

Kingston, New Hampshire
Board of Selectmen
Meeting of February 25, 2019
FINAL MINUTES

The meeting was called to order at 5:00 PM in the Selectmen's Office at the Town Hall.

PRESENT: Chairman Mark Heitz; Phillip Coombs, Kevin St. James, Donald Briggs, Jr., Selectmen.

ABSENT: George Korn, Selectman

Non-Public Session

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Coombs, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, and NH RSA 91-A:3, II (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

In Favor: Heitz, Briggs, St. James, Coombs; Motion passed.

The Board adjourned at 05:05 PM

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Coombs, it was voted by roll call to return to public session at 6:50 PM.

In Favor: Heitz, Briggs, Coombs, St. James; Motion passed.

MOTION: By Selectman Briggs, to seal the minutes of the non-public session for an indefinite length of time, as releasing the minutes would affect adversely the reputation of any person other than a member of this board.

SECOND: By Selectman Coombs

In Favor: Heitz, Briggs, Coombs St. James; Motion passed.

SCHEDULED APPOINTMENTS

Public Hearing, KENO:

Chairman Heitz opened the public hearing, explaining that allowing the operation of Keno games at locations in town is on the ballot for the Town Meeting, and a Public Hearing is required prior to the vote. No one appeared to speak on the matter, for or against. Chairman Heitz noted that the Town Meeting is to be held on March 12 at the Swazey Gymnasium.

MOTION: by Selectman St. James to close the Public Hearing on Keno operations.

SECOND: by Selectman Briggs.

All in favor; Hearing closed at 7:05 PM.

Recycling Contract - Waste Management:

Pete Lachapelle of Waste Management was present to discuss the Town's recycling contract. The Chairman said that this meeting pertains to a letter he received in person from Mr. Lachapelle on Election Day in November, which informed the Town that Waste Management planned to raise recycling fees due to increased costs to the company. He said he brought the matter to the Board, who did not agree with the increase.

Mr. Lachapelle spoke about the issues that are causing the increased cost of recycling. He said that contamination in single-stream recycling can include organic matter and disallowed items such as plastic bags, Styrofoam or electronics, or “tanglers” such as wire. He said that not all plastics are recyclable, and in fact only those numbered 1, 2 and 5 are acceptable. The current rate of contamination at curbside collection is 25%, while China (a major importer of recyclables) has recently reduced the level it will accept to 0.5%. Mr. Lachapelle said that the processing costs have increased due to this at the same time that commodity prices for recyclables have dropped. He said this is what prompted the letter to towns; costs went up steeply and Waste Management needed to adjust.

Chairman Heitz read from Section 15 in the Town’s contract with Waste Management, which was referenced in the letter: “The Contractor may petition the Town for rate adjustments at reasonable times on the basis of unusual changes in his cost of doing business, such as revised laws, ordinances or regulations.” He said that he did not see that this section applies to the current situation, that what it would cover is a new government fee, for instance. Chairman Heitz said that the contract was negotiated with yearly increases built in as a way to stabilize the tax rate. He also said that Rick Russman reported to the Budget Committee that because of the way the Town negotiated the contract, increases would not be passed on to the Town, that they were covered upfront.

Mr. LaChapelle said that Waste Management is emphasizing the phrase, “unusual changes in his cost of doing business” as justification. Selectman St. James said that the contract was signed in January of 2018, so not even 8 months into the contract the company was asking for more money. He said that the issues with China were known at the time the contract was negotiated. He also said he did not think hand delivering the letter was proper notice.

Mr. LaChapelle said that the company is trying to protect their interests with language in the contract just as the Town is. Chairman Heitz said that the added billing appears to be a back door attempt to get an additional \$1400 per month, and that he does not believe this is what this provision (Section 15 of the contract) is designed to do. He said if he had read it that way, he would not have signed. He added that Mr. Russman is an attorney, so when he said Kingston’s contract was different from others and increases could not be passed on, he thought that the letter was an oversight.

Mr. LaChapelle said that he will bring the Board’s comments and position back to the company, and that he would like to work with the Town to retain its business.

Town History design proposal

Bob Bean of the Heritage Commission addressed the Board to discuss the proposal for design of the updated Town History. He said he does not have the History of Brentwood book on hand to show, but that is the type of publication the Town of Kingston plans to create, and was designed by the same person who has submitted the proposal for Kingston.

Mr. Bean said that he had spoken with Selectman St. James, who expressed concern about some aspects of the agreement, so he went back to the designer to firm up some of the language. The designer would like to know specifically what the Town would like changed.

Selectman St. James noted that the designer had signed the contract on November 29th 2018 but Selectmen had only seen it in the last week. He said he regretted further delay to the designer, but that he did want some questions answered before signing. He said the contract gives a cost of \$7500 but also includes fees and charges which are vague. He suggested a clause that no additional costs would be paid unless mutually agreed upon. Chairman Heitz said that the cost is based upon 100 hours of work at \$75 per hour. The Board felt this was fair, but sufficient. Upon further discussion, it was decided the upper payment should be held at \$7500.

Selectman St. James also questioned the wording of the fee structure that reads, "A deposit of one third of the projected price will be received by Designer at commencement of this project. The remainder will be billed monthly until work is complete." He said this is not typical in that there is no deadline date or hold on the last payment to ensure the work is completed as agreed. He asked how this designer billed Brentwood; Mr. Bean said she had done that work for free as she is a resident there. The Board settled on requiring that a final payment of \$1,000 will be held until the book goes to the printer.

Mr. Bean said that work is being done section by section and first drafts are at about 30% finished. Some are ready to go to layout and need the designer to be engaged. He said all content needs to be completed by the first part of June to allow time for design work and rewrites, and to get the book to the publisher. He said that the printer requires about a month. Selectman St. James commented that the volunteers have the burden on them to submit good product so the designer doesn't need to do extra work.

Another issue discussed was the portion of the agreement under "Invoices" which states that any payment not received within seven business days shall be assessed a service charge. It was agreed that the Town does not process payments that quickly and that standard would be 30 days.

Mr. Bean took note of the three changes mentioned to bring back to the designer.

Public Comment I - Up to 3 minutes on agenda items only: None heard.

OLD BUSINESS

Review/Adopt Cable Channel Policy

The Board reviewed the draft policy for Kingston government channel (Channel 21), and a draft Request for Placement application form for those interested in posting a notice on the cable channel's bulletin board.

Changes were made to the draft application form after a discussion of whether or not to accept prepared information slides, and also on how long to broadcast information. It

was decided to change item #3 on the form to read, "If a prepared slide is to be submitted electronically, please contact the Selectmen's office ahead of time for formatting restrictions. If no slide is submitted, or if there are formatting problems, the Town will create a slide with the information submitted."

Item # 4 was discussed and wording changed to "When would you like your information to appear (give start and end dates)? The Town reserves the right to post and remove any and all information as it sees fit."

In the policy document, Section II- D, item one includes information about accessing meetings from the Town's website, which is not currently available, and so will be omitted. It was noted that in Section II- D, item two should read "Town of Kingston". Under Section III- A, it was agreed to remove the portion "and to submit material for review to the Town Counsel prior to broadcast."

MOTION: by Selectman St. James, to approve the Kingston Government Channel General Policy and Request for Placement on Cable Bulletin Board form as amended.

SECOND: by Selectman Coombs.

All in favor.

Pallet Business Update:

It was reported that the problem with stacked old pallets and junk on Hunt Road has been addressed; three trailers have been removed, dumpsters are in place, and the owner is working with the Fire and Police Chiefs to continue the clean-up.

NEW BUSINESS

NH DOT: Route 125 Project:

The Board has been asked by Tobey Reynolds of the New Hampshire Department of Transportation how they would like to proceed with informational meetings, as the project is 15% into the design phase. Selectman Briggs said that he and other Town officials including Chairman Heitz and Ellen Faulconer had participated in the Route 125 corridor study for years. He said they had an understanding that the project would be implemented in such a way that it would not adversely affect businesses on Route 125 or access for emergencies. He said they had looked at the State of Florida for ideas on how to handle such highways. He said he was concerned about how the work had been done at the Plaistow portion of the job, with physical barriers at the intersections. He said he would recommend having Mr. Reynolds attend a meeting with the Board and ask what is being changed from what was already approved, and why.

All were in agreement to ask Mr. Reynolds to attend a meeting in the near future to discuss the status of the project as compared to the plans discussed during the Corridor Study, and to inform all interested parties that may wish to attend.

Update on well testing from Stantec:

The Selectmen reviewed a letter from David Allwine of Stantec which was received in the Selectmen's office this afternoon. Mr. Allwine reported on results of a recent sampling event conducted for the fire department site. Of the results received (he is still awaiting results of 4 additional tests), one showed the presence of PFOA at a level

exceeding acceptable groundwater standards, and as this is a drinking water well, the residents need to be notified immediately. This was a well that had not been tested before. Five other tests were on wells that already have filters in place; PFAs were detected in the mid-filter and post-filter samples. Although these levels did not exceed acceptable groundwater standards, the filters should eliminate all traces of PFAs, so the Town will contact the contractor to have those filters serviced.

The Selectmen discussed ways to communicate with residents affected and the Town in general about the status of the testing and results. It was agreed that the Health Officer should be the point of contact; as Road Agent Rich St. Hilaire is familiar with the background and has worked with the filter contractor, he will be asked to work with Health Officer Pete Broderick to notify the resident affected and to contact the filter contractor. The Health Officer will be asked to keep a log of his activity on this issue.

Selectman Coombs said that given the number of people involved, Mr. Allwine should be present to explain these results. He suggested a public hearing as there may be others with questions, and notification of all residents.

Chairman Heitz said that notification had been sent out to ask if residents wanted testing. He suggested an informational session to give an update on progress and answer questions. There was some discussion about who was initially contacted; Chairman Heitz said the state contacted residents within 1,000 feet of the fire station. He said in the second round, the area was expanded.

It was agreed that Mr. Allwine should be brought in to update the Board at a public meeting as soon as possible.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman St. James to approve the non-public meeting minutes of February 11 and February 21, as written.

SECOND: by Selectman Briggs.

In Favor: 3; Abstain: 1; Motion carried.

MOTION: by Selectman Coombs to approve the public meeting minutes of February 11, 2019, as written.

SECOND: by Selectman Briggs.

In Favor: 3; Abstain: 1; Motion carried.

ADMINISTRATIVE: APPLICATIONS, PURCHASE ORDERS, CORRESPONDENCE

- Selectman Coombs announced that there will be a Candidates Night held at the Town Hall on March 7. Those candidates running unopposed will be allowed time to make a statement; for those with opposition, prepared questions will be asked. Town Moderator Ellie Alessio will moderate, and light refreshments will be supplied by the Town.
- Commenting on an abutter notice for a hearing on Camp Lincoln, Selectman Coombs said that this relates to overnight stays, which have been prohibited since 1986.

- A report from Town Engineer Dennis Quintal about a Babscott Lane culvert was received, along with correspondence from the property owner. Selectman St. James will follow up with the owner.
- Letters to state representatives for Kingston were signed by Selectmen in support of raising the net metering cap for solar projects from 1 megawatt to 5 megawatts.
- Facilities Use applications for NEB baseball, South Shore Outboard Regatta; Beer Fest; Fit Body field day fundraiser were presented for approval.

Non-Public Session

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Coombs, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, in order to conclude employee reviews; and NH RSA 91-A:3, II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

In Favor: Heitz, Briggs, St. James, Coombs; Motion passed.

The Board adjourned at 8:53 PM

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Coombs, it was voted by roll call to return to public session at 9:30 PM.

In Favor: Heitz, Briggs, Coombs, St. James; Motion passed.

MOTION: By Selectman Briggs, to seal the minutes of the non-public session for an indefinite length of time, as releasing the minutes would affect adversely the reputation of any person other than a member of this board.

SECOND: By Selectman Coombs

In Favor: Heitz, Briggs, Coombs St. James; Motion passed.

Adjournment:

MOTION: by Selectman Coombs to adjourn at 9:45 PM.

SECOND: by Selectman Briggs.

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant