

**Kingston, New Hampshire
Board of Selectmen
Meeting of June 21, 2010
MINUTES**

The meeting was called to order in the Selectmen's Office of the Town Hall at 6:30 pm by Chairman Mark Heitz. Also in attendance were Board members Peter Broderick and Charles Hart.

New Police Officer Introduced

Chief Donald Briggs introduced to the Board Josh Waller, the top scoring candidate in the recent interview/testing round held by the Police Department. He advised that Mr. Waller has been issued a conditional offer of employment, and if acceptable to the Board, will begin work on July 1st and attend the N. H. Police Academy beginning in September. Starting pay will be \$35,000, increasing to \$36,000 upon successful completion of his certification training.

MOTION: Upon motion of Selectman Broderick and second of Selectman Heitz, it was unanimously voted to approve the hire of Josh Waller as outlined by Chief Briggs.

Police Department Updates

The Board approved Chief Briggs's request for authorization to provide detail coverage for the Kingston Days Celebration on August 5th, 6th and 7th from 6:00 pm till 6:00 am. There will be no charge to the Kingston Days Committee for coverage. The expense will be paid from the department's outside duty fund.

Officer Dan Mercurio of the department will be leaving to take a position in Texas at the end of July. Chief Briggs reported that he has two additional candidates from the recent interview/testing round who can be contacted to begin the process to fill that opening.

MOTION: Upon motion of Selectman Broderick and second of Selectman Hart, it was unanimously voted to adjourn to non-public session under the provisions of N. H. RSA 91-A:3, II-c. The Board adjourned at 6:55 pm.

The Board returned to public session at 6:58 pm.

The Board agreed that a \$70 tow charge will be paid from the Police Department budget on behalf of a resident whose vehicle was erroneously towed.

SAD Café Board of Directors Announcement

Richard Gerrish, Director of the SAD Café in Plaistow, and other members of the Board of Directors, announced to the Board that a purchase and sales agreement with the Diocese of Manchester has been signed for the former St. Frederick's Church on New Boston Road. The family-friendly music theater intends to relocate to Kingston, and the Board of Directors has begun the permitting process by contacting the Planning Board and Health Officer for direction. Mr. Gerrish noted that the facility in Plaistow has been in operation for 13 years and has been the recipient of numerous awards and grants because of its effectiveness in providing a safe environment for youngsters. He also noted that the facility works in coalition with area school districts to identify and target areas of concern among youth. The Board thanked Mr. Gerrish and his fellow directors, and offered their assistance as the approval process proceeds.

Resident Request for Yard Waste Disposal Site

Mr. and Mrs. Glen Perley of Main Street requested that the Town provide an area in which yard waste can be deposited. Mr. Perley noted that he has accumulated several yards of grass clippings, twigs, etc., and that his yard is too small to keep it on site. Selectman Heitz advised that several local businesses operate composting piles and may accept yard waste, and noted that a landscaping business would remove yard waste. It was agreed that the Board will speak with Road Agent Richard St. Hilaire to determine if it might be possible, on a trial basis, to have a periodic collection time at the highway garage for this type of waste.

Department Head Discussion of Worker Comp Coverage

Police Chief Donald Briggs, Fire Chief Bill Seaman, Road Agent Richard St. Hilaire, and Fire Wards Kent Walker, Kevin Schea and John Merrill were present to speak with the Board about Worker Compensation coverage for employees.

Chief Seaman noted that a June 14th meeting with representatives of Primex - the town's insurance carrier - addressed department concerns about call personnel being covered from the time they leave their homes to respond to a call. However, there remain concerns about lack of coverage for air borne contaminants to which emergency personnel might be exposed. Chief Seaman has contacted the State Chiefs Association, the NH EMS Association and Dr. Montero, Director of NH Public Health Services, to initiate a change in ~~the~~ legislation relative to worker compensation coverage, but there are concerns about the interim period.

Fire Ward John Merrill discussed a pending matter in which two full-time and two call employees have been denied coverage under Worker Comp and now have outstanding bills. The employees all had been ~~potentially~~ exposed to airborne bacterial meningitis and had been treated with preventive antibiotics at the suggestion of hospital personnel (acting under CDC protocols). Selectmen agreed that the unpaid bills for the call employees will be paid by the town. The full-time employees, who receive health insurance benefits from the town, will be requested to submit the bills for payment under their health coverage, with the town paying any applicable co-payments or deductibles. If coverage is denied under their health insurance policies, the town will pay the bills.

Mr. Merrill requested that the Board affirm for the record that future cases in which employees suffer exposure will be covered by the town if worker comp coverage is denied. He advised that there is great concern among the department's employees and that, particularly in the case of call personnel, there have been discussions about whether continuing to work for the town is worth the potential financial risk they may face. Selectmen agreed that employees shouldn't be faced with personal expense for work related injury or exposure, but stated that they can't give blanket assurance that the town will cover all expenses in all cases or under all circumstances when worker comp coverage is denied. Various scenarios for injury or exposure were discussed, and it was agreed that protocols and training need to be established to ensure that reports of injury or exposure are properly and completely documented and prepared, that medical attention is sought only with department head approval, that all safety and preventive actions are routinely followed in all cases, and that medical personnel who administer care be encouraged to properly document the exposure or injury for which care is sought and the treatment that is administered.

Mr. Merrill asked if he would be correct in advising department personnel that, so long as protocols are properly followed and medical care is being sought at the behest of the department head, the town will cover expenses if worker comp coverage is denied. Selectman Broderick advised that each case will need to be reviewed and decided based on circumstance, but that the Board in general agrees that out of pocket expenses for work related injury or exposure should not be borne by employees who have properly followed their department's protocols. Selectman Hart also requested that department heads inform the Board as soon as possible following any denial of coverage so that the decisions can be contested in a timely manner.

Highway Department Updates

Road Agent Richard St. Hilaire advised the Board that the Hazard Mitigation grant funds for which the Town applied in 2009 still haven't been awarded and that, even if the awards were to come through this month, the process of contracting engineering and construction would bring the actual construction date into 2011. He asked that a budget review be conducted so that it can be determined if various paving projects should be undertaken. Chairman Heitz suggested that Mr. St. Hilaire speak with Town Engineer Dennis Quintal to get a price on engineering for the new Highway Garage. He suggested that the 25% match for the Hazard Mitigation funds be retained and encumbered, but suggested that the new garage may be doable from the remaining available funds. The other Selectmen agreed and Mr. St. Hilaire advised that he will speak with Mr. Quintal.

Chairman Heitz asked Mr. St. Hilaire if a time can be set up each month for collection of residential organic yard waste. It was agreed that, beginning in August, there will be an employee at the highway garage from 7:00 to 10:00 am on the first Monday of each month to accept such waste. The program will be on a trial basis to gauge the amount of interest. Mr. and Mrs. Perley, who had requested that a site be made available, will be notified.

Recreation Department Updates

Recreation Committee Chairman Roger Clark advised the Board that a new well has been dug at the former YWCA site, is providing 18 gpm flow, and has been hooked into the plumbing of the building. The water will be tested within the next week. The remaining work to be done has been divided into 3 phases. Phase 1 will be to upgrade the main hall, including installation of windows, doors and siding. The number of windows has been reduced by half. Phase II will be upgrade of the kitchen. Because the requirements for the septic system will be less with a domestic type kitchen, that is what is planned. Phase III will be weatherization and installation of a heating system to allow year round use. The three phases are expected to cost approximately \$52,000, which is \$7,000 over what was approved. An additional amount may be necessary for design and installation of a septic system. Mr. Clark advised that, if the \$7,000 can't be found within his budget or the town's Building Maintenance budget, he will request the funding at the March, 2011 Town Meeting from the Recreation Capital Reserve Fund. Chairman Heitz advised that it probably will cost substantially more to complete the project in phases than if it just were paid for in a single year, so an attempt will be made to find the funding from 2010 budgets to complete all three phases. He requested that the work be completed in such a way that it doesn't need to be redone as subsequent aspects of the project begin. A quote for the septic design is expected to be available this week. Mr. St. Hilaire advised that the design should be geared toward the maximum use potential of the property, including any additional town buildings that may be constructed there. A recommendation for award of the bid for construction will be presented at the Board's July 12th meeting, and work will begin shortly thereafter.

Correspondence / Review of Documents

Selectmen signed 2010-2011 Automotive Recycling Permits for the four existing automotive recycling yards in town, and a notice of possible legal action was reviewed.

Web Page Maintenance Discussed

The Board discussed having the town's IT contractor train a volunteer to maintain the website and keep information up to date. Selectman Hart advised that he would prefer the work be done in-house by employees. Chairman Heitz and Selectman Broderick would like to take advantage of the volunteer's offer, and suggested that he may be available to televise meetings and events on the public access channel as well. The IT contractor will be requested to contact the volunteer to arrange for training as soon as possible.

Adjournment

There being no further business before the Board, the meeting adjourned at 9:59 pm and the Board retired to address administrative matters.

Respectfully submitted,
Catherine Grant
Administrative Assistant