be changed. The forms will be sent to Primex for review and brought back to be adopted by the Board as a policy.

Lynne Merrill, Planning Board Chair: Sound in Meeting Room

Ms. Merrill said that at the last Planning Board public hearing, the meeting room was packed with people who wanted to listen and participate, and they could not hear or follow along. Questions had to be repeated. She said that she understands that the new microphones are backordered, but that she had also been told that the microphones would not coordinate with Comcast. She said the video comes over on the TV station, but only one camera is working.

DPW Director Phil Coombs was asked to come forward to give a status report on the work being done on the audio-visual system. Mr. Coombs said that everything is on hold until the microphones come in and the broadcast sound can be evaluated. He said that another way to improve the sound on a cheaper level will be to install acoustical fabric and panels on the ceiling and walls. He said this is being rolled in with other Town upgrades.

Mr. Coombs said that a piece of equipment in the sound booth has failed and the AV technician, Adam Faulconer, has done what he can to keep it running, but money will need to be spent to do it right. He said this can be prioritized at the request of the Board. There was a discussion of short and long-term fixes to the sound problems. It was agreed that this is a real public access issue and it should be prioritized. The Board will look into utilizing some of the Comcast franchise fees for the costs.

Records Management

Ms. Merrill then asked the Board about keeping hard copies of the large sets of plans, even though the Town is digitizing all records. She said that all the pages do not get recorded, and sometimes the Board needs to go back and look at older plans. She said the 266 Route 125 plan is 100 pages, as an example, and that they are hard to read online. It was agreed that the plans can be scanned but requested to be returned. Only the final versions will be kept.

PUBLIC COMMENT 1:

Jay Alberts, 4 Lincoln Circle, asked to discuss the board vacancy, which is on tonight's agenda. He said that this should be an easy decision, and the Board should choose Ellie Alessio. He said all they need to do is look at the election results, in which Glenn Coppelman and Ms. Alessio received a nearly equal number of votes. He said the board has the opportunity to do what the Town wanted, which was to have both on the board.

LIAISON REPORTS

Selectman Hart said that the Budget Committee has some great ideas for this year, such as doing some pre-work and not waiting until November to meet. He also reported that the Fire Station Building Committee will be meeting to finalized the project.

Selectman St. James said the Kingston Days committee met on Thursday, and they have been working diligently. He said they are seeking sponsors to raise money. He said a question came up, as \$5,000 for fireworks that used to be under Recreation is now under their budget line, taking away that much of their total \$25,000 budget. Stacy Dion, who serves on the Budget Committee, was still present and said that this funding had been taken out of the Recreation budget by the Select Board before it ever got to the Budget Committee. She said the Kingston Days committee is seeking sponsors for the fireworks. She said the lowest quote they have gotten to date was \$6,800 for a 15-minute display. She said they are hoping to raise \$10,000 and be able to put on a 30-minute display.

Selectman Bashaw said that the Planning Board has some big projects that will require approval by both Planning and ZBA, so they have taken jurisdiction so that if there are numerous items, they can be addressed all at once. He said there is a lot of resident interest in these projects, which is why Ms. Merrill is advocating for improvements to meeting room sound. He said it's good to see so many people participating.

Selectman Coppelman said that the Heritage Commission is developing a schedule of potential projects for this year and beyond. He said that the stained glass windows for the Nichols building are all sponsored, but that donations are still being accepted to defray the cost to the Town for the first window. The lead donors' names will appear on a plaque; the deadline for donating in time to be included is May 13.

OLD BUSINESS

NH Electrical Coop: Herbicide treatment in Right-of -Way

The board reviewed information provided by NHEC that was requested to understand whether or not the herbicide treatment proposed would be taking place within the Town's Aquifer Protection District. Selectman Coppelman gave the background information that there are two utility companies operating in Kingston, Until and the NHEC. He said both maintain the areas under their power lines for safety reasons. It was recently determined that most of Unutil's herbicide treatment area fell in the Aquifer Protection District, so the Board denied their request and they are currently seeking relief from the ZBA. He said that NHEC provided maps of 4 different spray areas, and it is hard to determine how they fall on the APD map without overlay maps, but the NHEC representative relayed that three of the areas very likely are in the Aquifer zone.

There was some discussion of how the ordinance reads, as NHEC had suggested that they may be allowed to spray as they are conducting forestry.

Selectman St. James said that the Board needs to be consistent, and a precedent was set with Unutil.

MOTION: by Selectman St. James, to deny the use of pesticides in the three areas identified by NHEC that fall in the Aquifer Protection District; these areas are NHEC's BT12, maps 1, 2 and 3.

SECOND: by Selectman Coppelman

All in favor

Boat Launch grant opportunity: update

DPW Director Phil Coombs said that he has been working on this grant opportunity for improving the Town boat launch area and had come up with some things that could be applied for under the grant, including a dock with handicapped access, replacing fencing, and a new pavilion for the Lake Hosts. However, he said the plans have been tricky from the beginning due to the proximity to state land. He said the Dam Bureau owns half of the area, and these grant funds can't be used on state property.

Mr. Coombs went on to explain that the resident area at the boat launch was set up years ago to provide parking for residents. He said that any area improved with grant money needs to be open to the public with no restrictions, which would negate the need for fencing. He said the dock itself is a jurisdictional nightmare, the only place for it being only 7 feet from state land. He said that with the parking opened up, people will be apt to leave their cars at the boat launch and go next door for lunch, leaving no parking for handicapped anyway. He said he can see it becoming a nightmare for the police department.

In further discussion, it was noted that the match funds required are not budgeted for.

Mr. Coombs said that his position is that having a million people on the lake is not what the Town wants, and he would recommend that the Town not apply for this grant.

The Board members agreed that all things considered, this is not the best match for the Town at this time, though Selectman Hart said there is a need for upgrades at the dock and perhaps a warrant article can be placed for this work.

Selectman St. James said that he is comfortable with not applying for this grant, and thanked Mr. Coombs for seeing the potential for problems. He said it goes back to the original question of handicapped access, and the Town can work with the individual.

Board letters calling for resignation of Board member Kevin St. James

Selectman Bashaw said that he had sent a letter to the Board members that he intended to read. He then read it in full, after saying he was acting as an individual Selectman, not as Chair. In the letter he officially called for Selectman St. James' resignation. He said that the town has experienced a couple chaotic weeks dealing with this issue and he doesn't see it going away until Mr. St. James resigns his select board seat. He cited the assistance of legal counsel and measures taken, but said he feels the board has a duty to do more. He said he has been contacted by numerous residents. Selectman Bashaw went on to cite his feelings about Mr. St. James' behavior, and what he feels was a "pathetic and insulting" apology. He encouraged his fellow citizens to also call for Mr. St. James' resignation.

Selectman Hart then read a letter as well; he addressed Mr. St. James directly and said that he felt Mr. St. James had broken the trust of this office. He also said that by not resigning, Mr. St. James "brings great concern regarding (his) inability to perform (his) duties and be trusted to do so professionally and in accordance with the oath of office". Mr. Hart also asked Mr. St. James to resign.

Selectman Coppelman had no prepared statement, but said he stands by the actions taken by the Board on the advice of legal counsel. He said that Mr. St. James' behavior was unquestionably inappropriate, but it did not rise to the level of violating his oath. He said the Board acted upon the legal advice given, and that should have been the end of the matter.

Selectman Bashaw then said he will ask the town not to put forward any legal complaint, as it would be expensive and lengthy.

MOTION: by Selectman Bashaw, to not indemnify Mr. St. James should the Town be sued.

SECOND: by Selectman Hart

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

Selectman St. James said that again, he regrets the things he said, and he has admitted them. He said he could have used a better choice of words. He said he has owned up to the statements and behavior, but he is not going to resign. He thanked those who have reached out to support him via emails, texts and calls.

NEW BUSINESS

Human Services Update

The Board acknowledged a review of Human Services activities submitted by Director Marissa Federico. Director Federico said she will submit a report monthly to keep the Board updated.

Lake Host Program

Muriel Ingalls, of the Kingston Lake Association had sent an email to the board explaining the invoice for matching funds of \$2500 as the Town's responsibility for a NH Lakes Association grant for the continuing Lake Host Program. She explained this is a courtesy boat inspection program to guard against invasive weeds coming into the lake. This money is in the Kingston Conservation Commission's budget.

Scam alert

The Board reviewed a poster alerting citizens to common scams that often occur via telephone and computer. The Police Chief has requested that this be inserted in the upcoming tax bills in order to reach all residents. It was agreed that this will not raise the postage for the mailing and can be included.

BOARD BUSINESS

Vacancy on the Board: Review candidates, vote

Selectman Bashaw announced that five letters of interest were received, and one has withdrawn, leaving four. He said an additional letter came in after the deadline, which he asked the Board to consider including.

Selectman Coppelman said that this letter was a week later than the well-established deadline, and nothing against the individual, but he feels it can't be included.

MOTION: by Selectman Coppelman to NOT consider the letter of interest that arrived after the deadline for receipt.

SECOND: by Selectman St. James

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

Selectman Bashaw then read the names of those who have asked to be considered for the vacancy, and their letters of interest:

Electra Alessio

Ellen Faulconer

Andrew Berridge

Dustin Hewett

Selectman Bashaw said the Board has received six letters of endorsement for Ellie Alessio, and said he thinks that having been willing to run for the seat in March deserves some credit.

Selectman Hart read a letter of support for Ms. Alessio, saying that 50% of the voters had confidence in her ability.

Selectman Coppelman said that he looks at this differently. He said that notwithstanding the eloquent oration of Mr. Alberts, he can understand the points made but he also considers that the election took place. He said the margin was very small but it did fall in one direction, and the results are what they are. He said he did not think this Board's job is to override the will of the voters. He said he has no animosity for Ms. Alessio and has respect for the time and passion she has given to the town. However, he said there is another equally suitable candidate in Ellen Faulconer, and given her background and

experience, he will support her. He said there will be three open positions at the next election and plenty of opportunity for others to run then.

MOTION: by Selectman Hart to appoint Electra Alessio to the empty seat on the Board through March 2024.

SECOND: by Selectman Bashaw

In favor: Bashaw, Hart; Opposed: Coppelman, St. James; Motion fails

Selectman Coppelman addressed the other two candidates (Berridge and Hewett), saying that he did not feel they rose to the level of the current needs of the board. He said the board needs experience and the ability to be up to speed on day one.

Selectman Bashaw said he is concerned with the busy year coming up if Ms. Faulconer leaves her position of Moderator.

Selectman St. James said that it is always hard to find suitable people to fill positions, and he had had the same concern about Selectman Bashaw leaving the Planning Board to be appointed to this board. He said at the time no one else shared his concern. He said that Ms. Faulconer has already addressed the question of leaving the Moderator position, and she has acute experience in every aspect of the Town.

Selectman Hart said he agrees with Selectman Coppelman about the lack of experience of the other two candidates. Selectman Bashaw said that he would never rule anyone out based solely on experience, but he thinks this job is different than people might expect.

Selectman Bashaw then said he is concerned that Ms. Faulconer may put conditions on her employment, given her past complaints about mold and the meeting room floor, etc. Selectman St. James said that Ms. Faulconer was on the Safety Committee, charged with bringing forward legitimate safety concerns in Town buildings. Ms. Faulconer was present and clarified that she was on the Safety Committee, which was charged by Primex to go to all the buildings and look for safety issues. She said Richard St. Hilaire, Robert Steward and Cindy Kenerson also served on the committee, and reported to the Select Board. She said they were also looking at storm or snow related issues. She said these were not her individual concerns. Selectman St. James added that Ms. Faulconer and the committee were advocating for everyone that works in or uses town buildings and had nothing but legitimate concerns.

Selectman Bashaw said that as Planning Board Administrator, Ms. Faulconer had at times given information to applicants that was her personal opinion rather than bringing the questions to the board. Selectman St. James said that she had received favorable employment reviews the entire time, and he recommends her for her knowledge.

MOTION: by Selectman St. James to appoint Ellen Faulconer to the empty seat on the Board through March 2024.

SECOND: by Selectman Coppelman

In favor: Coppelman, St. James; Opposed: Bashaw, Hart; Motion fails

The Board discussed options for continuing the process. Either they can reconsider the candidates or open up the search again. They can also as a 4-member board. There were concerns with staying at 4 due to not having a tie breaker.

MOTION: by Selectman Bashaw to reopen the candidate search until noon on Monday May 8, 2023.

SECOND: by Selectman Hart

In discussion, Selectman Coppelman said it should be specified that those already on the candidate list will not need to re-submit their letter of interest, but only contact the Board's administrative assistant if they wish to withdraw.

Selectman St. James said he found it sad they could not come to a consensus on the qualified candidates they already have; Selectman Coppelman concurred.

All in favor

PUBLIC COMMENT 2:

Jay Alberts, 4 Lincoln Circle, said that obviously this vote is not in the public interest, and that he will be calling for a special election to be held.

Selectman Bashaw informed Mr. Alberts that because the Town had not adopted RSA 669:61, IV, there is no option for calling a special election. The only thing a citizen can do is petition the court to fill the vacancy.

Peter Bakie, 26 North Road, asked if it would be possible to form a committee to discuss taking back Kingston State Park from the state. He said he heard the state had offered to sell it back for \$1.00 at one point but was denied. He said as a resident he finds that property is very important to the town and if the state sells it it could be developed. Selectman Bashaw said that Mr. Bakie should bring forward the issue as an agenda item. It was suggested that the Lake Association and Conservation should be included in the discussion.

Ellen Faulconer, 4 Jericho Drive, commented that the Board had a choice between her and Ellie Alessio for the open Board seat, either of which would bring years of experience to the job. She said she found it insulting that the board could not talk to each other and come to a decision. She said she has no chip on her shoulder or axe to grind, but felt this is not a good start, that they should have been able to talk to one another and either choice would have been fine.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- Application for use of Meeting room: the Regional Economic Development Council (REDC) has asked permission to use the meeting room on Wednesday, June 14 from 11 am to 2 pm for a meeting and lunch. Selectman Coppelman explained that REDC is a non-profit organization that offers technical assistance to entrepreneurs and businesses. On a motion by Selectman St. James, Second by Selectman Hart, all were in favor to allow REDC to use the meeting room as requested.
- Application for use of the Plains by the Fire Association for their Brewfest event on June 24 had been reviewed by the Departments and questions of the DPW

Director have been answered. On a motion by Selectman St. James, second by Selectman Hart, the application was approved by all.

- Notice of intent to excavate Map R19 Lot 30: There was a question of whether or not this should be approved by the Planning Board. Selectman Bashaw will bring it to tonight's meeting of that board and bring it back next week.
- Form for change of contact from Registry of Deeds: It has been realized that the current Finance Director is not a point of contact for the Registry of Deeds. On a motion by Selectman St. James, Second by Selectman Hart, all were in favor of adding Paula Mahoney as a contact for the Registry, and authorized Selectman Bashaw to sign the form.
- Sanborn Head has submitted a revised budget, requesting additional funds to complete sampling and the Site Investigation Report that is due to NHDES. There is money budgeted for this ongoing work; on a motion by Selectman St. James, Second by Selectman Coppelman, the Board unanimously approved increasing the Sanborn Head budget by \$15,200.
- Rockingham County sent a copy of their proposed budget with a notice of hearing. There was a brief discussion of this; the proposed budget reflects a 4% increase.

APPROVAL OF MEETING MINUTES:

MOTION: By Selectman Coppelman, to approve the non-public meeting minutes of April 17, as submitted.

SECOND: by Selectman Hart

All in favor

MOTION: By Selectman Coppelman, to approve the meeting minutes of April 24, as submitted.

SECOND: by Selectman Hart

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

MOTION: by Selectman Coppelman, to adjourn public session and enter non-public session at 6:05 PM, to discuss personnel.

SECOND: by Selectman Hart

All in favor via roll call vote

MOTION: by Selectman Coppelman, to adjourn non-public session and return to public session at 6:30 PM

SECOND: by Selectman St. James

All in favor

Discussed in non-public session: Personnel

Motion made to seal minutes of non-public sessions.

Motion made by Selectman Coppelman, seconded by Selectman Hart, 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

Meeting Adjourned at 6:30 pm

Respectfully submitted:

Susan H. Ayer, Administrative Assistant to the Select Board