

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of December 11, 2023  
FINAL MINUTES**

The meeting was called to order at 6:30 PM by the Chairman.

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

**APPOINTMENTS**

**Treasurer Appointment**

Mari Eggleston was present; Chairman Bashaw said that she is being appointed as Treasurer until the March, 2024 election due to the resignation of Jayne Ramey. Ms. Eggleston has been the appointed Deputy Treasurer; she confirmed that she is interested in serving as Treasurer. Chairman Bashaw said that Ms. Eggleston will need to run for election in March to complete Ms. Ramey's term.

**MOTION:** by Selectwoman Szwed, to appoint Mari Eggleston as Town Treasurer until March 12.

**SECOND:** by Selectman Hart

**All in favor**

It was noted that the Deputy Treasurer position now needs to be filled, and an interested candidate has been found.

**MOTION:** by Selectwoman Szwed, to appoint Donna Clark as Deputy Treasurer, to complete Ms. Eggleston's appointment, until March 31, 2025.

**SECOND:** by Selectman Hart

**All in favor**

**Zoning Warrant Articles**

The Town Clerk had questioned the need for the full text of Zoning articles to be printed on the ballot. She had provided a vote from last January where the Board had agreed to place a topical description on the ballot in lieu of full text. Selectwoman Alessio recalled that vote and noted that there are about 27 pages of articles this year. She said that people do not read all that wording in the booth, and also that it will add expense to the ballot and time to the processing of ballots. She said the full text will be available ahead of time and at the polling place, so she encourages the board to vote to have only the synopsis on the ballot itself. Chairman Bashaw said there are a lot of articles, but it is necessary to update these ordinances. He said one example is an 11-page article that if it is not updated will prevent people from getting flood insurance. Selectman Coppelman said that he understands the reason for the topical description, and that it can be done that way as long as the information is gotten out to the voters. He said that given the number of articles it's probably the right way to do it this year but that in general he is in favor of including the full text. He said that as long as they are available ahead of time, he thinks it makes sense. He said getting the full text out to the voters should be done by all means available.

**MOTION:** by Selectman Hart, to place a topical description on the ballots instead of the full text of the Zoning articles.

**SECOND:** by Selectwoman Alessio

**All in favor**

## **PUBLIC HEARING 1**

The Chair opened a public hearing at 6:40 to discuss acceptance of a special one-time bridge payment to the Town from NH DOT in the amount of \$31,343.68. He read the notification letter from NH DOT which explained that this is being made available based on the passage of House Bill 2, which directs NH DOT to divide and distribute a \$10 million one-time payment between all NH municipalities that have municipally owned bridges per state definitions.

No members of the public wished to speak on the matter.

There were no further questions from the Board.

The Chair closed the Public Hearing at 6:43.

**MOTION:** by Selectman Hart, to accept the one-time bridge payment of \$31,343.68 from the State of New Hampshire.

**SECOND:** by Selectman Coppelman

**All in favor**

## **PUBLIC HEARING 2**

The Chair opened a public hearing to consider whether to dissolve the Solid Waste and Recycling Committee. Selectwoman Szwed, liaison to that committee, said that with the recent resignation of the Chairperson and the minimal number of volunteers on the committee, she had a conversation with the DPW Director. She said that they are requesting that the committee be dissolved while the volunteers can continue to support the collection center and do some article drafting for educational purposes. She said they do not have the turnout they had in the beginning, and they don't see any other avenue, that they still want to continue to support the collection center but don't see the need for the formality of the committee at this point. Selectwoman Alessio said the committee has been extremely helpful to the Town and cited bringing recycling together and reviewing the most recent contract with Waste Management. She said that in three years' time a new contract will need to be reviewed, and that if the volunteers want to disband the formal committee, it should not be construed that they are not needed. She said there are still a lot of educational initiatives that need to be implemented, so she is a little conflicted. Selectwoman Szwed said they do not plan to stop what they are doing, and that on Saturday they had 57 cars come through the recycling station, 14 more than the week before, so the motivation and dedication is there, they just don't have the numbers for a formal committee that needs to post meetings and write minutes. She said it makes more sense to meet more informally, and to be under the purview of Public Works.

Selectman Coppelman questioned whether the committee should be dissolved, or maybe instead become inactive. Selectwoman Szwed said she thought that was purely semantics. Selectwoman Alessio said there will still need to be a contact person.

Selectwoman Szwed said that the DPW Director's take on that is that they already field all the calls having to do with garbage and recycling so will continue to be the contact.

**Public Comment:**

Stacy Dion, 30 Morning Dove Road, said she is the Chair that resigned, and that she is disappointed in how this is being handled. She said it has not been discussed by the committee, and that members had called her asking if they are all fired because there was no communication. She said that two people coming to the Select Board instead of to the committee is not how it should be. She said it should have been discussed by the committee to know what the changes would look like, and the recommendation should have come from the committee. Ms. Dion said the other part is that there is an ordinance, that they talked about in August as far as eliminating the three that no longer describe what the committee does, and revising the fourth to reflect what it is now about. Selectwoman Szwed agreed that the ordinances as they stand include things that are no longer done, so that was why they were to be deleted, but they had been advised by legal counsel that any changes to the ordinance have to go to the voters, so as it stands the changes are just suggestions.

Ms. Dion said that many committee members don't like the way committees work and would like things to go quicker, which she understands, but these are the laws that are followed by the Town and the State. She said that the proposed ordinance would set the number of committee members at 6, and that with her resignation and the addition of someone who joined at the last meeting it is still 6.

Selectwoman Alessio said that by suspending the formality of the committee, she doesn't see that it is going away. Chair Bashaw said that it doesn't look good for a committee to be dissolved without being consulted, and he agrees that if the Board is acting, he would be more comfortable with suspending the committee while the ordinances are being revised. He asked why this was not brought to the committee first; Selectwoman Szwed said that probably the train just started moving and there had not been a meeting. She said clearly it was just a recommendation.

Selectman Coppelman suggested that this should be continued to the December 18 meeting, which will allow it to be discussed at this week's SWRC.

**MOTION:** by Selectman Coppelman, to continue this public hearing on dissolving or suspending the Solid Waste and Recycling Committee, to December 18 at 6:30.

**SECOND:** by Selectwoman Alessio

**All in favor**

#### **PUBLIC COMMENT 1:**

Paul Riccio, of 53 Newton Junction Road, said he is a new resident and was overtaxed for the year 2022, due to the prior owner's elderly exemption and Veterans credit being removed at the time of the sale rather than staying on the property until the following April. He explained the details and what he felt he had overpaid and gave a letter to the Board. He said he had not filled out the abatement form because that would not be acted on until March. Chairman Bashaw explained that it does not have to wait until March to be processed, and he should get the paperwork in so that the Board can consider it.

#### **COMMITTEE LIAISON REPORTS**

Selectwoman Alessio said that she has done a preliminary review of the elderly and disabled exemptions, and the Town is way below other local towns. She will bring a recommendation to the next meeting. She also said that the updated benefit package hasn't moved forward because the focus was on the wage matrix work.

Selectman Coppelman said that the Museum will be adding additional open hours on the first Tuesday of every month following their committee meeting. He said they are pleased with the heating system and LED lighting.

Selectman Coppelman said that the Heritage Commission has discontinued their work on cemetery headstones for the winter. He also said that the State has included tramp houses in their "7 to save" list of historical properties, so the Town will consider applying to the state historic register for Kingston's tramp house.

Chairman Bashaw said that the second hearing on zoning articles will take place at tomorrow night's Planning Board meeting, and the public hearing on them will be on January 2.

Selectwoman Szwed said that Kingston Days committee met last week, and there were two new members, but still not enough people that are interested in being on the steering committee. She said they will reconvene after the holidays.

Selectwoman Szwed said that at the collection center on Saturday, the volunteers from the SWRC discussed having an extra collection on December 23, and then the two following weeks in order to take the extra cardboard generated by the holiday, and also to accept Christmas trees. Selectman Coppelman asked if the trees would be mulched, and DPW Director Phil Coombs said they would, and that the DPW can use the mulch.

## **OLD BUSINESS**

### **Subcontractor plow drivers: insurance requirements**

Director Coombs came forward to discuss this. He said he had done more research and the Finance Director also reached out to Primex. He said his position is that he doesn't want to change things at this point in the game and he has a lot more information on what the town should be doing with subcontractors. One of the primary things is to have a contract established, where most of these have been handshake deals from very long ago, and for liability purposes should be more firmly established. He said that in speaking with insurance agents one of the main takeaways was that people with individual policies need to be able to name the Town as additional insured; where liability becomes questionable is when the drivers are not really making a decision in the process, they are awaiting direction from the Town or School to go out and treat the roads. He said that short of them driving off the road like a maniac, it is the town's liability because as the Town's representative he is giving them instructions on what to do.

Chairman Bashaw said that in an earlier conversation, Mr. Coombs had given the example that if the Town had hired a landscaping company to do the plowing with no oversight by the Town, that would be different; that as it is, the subcontractors are working at the DPW Director's direction for all things, whether the amount of salt, or to pretreat, etc., so some of the liability falls back on the Town no matter what. He said this has made him feel better about looking into the situation. Selectwoman Alessio said that regardless of any other insurance carried, the Town will be on the hook no matter what. Mr. Coombs said he thinks it is worth further investigation whether this is truly a necessity for the town for protection, but that the problem the Town will face is that this is an additional cost that the subcontractors will have put on them, and it will add cost to the town one way or another, such as through increased wages.

Selectwoman Alessio said that it still bothers her that there is exposure here for drivers that contract with the Town, and wondered if other towns are making an issue of this.

Mr. Coombs said he had consulted 5 other towns in the surrounding area and none of them are requiring this of their subcontracted plow drivers. Selectwoman Alessio asked if they can just name the Town on their insurance. Mr. Coombs said the problem lies with people having personal insurance vs. business insurance; with personal insurance the Town cannot be named as additional insured. He said that given that situation, he will probably lose those drivers that can't name the Town on their vehicle liability policy. He said that insurance agents he has talked to say this is extraneous insurance for the way the town is set up with subcontractors, and that it's good to have but not necessary. He said he thinks there are some contractors who have this through the normal course of business because of the other work they do, but right now he has two people that have that, and by requiring general liability it would result in the loss of four pickups and one wing, so about 47% of the plow force.

Selectwoman Alessio said she will likely abstain from this vote and said that she would feel better if Mr. Coombs could give examples from 6 surrounding towns of what they require, and if none of them have this insurance requirement she would vote yes. Mr. Coombs said that he has copies from Epping Hampstead and Danville and will send them tomorrow.

Chairman Bashaw asked if the town goes this route, would the contractors still be required to sign the contract and furnish proof of insurance. Mr. Coombs said that yes, the process needs to be cleaned up and this would be a first step while a more comprehensive look is taken at the details. Selectwoman Szwed asked if the plan is to leave the status quo in place for this year and move toward a more comprehensive plan for next year. Mr. Coombs said that he thinks the vehicle policies need to have a liability of a million dollars, which minimum was laid out by Primex. He said if people can't meet that, it should be possible to replace them. Chairman Bashaw said that when he asked his insurer what it would cost to update his truck to a million dollars for plowing, he was told it would be an additional \$67 every 6 months.

Ms. Mahoney said that as Mr. Coombs described how he directs the contractors, that is not the definition of a subcontractor, that's an employee. She said that if the employer has the legal right to control the details of how the services are performed then you are not an independent contractor.

Mr. Coombs said that getting into the details of what other towns are doing on this will be beneficial.

Chair Bashaw said that he thinks that the Finance Director and DPW Director should be charged with a priority project to review and address these issues prior to next year, but the snow season is upon us. Selectwoman Alessio said she is surprised that NHMA doesn't offer an opportunity for group coverage, because it is a universal problem for small towns. Mr. Coombs said he has talked to them and while they will not weigh in on coverage amounts, they may be helpful in understanding the town's exposure.

**MOTION:** by Chairman Bashaw, that unless rescinded, the Board will authorize the Director of Public Works to continue with the subcontractors for plowing needs through the plowing season ending in the spring of 2024, provided that they carry at least the minimum coverage of \$1 million, provide such proof, and sign the contract proposed by the Finance Director.

**SECOND:** by Selectman Coppelman

In discussion, Selectman Coppelman said this would be under the understanding that before the next plowing season there is a plan to move forward, and also that for those

that have business liability insurance, copies of the policies will be provided with the Town named as additional insured.

Chairman Bashaw amended his motion accordingly:

**MOTION:** by Chairman Bashaw, that unless rescinded, the Board will authorize the Director of Public Works to continue with the subcontractors for plowing needs through the plowing season ending in the spring of 2024, provided that they carry at least the minimum coverage of \$1 million on their private insurance, and if they have business liability insurance, they will name the Town as an additional insured; proof of all insurance will be provided; and they will sign the contract proposed by the Finance Director.

**SECOND:** by Selectman Coppelman, as amended.

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

#### **Consultant Search: Support for POET installation RFP and bids**

One quote was received for this work, from Verdantas. The amount quoted was \$24,900. The Administrative Assistant pointed out that this is to help create a new RFP and specifications and review the bids when they come in; she said it also includes oversight of the construction, which may or may not be needed. This work is eligible to be reimbursed through the grant that is paying for the installation of the point-of-entry filtration systems.

It was agreed that this board does not want any further delays on this project. The timeline of getting the contractor in place was briefly discussed; NH DES needs to approve the RFP before it can be posted, and also approve the choice of contractor.

**MOTION:** by Selectman Coppelman, to approve the contract with Verdantas for support for POET installation RFP and bid review, at a cost not to exceed \$24,900, and with the provision that Town authorization will be needed for Task #5.

**SECOND:** by Selectwoman Alessio

**All in favor**

#### **47 Newton Junction Road: Condition update**

The Administrative Assistant relayed that the Health Inspector had gone out as requested, to look at the property's condition. He could not go inside due to it being boarded up, but reported that the condition is poor, and there is a junked car in the yard. The Board discussed the process by which the Town can sell a property acquired through tax deedding. The details of the time frame and notification of prior owners before possibly using the house as a controlled burn and/or selling the property, will be researched further.

#### **Audio-Visual needs**

Adam Faulconer said he is still working on getting a contractor to install new cameras for the meeting room; he said the company they had contacted before is asking for an application and other companies are not responding to requests for information. A second issue is the lack of sound on the cable channel meeting broadcasts; streaming to YouTube is working fine. Mr. Faulconer said that this is not something he can do on his own; when he replaced the faulty equipment with a new component, he plugged it in "one on one" and the sound still did not work. He said it could be a very simple fix, but he can't do it himself. Selectwoman Alessio suggested he contact Gordon Parks, who

does the audio-visual at the school. Mr. Faulconer will contact Mr. Parks as a starting point.

On a related matter, the Administrative Assistant asked about the status of the billing for the audio-visual work. Mr. Coombs said that there are four microphones that have still not been received; the Finance Director has suggested paying the bill but withholding \$4,000 until those come in.

**MOTION:** by Selectman Hart, to pay the \$16,600 bill for Audio Visual Experience, withholding \$4,000 for equipment not yet received.

**SECOND:** by Selectwoman Szwed

**All in favor**

## **NEW BUSINESS**

### **Welfare Guidelines**

The Human Services Director will meet next week with Selectwoman Szwed to finalize any revisions to the updated welfare guidelines. None of the other Board members had input.

### **Select Board Initiatives 2024**

It was agreed that Board members will bring their thoughts on this to the next meeting.

## **BOARD BUSINESS**

### **Review proposed Warrant Articles**

The Warrant is being continually updated. The Board will review at the next meeting.

## **PUBLIC COMMENT 2: None heard**

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

- An abatement for 1 Dorre Road, for which a veteran's tax credit had been removed in 2021 and 2022 through a computer error, was granted in the amount of \$1,000. (Motion by Alessio, Second by Szwed, All)
- An abatement request for 24 2<sup>nd</sup> Street was denied on the recommendation of the Assessor, as no documentation was supplied to support the abatement. (Motion by Coppelman, Second by Hart)

## **APPROVAL OF MEETING MINUTES:**

**MOTION:** By Selectwoman Alessio, to approve the meeting minutes of December 4, 2023, as submitted.

**SECOND:** by Selectman Coppelman

**All in favor**

## **Meeting Adjourned at 8:10 PM)**

Respectfully submitted:

Susan H. Ayer, Administrative Assistant to the Select Board