

**Kingston, New Hampshire
Board of Selectmen
Meeting of August 7, 2023
FINAL MINUTES**

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

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

MOTION: by Selectwoman Alessio, to adjourn public session and enter non-public session at 6:00 PM, under RSA 91-A:3, II (a), Personnel, and (I), Legal advice

SECOND: by Selectman Hart

All in favor via roll call vote

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

SECOND: by Selectwoman Szwed

All in favor

Motion made to seal minutes of non-public sessions.

Motion made by Selectman Coppelman, seconded by Selectwoman Alessio, 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
Electra Alessio	Y		

Motion: PASSED

APPOINTMENTS

DPW Director Phil Coombs: Road work

Chairman Bashaw said that the Mr. Coombs is here to address complaints about the chip sealing done on Jericho Drive and Williams Path. He added that on May 15 there was a noticed public hearing on the town's road maintenance projects, when Director Coombs gave a presentation on methods including chip sealing, that not all residents knew about. He said that obviously those that received chip sealing on their roads are not happy about it.

Mr. Coombs said that a lot of factors went into the road paving decisions, but it primarily comes down to money. He said at the current contracted rate, the cost of asphalt is about \$170,000 per mile to pave roads. He said they have allocated \$385,000 per year and there are 71.34 miles of roads in town, so at that rate they can pave 2.25 miles per year and every road can be repaved every 31.7 years. Director Coombs said that right now they are averaging 10-12 years (life span) on the main roads and 15- 20 on the

secondary roads, so the math doesn't add up. He said something needs to be done. He said asphalt has gone up 40% in three years. He said he is not doing chip sealing because it's easier. And he also said it is not easier having his staff verbally abused, or for him to try new ways. He said he could do the standard shim and overlay, run out of money and have to tell people their road can't be done.

With regard to the two roads that were done, he said people are saying they did not need to be done. He said he used the pavement condition index to determine the needs. He said the index for these two roads indicated chip seal to preserve them. He added that chip seal is the most commonly used pavement preservation technique in the country and in the state and is an industry standard. He said that the cost of asphalt is going up and the quality is going down and explained the refining process that goes into its production. He said these two roads were grayed out, indicating that the oils had been baked out by the sun, leaving them without the ability to flex, which will cause them to crack. He said what chip seal does is put the oils back in and adds a wearing course, the chips, to keep it from being worn off.

Mr. Coombs said that it cost \$18,000 to chip seal Williams Path. He said if they had done a shim and overlay, in 3 or 4 more years, it would have been \$67,000. He said it would have been far easier to just wait and let the road fall apart, but that does not address the core problem.

Mr. Coombs said that when the town budget passes with only 12 votes, that tells him that people do not want to spend more in taxes. He said he understands that people are upset with the finish, but it has been 12 days, and it has gotten much better and will continue to do so. He explained that during plowing season, the plows will put a finish on the road and take off a lot of the coarseness. He said the finish is also good for skid resistance and holding salt.

The Director said that these two roads were selected by grouping roads by geographical area, in order to save money on mobilization with contractors. Going forward, he said they have set up 7 areas, and two will be completed this year. He said the whole idea is to preserve what we have, and ignoring it is not an answer.

The Board had no comments. Chairman Bashaw said he will open this up for public comment even though this is not a Public Hearing.

Several residents spoke, including Matt and Sarah Taglieri of 24 Jericho Drive, Brenda Defina of 37 Jericho Drive, Colleen Schubert of 12 Williams Path, Cheryl Andreasen of 7 Williams Path, Alan (unintelligible) of 15 Williams Path, and Crystal Martel of 37 Jericho Drive. Several of these residents brought in letters from other neighbors, which they distributed to the Board.

Comments expressed included:

- They did not know about the roads presentation or that it included their roads. The presentation is not available for viewing on the website.
- They were not adequately noticed about the road closure/road work.
- Cracks in the road are still visible.
- Motorcycles will have trouble riding on the surface.
- Bicycles will have trouble riding on the surface.
- Children and dogs get tar on their feet. Baby carriages can't be pushed on it.
- Elderly woman can't walk on it.
- Snowplows will catch on the bumps and cause potholes.

- It makes the neighborhood look like an industrial area.
- It makes the neighborhood look like a campground.
- These are valuable properties and the owners pay a lot of taxes.
- The stones kicking up will damage cars.
- The stones will migrate into yards, ruining landscaping.
- The stones will kick up and injure children.
- Property values will be affected.
- The taxes paid by these residents alone would pay for paving.
- The road should be ripped up and done again.

Mr. Coombs conceded that communication could have been done better, but that they were uncertain of the dates due to weather and other delays. Discussion included the points that residents need to participate in or read about town meetings in order to be informed, and that they can join an email list through the Clerk's office or by the "Subscribe To" option on the website. The Chairman noted that 80% of the tax bills go to the school and also that nobody showed up at Deliberative Session. Mr. Coombs said that crack sealing would not address alligator cracks on the curve, but chip sealing does.

Mr. Coombs said there is a 1-year warranty on this road treatment, where there would be none on a paved road.

In addressing some the question of who will pay for damage to lawns driveways or cars, Mr. Coombs said that he has been down the roads 3 or 4 times per day since the work was done and has no chips or dings in his truck. He also said that the State of New Hampshire has said that Towns are not liable for such damage because it is too hard to assign blame when a rock could have been picked up anywhere. Beyond that, he said the town owns 18' into each front yard as its right of way, and as this work is in the furtherance of infrastructure for the Town, this would be considered normal course of business.

The Chairman closed public comment.

Selectman Coppelman said that this is clearly an issue, and that although the Board has no answer tonight, that so many came out speaks volumes. He said he is glad everyone came here to discuss this matter, as it is much more valuable than putting complaints on Facebook. The Chairman said that if this matter comes up on a future agenda, the roads will be named specifically.

Bob Pagliarulo, Saddle Up Saloon re: Special Event Permits

Mr. Pagliarulo said he thought he had brought in a few planned dates to the office; Selectwoman Alessio said he needs to meet deadlines for the applications. He said that he was approved for 10 dates of music on his deck and his understanding was that he just needed to come in a week ahead and let the town know when they would take place. He said he has been trying to do that. Chairman Bashaw said that yes, the Board authorized 10 dates, but specifically for outdoor small set acoustic setups, but the issue that came up was that then there was a bike night that came up without notice. Mr. Pagliarulo said that he thought it was all about the outdoor music, and the noise. Chairman Bashaw said that it is about the site plan in general, that for the bike nights the parking lot is closed off, limiting access to motorcycles, and that axe throwing and other entertainment is included. He said that the larger outdoor events are going to need separate permit approval, and he thought that was the agreement. He said for that

event, the police became aware and provided a detail, which he said Mr. Pagliarulo had not objected to. Mr. Pagliarulo said he always has a detail for his outdoor events. Chairman Bashaw said that the 10 acoustic dates are flexible due to rain postponements, etc., but if he intends to use one of those dates for a larger event, these need to be submitted with enough time for the Police and Fire departments to be made aware and share any concerns they may have. He said the applications for these events need all the details, which at the past event were only learned through Facebook. Mr. Pagliarulo said that there is nothing on the form that indicates when a police detail is required; Chairman Bashaw said that once the application is in the Police Chief would review it and say what he requires.

Mr. Pagliarulo said he had to cancel an event this week due to rain, but he is planning a fund raiser for September 16. He was asked to submit the request with all details included, this week, so that it can be distributed for comment and brought to the August 21 meeting for approval. This will count as one of the 10 approved dates.

If something comes up before the next meeting that is within the limits of small set acoustic music as agreed upon, that can go forward. Mr. Pagliarulo asked about a fundraiser he hoped to hold next week; the board members were in agreement that they need to post these events and discuss them at a public meeting, which won't happen until August 21.

The Chairman said it is important that Saddle Up and other restaurants in this position to go to the Planning Board for an amended Site Plan in order to continue outdoor music after this season.

Stacy Dion, Solid Waste and Recycling Committee: Revision of Town Ordinance Article 501

Ms. Dion said that the Ordinance articles had a lot more to them because of the landfill, and the committee had revised them to reflect what they are currently doing. They also looked at state rules regarding the reduction of solid waste that the Town needs to work on.

The Committee name has been changed, and that is updated. The Board had no issues or changes to suggest. Selectman Coppelman asked if this needed to be adopted at a Public Hearing; all assumed it should be. Selectwoman Szwed said that in addition to the changes to 501, 502, 503 and 504 are being eliminated because they had to do with the landfill and its support. Chairman Bashaw asked if this needs to go to Town Meeting. It was decided to check whether this requires only a public hearing, or if it needs to go to the voters.

Selectman Coppelman asked about Article 502, which relates to the Solid Waste District, and whether eliminating it would mean the town no longer belongs to the district. Ms. Dion said that the town is not longer participating in that district as the regulations were under the provisions of having its own landfill. She said that management of the closed landfill is under a different article.

Stacy Dion, Kingston Days Committee: Music Licensing

Ms. Dion said that as part of Kingston Days they have been paying for BMI and ASCAP music licensing, and it can be purchased per event or as the local government entity. She said with some of the other large events are being held on the Plains such as Heritage Days and the Recreation music events, she had reached out to find out if the

other committees were buying music licenses, and they had not been aware. She said she then switched her permit to a local entity coverage, an increase of about \$100 (from \$282 to \$390), which allows for multiple events. A report needs to be made at the end of the year in case any extremely large events took place, which would mean an increased fee.

Chairman Bashaw said he felt it made sense to put the expense on the Town going forward, to be incorporated into permit fees.

Scarecrow Contest

Ms. Dion then spoke about a scarecrow contest the committee would like to hold, inviting the community to bring in their scarecrows to be tied with twine to the trees on the Plains. She said they have a sponsor who is giving them \$500 for prize money. She said she would like to know they have permission from the Board. Chairman Bashaw said it's fine, as long as they are not used for advertising. It was agreed this is a good idea, and someone will be there to be sure only twine is used and the trees are not damaged. They will be limited to 50 entrants. Selectwoman Alessio suggested that the committee should coordinate with the Library Director.

Electricity and water for Kingston Days

Ms. Dion said that the electricity on the Plains needs to be fixed so that there is no shortage of power during the event. She said they think they can go with the voltage that is currently available for this year, as long as it is fixed, but may want to reevaluate it for the future. She said food vendors request electricity; one had requested 50 volts but since then has said they can use a generator. She said the permits reflect a cost for use of power, but not currently based on voltage.

Selectwoman Szwed said the electricity needs to be upgraded overall.

DPW Director Coombs said he had been made aware of this and is working with Electrical Inspector Tom Soterakopoulos on ensuring everything is safe and functional for Kingston Days, but a lot more will be needed going forward.

There was a discussion of putting this in the budget or paying out of ARPA funding.

On the subject of water, Ms. Dion then said that the Carnival people usually stay at Magnusson Field, and they have been given water access through hoses (noted that this is not potable water, only to be used for showers, etc.). She said last year they were not allowed to use it, so she is checking to see if they can use it this year, and if there is overall approval for them to stay at Magnusson.

Selectwoman Alessio said the problem last year was that they arrived early and left their equipment on the Plains. This will not be the case this year, but they will be told the dates they can use the field. The notification will be given to residents and the committee will coordinate with the Police.

PUBLIC COMMENT 1: None heard

LIAISON REPORTS

Selectwoman Szwed said that at the Planning Board meeting there was a discussion of scanning of documents, and that the Planning filing cabinets need to be purged of unneeded documents first. In addition, it was recognized that Robin Carter does not have enough time in her budgeted hours to do this work. She said her recommendation

to them was to first determine what a complete file looks like, for example that the applications do not need to be saved. In addition, it was suggested that Ms. Carter could be given additional hours to do this task, while still remaining within part-time hours. Selectwoman Szwed said the second part of the discussion was that the Planning Board still does not want to get rid of the paper plans, even if they have been scanned. It was agreed that it would be a good idea to hold onto one final set of approved plans. Going forward there will need to be a procedure for how new plans are scanned, whether by an outside company or using the scanner at the Public Works Department. It was agreed that for this, as well as possibly to add a part time temporary person to help with getting in-house scanning caught up, the Administrative Assistant will bring in a plan for how many hours are needed, for how long, and where the money will come from.

Selectman Coppelman reported that the Museum's Heritage Day went well and was well attended; the Heritage Commission had a table there. He also reported on the meeting and site visit on July 18 that was held by the DPW Director regarding the work being done on the Grace Daly barn. He said there is a question of the disposition of the "ell" portion of the barn; there will be another meeting. There was a warrant article approved for \$55,000, and also a \$20,000 Moose Plate grant received for the work. DPW Director Phil Coombs is pursuing an estimate for the work. Chairman Bashaw said that he thinks that any large expenditures above what is available will need to go to the voters. Mr. Coombs said he believes it can be done within that funding.

Selectman Hart mentioned that the DPW is still short of help and utilizing a part time worker. He also mentioned the proposed increase of the Purchase Order limit without approval from \$1,000 to \$3,000. It was agreed this will be a good topic of discussion for the next meeting with Department Heads.

OLD BUSINESS

Accept offer to participate in CTAP

Chairman Bashaw said he had discussed this with Selectman Coppelman, and explained that while already approved, a vote is needed to sign the letter of acceptance into the program. This is the Coaching and Technical Assistance Program, which is for general coaching on funding opportunities and how to successfully submit a grant application. Selectman Coppelman had pursued this program for the Town, and it will be utilized for the Library's grant application for their outdoor projects. He said that about 50 towns had applied, and only 13 were selected, Kingston being one.

MOTION: by Selectwoman Alessio, to accept the offer to participate in the program and to authorize the Chairman to sign the letter of acceptance.

SECOND: by Selectman Hart

All in favor

Policy Procedure: Adopt

Selectwoman Szwed explained that this is essentially the format to use when creating a new policy and then what is being done for approvals. She said she had met with the Board's Admin as well as with the Finance Director on this, the result being the draft policy that outlines the format, which will be commensurate with the ordinances so that numbering will be consistent. The Select Board's Admin will be the conduit between the Select Board and the committees or department heads when creating a policy. She

stressed that this is not for internal policies of departments that do not affect the public or other departments.

Budget, Planning and ZBA are exempt from Select Board approval for policies.

Selectwoman Szwed said that two other draft policies are ready for review, Contract Review and Purchasing, which will be brought forward at the next meeting.

MOTION: by Selectwoman Alessio, to adopt Policy #1601, Policy Creation and Approval

SECOND: by Selectman Hart

All in favor

NEW BUSINESS

Waive right to confidentiality re: legal advice

The Chairman noted that during the non-public session, it had been agreed to waive the privilege on information received from the legal team at the NH Municipal Association regarding the use of herbicide in the Aquifer Protection Zone.

MOTION: by Selectman Coppelman, to waive the legal privilege on the document and release the email in its entirety to the public as requested.

SECOND: by Selectman Hart

All in favor

DPW: Stormwater Consultant Contract

Director Coombs said that this contract, with Vergantis, formerly GeoInsight, will be expiring in June. He said they have been on board for 6 years, and the cost per year has averaged \$24,000. He explained that this is for negotiating the MS-4 Stormwater Permit, which is required by the EPA. He said they have been very happy with the service the company has provided and would like to stay with them, as there would be costs associated with bringing a new company on board.

Mr. Coombs was advised to talk to the company representatives to ask for an idea of what the cost of a new contract with be; if it will be a significant increase, bids may need to be solicited.

Purchase order for tire recycling

Director Coombs briefly discussed this purchase order, as it went over the limit for a PO without Board approval. He said that this was for all the tires left behind the state shed that needed to be removed as he is cleaning up prior to the renewal on the property. He said he was unsure the count was correct and is seeking clarification, and the amount given is the worst case scenario.

MOTION: by Selectman Coppelman, to approve the payment of the purchase order for removal of tires, not to exceed \$4,770.

SECOND: by Selectwoman Alessio

All in favor

Health and Dental: inclusion of Domestic Partners

There was a discussion of this option for Health and Dental insurance for employees.

Chairman Bashaw said he had spoken with the Finance Director about this; she had put the information together as there are employees interested in this. She had reached out to the insurance company. This needs to be approved as it is not part of the basic package. It would involve an increase to the Town's portion of the payment (ex. from

\$10,000 to \$18,000 for a couple), but the Finance Director felt it would be a valid addition to what the Town offers to its employees.

MOTION: by Selectwoman Szwed, to approve the Finance Director to engage with Health Trust to offer insurance to domestic partners as an option, to be brought up during the open enrollment period so that it is budgeted.

SECOND: by Selectwoman Alessio

In favor: Alessio, Bashaw, Coppelman, Szwed; **Abstain:** Hart; **Passes**

Employee Contracts: Fire Department

As discussed in non-public session, the Fire Chief has requested that the Board waive the requirement for new employees in his department to be subject to an employment contract.

MOTION: by Selectwoman Alessio, to waive the requirement for employment contracts for new Fire Department employees

SECOND: by Selectman Hart

Chairman Bashaw explained that this was due to the portion that required the repayment of expenses incurred by the Town for training if the employee leaves employment within a certain timeframe. He said it is not good for an employee to feel trapped and stay in a position he/she is disinterested in because of a monetary obligation.

All in favor

BOARD BUSINESS

Mosquito Control Contract bids

Two bids were received before the deadline on Friday for this 3-year contract:

1. Northeast Vegetation and Mosquito Control: Total bid, \$27,000 per year
2. Municipal Pest Management Systems: Total bid, \$29,765 per year

MOTION: by Selectwoman Alessio, to give the bids to the Director of Public Works for his recommendation

SECOND: Selectman Coppelman

All in favor

Letter in support of Library grant application

The Board reviewed this letter and approved it for sending to the Library Director for inclusion in her outdoor spaces grant package.

Police Department personnel changes

The Chairman said that two positions at the Police Department were discussed with the Police Chief in non-public. The Chief has recommended that two sergeants be upgraded to lieutenants and be changed from hourly to salaried employees. One officer will go from \$38.17 per hour to \$90,000 per year, and the other will go from \$41.26 per hour to \$92,500 per year. Based on calculations of the mandatory overtime the officers put in, for training and events in Town, the Chief had said the town will be paying them less annually on salary.

MOTION: by Selectman Hart, to approve the regrade and rate of pay for two officers, based on the recommendation of the Police Chief.

SECOND: by Selectwoman Alessio

Selectman Coppelman said that while he has nothing against the two employees, and while he will support this motion, he wanted to note that according to the latest NHMA salary survey, these two are at the top end, comparable to pay in large cities. He said this is contributing to wage inflation.

Chairman Bashaw said that these are experienced officers, and these rates of pay would not be applicable to new officers.

All in favor

Shooting complaint 74 Little River Road

Chairman Bashaw said that the resident at 76 Little River Road, who had been before the Board previously to complain about shooting taking place at 74 Little River Road, had called to report loud shooting on Sunday afternoon. She had been directed to call a Selectman if this happened again so that the noise level could be measured. He said he went out to the property along with a Detective Garvin, who brought the Police Department's decibel meter. The readings, even 50' from the property line, were well in excess of the limits stated in noise ordinance. Chairman Bashaw said that the homeowner was spoken to by the police officer, did stop shooting and said he would be looking into other options so that the noise would be less. Nevertheless, Chairman Bashaw said he would recommend that a letter be sent to give notice from this board that any further violations will be subject to applicable fees and penalties.

MOTION: by Selectwoman Szwed, to send a letter to the owner of 74 Little River Road, issuing a warning that any further violations of the Town's noise ordinance would result in fees and penalties as allowed by law.

SECOND: Selectman Coppelman

All in favor

PUBLIC COMMENT 2: None heard

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

Various purchase orders were briefly discussed. It was noted that the purchase of equipment for the audio-visual room will come from Comcast Franchise fees; the account needs to be identified.

APPROVAL OF MEETING MINUTES:

MOTION: By Selectwoman Alessio, to approve the public and non-public meeting minutes of July 24, 2023 with one amendment (Motion and Second by same person - to be corrected as Motion Alessio, Second Coppelman). In addition, the portions of the earlier non-public session pertaining to releasing an attorney's email regarding herbicide treatment from privilege, as well as the portion pertaining to Fire Department employment contracts, will be unsealed.

SECOND: by Selectwoman Szwed

In favor: Alessio, Bashaw, Coppelman, Szwed; Abstain: Hart; Passes

Meeting Adjourned at 9:32 PM

Respectfully submitted:

Susan H. Ayer, Administrative Assistant to the Select Board