

**Kingston, New Hampshire
Board of Selectmen
Meeting of May 15, 2023
FINAL MINUTES**

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

PRESENT: Acting Chair Chris Bashaw; Glenn Coppelman, Charles Hart, Laurie Szwed, Select Board Members

Non-Public Session

MOTION: by Selectman Hart, to adjourn public session and enter non-public session at 6:00 PM, under RSA 91-A:3, II (a), to discuss personnel.

SECOND: by Selectman Coppelman

All in favor via roll call vote

MOTION: by Selectman Coppelman, to adjourn non-public session and return to public session at 6:28 PM

SECOND: by Selectman Hart

All in favor

Discussed in non-public session: Personnel

PUBLIC HEARING

A presentation on the Town's road network and its maintenance, by Public Works Director Phil Coombs

Mr. Coombs introduced the hearing, explaining that his presentation is in two parts. The first part is to talk about the heavily trafficked dirt roads, particularly Bass Lane, Circuit Drive and Simes Road. The second part will be on the planned pavement maintenance activities for the 2023 season and beyond.

Mr. Coombs discussed the poor condition of Bass, Circuit and Simes, and the impediments to paving them, including large trees, tight conditions and needing to work around fences and septic systems. He said that just to remove the trees would require a crane and closing the roads for a week. He estimated the total cost could be \$80,000.

Short-term solutions were outlined and discussed with residents in a question-and-answer period. Widening the roads can't be done without drainage work and some tree removal, but work will be done to reconstruct the roads. One resident suggested making the roads one-way so that they don't need to be as wide.

Mr. Coombs then said that Kingston has a total of 122 lane miles of road, or 61.5 miles. He discussed paving work in general, describing the various methods, their uses, life span and costs. He said that typically, the worst roads are chosen to be first when it comes to paving. He said that asphalt has risen 35% in cost, so alternate paving

preservation techniques are planned, to extend the life of the roads from the average of 10-15 years up to 25-30 years.

Work to be done on specific Town roads this year was listed.

Other information was given on DPW improvements, such as adding a shoulder gravel attachment on town trucks, which allows the town to do its own shoulder gravel and therefore save money. Also, Mr. Coombs said that an asphalt hot box will allow his crew to put hot asphalt into holes even in cold weather, which will work and last better than cold patch. He said this will cost \$42,000 but will free up time and the millings can be recycled.

Annual State block grant money is available for road work, and this year an additional block grant raised the amount to \$610,000 (from \$465,000 last year). Mr. Coombs said that about \$550,000 will be used for paving, and the balance for crack sealing. He said the work will be put out for bid.

The Acting Chair closed the Public Hearing at 7:25 pm

PUBLIC COMMENT 1: None heard

LIAISON REPORTS

Selectman Hart said that the Building Committee plans to come in to meet with the Select Board mid-June. He said by then the amount of leftover funds from the Fire Station construction will be known.

Selectman Bashaw introduced new Board member Laurie Szwed, who had been appointed this week.

He then reported on the site walk at 186 Main Street conducted by the Planning Board. He said a fair number of people attended and asked good questions, some of which will need to be answered by the Town's Engineer.

Selectman Coppelman reported that the phone issue at the museum building is still unresolved and seems to be more complicated than anyone anticipated. He will continue to work with the Finance Director and with the DPW Director.

OLD BUSINESS

Vendor Insurance policy update:

This will need more work to be put into policy form, but the Administrative Assistant noted that the chart of insurance requirements has already been approved and can be used by the Kingston Days committee.

PFAS Mitigation Funding

Selectman Coppelman reported that he had been charged with following up with the State to see what funding is still available for PFAS mitigation. He said that the Town is planning to place 20 additional Point of Entry water filtration systems into affected sites that are not currently on a filtration system (6 are). The Town will then need to maintain

all 26 going forward. He said the good news is that the State does have a program of loans and grants for this purpose, and that the Town qualifies for a grant with no matching funds. He said as of today there is just about enough money left (a \$10 million re-authorization is stuck in committee at the State level) for Kingston's needs.

Selectman Coppelman said the application process is two steps, first an application to determine eligibility and then the full application for funding. He said he has been told over the phone that the Town is eligible, but paperwork needs to be filed; once eligibility is determined the money will be earmarked for the town.

Selectman Coppelman said the budget will cover the systems, maintenance for the first year, some of the work to be done by Sanborn Head and can cover administrative costs as well. The amount of the grant will be between \$200,000 and \$250,000. He said that he is asking the Board to authorize him to sign and submit the initial application, as it is time sensitive.

MOTION: by Selectman Bashaw, to authorize Selectman Coppelman to make the appropriate indications on the initial application and to sign it on behalf of the Town.

SECOND: by Selectman Hart

All in favor

DPW Director Coombs asked if submission of this application indicates culpability of the Town for the well contamination. Selectman Bashaw said that the fire station has already been identified by Sanborn Head as a source. He said the previous board had been advised by counsel to admit nothing, but Sanborn Head has told the Board that no matter where the fire fighting foam came from, DES has placed liability on the Town for using it. He said that the Board has made the decision to place additional monitoring wells as part of the process of testing going forward, and down the road it may be determined that not all of the affected wells are related to the fire station. He said if this is proven the Town will not be held responsible in perpetuity.

Fire Chief Graham Pellerin said he thought it was shown that the chemicals at 161 Main Street did not originate at the fire station, and that if this was proven, the Town would not be liable. Selectman Bashaw said that this is how the town wants the contracting worded going forward, but at this point the Board wants to get the pre-application in to secure funding; he said that the townspeople are owed a better solution than pallets of bottled water. If then enough data is collected to verify that the source is not the town, the maintenance of the system would become the responsibility of the homeowner.

NEW BUSINESS

Code Officer/Building Inspector vacancy

Selectman Bashaw said that the Code and Building Officer had resigned over the weekend. He said that during non-public discussion, the Board had identified a temporary solution.

MOTION: by Selectman Hart, to authorize the mechanical and electrical inspectors to sign off on building permits in the interim, in order to maintain the department's current workload.

SECOND: by Selectman Coppelman

Selectman Bashaw said this is a temporary solution. He said the Board will look into filling the post with a temporary part-time inspector while the steps are taken to find a new full-time Code and Building Inspector.

All in favor

Select Board Member vacancy

Selectman Bashaw said that Selectman St. James has resigned, as of today. He read Mr. St. James' letter of resignation into the record:

To my fellow Board members,

It has become clear to me that I am becoming a distraction for the Board which prohibits all of us from doing the people's business for Kingston. That goes against what I stand for, as my only intention is to serve in thier best interest. Please accept this as my resignation, so that you can be unfiltered in your doing the work to which you were elected. God bless you all.

Namaste,

Kevin P. St. James

Selectman - Town of Kingston

Selectman Bashaw said that the Board finds itself in a predicament again, being down a Board member. Selectman Hart said that at this point a person with experience and immediate knowledge of current matters is needed, and that this needs to be decided without going through the time it took before.

MOTION: by Selectman Hart, to appoint Electra Alessio as Board Member until the March 2024 election.

SECOND: by Selectman Bashaw

In discussion, Selectman Coppelman said that his position remains that the election was definitive and regardless of qualifications, appointing a person defeated in the election is not the appropriate thing to do.

Selectman Bashaw said that he agrees that the runner- up is not appointed by default. However, he said that for the sake of continuity of government, and because this is a board consisting of relatively or very new members, a candidate that spent the last three years on the board and was involved in current issues before the board should be considered. He said there is a lot of work to be done, especially with the other resignation received today, and he would rather decide from the pool of candidates already received rather than open up the search again.

Selectwoman Szwed said that this is an awkward position for all, and she understands that elections are not run in such a way that if a person is the runner up they fill a vacancy by default. She said however that she recognizes that Ms. Alessio's experience equates to the total of the experience sitting on this board, and so would agree to her appointment.

In favor: Bashaw, Hart, Szwed; Opposed: Coppelman; Motion carries

Ms. Alessio was present and accepted the appointment; she will be sworn in and join the board next week.

ZBA request to contact Town attorney

Peter Coffin, Chair of the Zoning Board of Adjustment, has notified the Board of a legal filing involving a current ZBA application, and noting that there will be a lot of legal opinions filed in this case, he is asking if he needs to approach the board each time for permission to consult with the town's attorney. Selectman Hart said that the ZBA needs to run things through the Board. Selectman Bashaw said that in this particular case, where there will be a lot of filings, he feels it is in the best interest of the Town that the ZBA Chair consult the attorney as needed. Selectman Hart said that he did not know about the matter until he received the email and feels the Board should be informed. Selectman Bashaw said that it can be a condition that any correspondence with the attorney needs to be copied to this Board. It was agreed that Chairman Coffin can work with the attorney and copy the Select Board.

Conservation Commission request for data check for trail area

Chair Evy Nathan informed the Board via email that she has requested a Natural Heritage Bureau data check for a small area on a trail on the Sargent tract that's always flooded, where Conservation needs to place a culvert. She said she is working with the DPW Director on this, but that the NHB needs to know that the Town has been notified. Selectman Bashaw said the Town is now notified and he doesn't see any issue with it. Mr. Coombs explained that Eversource has asked to traverse the trail to do line work and has promised to do the culvert work if the Town secures the permits. He said Ms. Nathan was in the process of getting the permit and the data check is for endangered species. He said this is for a 36" culvert that will fix a known flooding issue on the trails without the Town having to pay out of pocket.

Contract with Truslow Consulting- ZBA

The Board is requested to sign this contract, which is for Truslow to perform hydrogeologic evaluation for the Unitil appeal to the ZBA to be allowed to apply herbicides under the transmission lines that are also in the Aquifer Protection Zone. Permission had been denied by this Board. Selectman Hart questioned why this was denied this year when it had not been in the past. Selectman Coppelman said he doesn't know the answer to that, but it could be that it was not caught in the past that the work would be in that Zone, but it has been caught now and Unitil is going through the channels for relief.

It was identified that the cost of the evaluation will be paid by the applicant.

MOTION: by Selectman Coppelman, to authorize Acting Chair Bashaw to sign the contract with Truslow Consulting in the amount of \$3,250 for completing hydrogeologic evaluation, with the understanding that the cost will be paid by the applicant.

SECOND:

All in favor

Tax Warrant

The warrant directing the Tax Collector to collect property taxes for the first 2023 bill, in the amount of \$9,794,616.15, requires signatures of the Board.

MOTION: by Selectman Coppelman, to sign the 2023 first half tax warrant

SECOND: by Selectman Hart

All in favor

BOARD BUSINESS

HVAC Maintenance Proposal

Two bids for HVAC maintenance in Town buildings have been received by the DPW Director. Mr. Coombs explained the background, saying that the HVAC work in the buildings is becoming more complex, and beyond the scope of his staff, and that in order to be able to call for maintenance, a contract needs to be in place. He said he had solicited three bids, but one did not respond. The contracts would cover all buildings aside from the Fire Station, which is currently still under warranty, and would be added when that warranty expires.

The two bids received were:

Dowling -- \$10,066

Palmer & Sicard--- \$10,850

Asked for his recommendation, Mr. Coombs said they are both qualified and are offering the same services, so he would recommend the cheaper bid. He said he has worked with Dowling in the past as well.

MOTION: by Selectman Hart, to sign the contract with Dowling for Town HVAC preventative maintenance work, at the annual cost of \$10,066

SECOND: by Selectman Coppelman

All in favor

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- **Application for Special Events license: music at Saddle Up Saloon:** There was a discussion of the application and past issues with music at this venue. It was noted that no specific dates are requested, only the time frame of May 11 through September 30. Selectman Coppelman said that his position is that a one-time event is one thing, but for ongoing music permission, the company should be applying for a Site Plan amendment. Selectman Bashaw said that he doesn't disagree, but that limited permission has been granted to another restaurant. Input on past issues was given by Electra Alessio, who said that she wishes the owners well, but that any more than six dates should require a site plan amendment, and should be within a specific scope, especially given the past problems with loud music and complaints of the neighbors. Selectman Bashaw said that it must stay within the noise standards. Stacy Dion of 30 Morning Dove Road, said that when this went to the Planning Board for Site Plan amendment, Saddle Up was not approved for outdoor music. The caveat was that they could apply for special events permits for a day or two via the Select Board, but not to have daily or weekly music. Ms. Dion said that she believes this board should adhere to the Planning Board decision, which was made in response to how loud and obstructive the music had been. Selectman Coppelman said he sees this application as an attempt to circumvent going back to the Planning Board. The Board agreed that this application will be revisited after more information is obtained and specific dates named.
- **Intent to excavate, Map R19 Lot 30:** This intent form was held pending review by the Planning Board. Town Engineer Dennis Quintal has reported on the site and the Board agreed it is now okay to sign.
- **Application for Town Field Use:** Hurricanes Softball League has paid the fee to use the field, and the Board signed approval.

- Two excavation tax bills were signed.
- A vendor check request from Human Services to cover a cremation was approved.
- The Town Clerk has submitted a hiring recommendation for the full-time office clerk opening in her office. Three candidates were interviewed. On a motion by Selectman Hart, Second by Selectwoman Szwed, the hiring of the recommended individual at the rate of pay previously discussed, with a 6 months' probation period, was approved by all.

Acoustic panels for meeting room

There was a discussion of the acoustical fabric suggested. Two colors were considered as they are in stock and were shown by Highway Administrative Assistant Lisa Perreault. "Belmont Silver" was chosen.

Sales of surplus equipment

Mr. Coombs said that to date, sales of equipment via online auction total \$6100, and as the item sold was highway equipment purchased with the Highway Equipment Capital Reserve Fund, he is requesting that the money be used to replenish that fund. It was agreed to honor this request, but that future sale proceeds will go to the general fund. Quarterly statements of sales were requested.

Fire Station Water testing

It was agreed that Mr. Coombs can work with the new Health Officer on this.

Test wells

The decision on whether to pursue test wells to study the flow of the aquifer had been put off, pending the cost and funding for the POET systems. After some discussion, it was decided to vote next week on the expenditure of the estimated \$30,000 for test wells once it is known whether the grant money for the POET systems has been secured. Using a portion of the \$64,000 grant refunding the generator cost at the Fire Station was suggested by Selectman Hart. The Finance Director will be consulted about options for funding for costs that fall outside the grant money if that is received.

Solid Waste and Recycling insert in tax bills

Mr. Coombs and SWR Committee Chair Stacy Dion informed the Board that three prices had been obtained for printing the flyers: \$1,067, \$757 and \$815, with various options such as being folded. All were color, two-sided. Mr. Coombs said that given the shortfall in the Solid Waste budget, he would like to be advised where the money can come from. **MOTION:** by Selectman Bashaw, to approve the bid of \$757.53 for the Solid Waste and Recycling flyers, and to look into sources of funding.

SECOND: Selectman Hart

All in favor

APPROVAL OF MEETING MINUTES:

MOTION: By Selectman Coppelman, to approve the public and non-public meeting minutes of May 8, as submitted.

SECOND: by Selectman Hart

In favor: Bashaw, Coppelman, Hart; Abstain: Szwed; passes

Meeting Adjourned at 8:55 PM

Respectfully submitted:

Susan H. Ayer, Administrative Assistant to the Select Board