

**Kingston, New Hampshire
Board of Selectmen
Meeting of January 25, 2021
FINAL MINUTES**

The meeting was called to order at 6:30 PM in the Meeting Room at the Town Hall.

PRESENT: Phillip Coombs, Chair; Donald Briggs, Vice Chair; Electra Alessio, Kevin St. James, Richard Wilson, Select Board Members.

APPOINTMENTS:

Evy Nathan, Conservation Commission

The Selectmen spoke with Ms. Nathan about matters that had recently come to their attention and had caused them to suspend her as Chair of the Conservation Commission. Discussion took place about a meeting that had been planned to review plans for a project proposed for 266 Route 125, which is currently before the Planning Board. This meeting would have been too short notice to be posted properly. Ms. Nathan said that once this was made clear to her, the meeting was postponed.

There was also a discussion of a newspaper article about the 266 Route 125 project, in which Ms. Nathan was interviewed and made comments the Selectmen found imprudent and that potentially put the Town in jeopardy. Ms. Nathan apologized for the comments, noting that she was caught off guard when the reporter called, and that she could see some of her remarks should not have been made.

It was agreed that Ms. Nathan's contributions over the years to the Conservation Commission have been considerable; many letters of support were received from Conservation members and others in the community. However, the Selectmen stressed that she should not express opinions in her official capacity. Ms. Nathan made the suggestion that due to errors that have been made, it would be helpful for Conservation to put together bylaws.

MOTION: by Selectman St. James, to lift the suspension and restore Ms. Nathan as Conservation Chair.

SECOND: by Selectman Briggs

In discussion, Selectman Briggs noted that when the meeting about the 266 Route 125 project did take place, it was a constructive dialogue with the applicants. Chairman Coombs impressed upon Ms. Nathan that she should utilize her Board liaison and other board members to avoid problems in the future.

In Favor: Alessio, Briggs, St. James, Wilson. Abstain: Coombs. Passes.

7:00 PM PUBLIC HEARING:

Per RSA 31:95-d, the Chairman opened the meeting, at 7:07 pm, to the public for any comments or questions on rescinding the Kingston Ambulance Replacement special revenue fund, as proposed on Article 3 of the 2021 Town Warrant. He read the Warrant Article and explained that the public hearing was required to close a special revenue

fund. The balance in this fund will be transferred to the General Fund, with the intention of establishing an Ambulance Services Revolving Fund (Article 4).

Fire Chief Graham Pellerin was present and explained the changes being made, and that funds from non-resident ambulance calls would be deposited into the new Revolving Fund, and utilized for purchase, repair and maintenance of EMS vehicles and equipment.

Public Comment:

Ellen Faulconer, 4 Jericho Drive, commented that in future, this will reduce the amount required in the budget for ambulance needs.

No further discussion being heard, Chairman Coombs closed the Public Hearing at 7:16 pm.

Moderator Ellen Faulconer: Town Meeting Delays due to COVID: Report on Governor's Order

Ms. Faulconer said she will be going to meet with School personnel in the morning, accompanied by Selectman Wilson, to discuss ways to improve audio/visual and public access for the Deliberative Session which takes place on January 30.

Ms. Faulconer also shared that per a new Governor's Order, Towns have the option to postpone the Town Meeting until April, May or June, in order to include residents who are awaiting a COVID vaccine in voting, which needs to be done in person. It was agreed that as there are no controversial issues on the ballot, and as safety measures are in place as practiced in the Fall elections, it was not necessary for Kingston to postpone.

Recreation Director Paul Butler: Use of Town Property—Forms and Fees

Mr. Butler said that he had met with Selectman Briggs and Administrative Assistant Susan Ayer to discuss shifting some of the responsibility for processing requests for use of Town Property from Ms. Ayer to him, as he is already acting as liaison for those requesting use of playing fields. It was agreed to make Mr. Butler the first contact for information and application gathering, which he will then send to Ms. Ayer for Selectmen signatures, collecting fees, and filing. Keys for access to the fields were discussed, as well as signage to be placed at the fields to include the rules for use.

Mr. Butler asked if fees for use of Town property could go to the Recreation revolving fund.

MOTION: by Selectwoman Alessio, to stream fees collected for use of Town property, to include playing fields and the Plains, through the Recreation Revolving Fund.

SECOND: by Selectman Briggs

Chairman Coombs said that activities on the Plains are not always related to Recreation. Selectwoman Alessio amended her motion to "to include ball fields and Recreation Center"; Selectman Briggs seconded.

All in favor via roll call vote

Mr. Butler said he has looked at the current forms in use, including the basic Facilities Use application and the Special Events License Agreement, and compared them to forms used by other towns. Some additional language to be added was discussed. Selectman Briggs said that the Facilities Use form is an application, and the Special Event License Agreement covers all the rules and liability that needs to be signed by the applicant. These may be combined into one packet, and Department Heads will be required to sign every application ahead of Board approval.

The merged and modified applications will be brought back for Board review.

Richard D. St. Hilaire Recreational Center

Selectman St. James said that the new granite sign for the Richard D. St. Hilaire Recreational Center has gone up and a date needs to be set for a dedication ceremony. It was agreed to hold the ceremony on February 13, 2021 at noon, and this will be advertised on the website and in the newspaper.

PUBLIC COMMENT I:

Two comments were received via Zoom chat during the interview with Evy Nathan, and these were read:

1. Andrea Kenter, 23 Marshall Road, stated that the ARM paid by the 266 Route 125 applicant was used to purchase 35 acres owned by Selectwoman Alessio, and asked if this was true. Selectwoman Alessio said she did not know what an ARM was (later clarified to be "Aquatic Resource Management", but that a purchase and sale through the Southern NH Real Estate Trust was done prior to this project, for wetlands mitigation.
2. Andrea Kenter stated that a comment about cameras being placed by the Conservation Commission was untrue, that they were placed by the Dubay Group.

Fire Chief Graham Pellerin said that he was preparing an assembly permit for the Saddle Up Saloon, which they would need in order to get a liquor license. Selectman Wilson was asked if the Cease and Desist was still in effect. He said that he thought issuing the assembly permit was okay as the business is in process with the Planning Board. It will be effective for one year.

There was a discussion of indoor vs. outdoor seating at the business. Chief Pellerin said that they will go by the approved site plan.

OLD BUSINESS:

IT Services Contract: Decision, Budget

Selectman St. James said that the Request for Proposals for this contract went out in the Fall, and that Block 5 Technologies had crafted the RFP for the town. Several of the companies walked through the Town buildings to assess the needs. Upon receipt of the bids, it was recognized that technical help would be needed to understand the differences in the proposals. They were sent to a school IT employee, to Mark Furlong, and to Kent Walker who would send them to a contact he had. Selectman St. James said that the school technician recommended Block 5. Mark Furlong recommended choosing three to be interviewed. The review sent in by Kent Walker has just been received.

Selectman St. James said that the prices are in a wide range, from \$4,000 to \$22,000 per month, and options such as backup or pricing of projects were not consistently included. Block 5 had sent in an additional document outlining the cost of projects needed.

There was a brief discussion of how this will be paid for; Selectman St. James said that because the cost was not known up until now, the budget will need to be amended to include it during Deliberative Session. Chairman Coombs said that as he recalled, the decision was made for the money in the Consultants line to be shared between the cost of retaining Sanborn Head for water testing consulting, and for IT. This will be verified with the Finance Director. Selectman St. James said that it appeared the maintenance and projects together will cost about \$70,000 for 2021.

Kent Walker's memo was read by Selectman St. James; it recommended Block 5, and included comments about experiences with some of the other companies that were not recommended, one of them mentioned being Rockport.

Michael Ebbett, President of Block 5, was present to answer questions. He said the transition would take about 2 months, considering it will usually take 60 to 80 hours per server to update switches and centralize data. He said work will be broken down between 2021 urgent projects and 2022 recommended projects. Asked if Block 5 would provide backup of data, Mr. Ebbett said that they don't usually do that, but rather centralize the data which can then be accessed if there is a problem. Mr. Ebbett said that he had looked over the other bids, and could say that one difference is that his company includes many items in the pricing that other companies charge extra for.

A representative from Rockport Technology Group who had been attending the meeting via Zoom sent a message that he would be coming in to speak in person with the Board.

While waiting, the Chairman went forward with other agenda items.

Update: Torromeo blasting issues

Chairman Coombs said that he and Selectman Wilson had met with a representative at Torromeo last Friday. He said that after talking with Town Engineer Dennis Quintal, they plan to build a berm which will be planted in the spring. He said this is preferable to highway barriers; it will not immediately replace the sound deadening properties of the trees that were taken down, but will grow thicker over time. Timing of getting this in place was estimated to be April. Chairman Coombs said that he had contacted Bob Berg, one of the neighbors, about this development in an email.

In discussion, Chairman Coombs said that when Maine Drilling and Blasting comes in for a permit, they should be supplied with an updated list of people to notify before they blast; this may be able to be done by signing up on the website. Selectman Wilson said they had also discussed with Torromeo the possibility of smaller, more frequent blasts rather than fewer large ones. He said that they were very receptive to everything discussed.

Selectman Briggs said that he had talked again with Ridgely Mauck, Supervisor of the NH DES Alteration of Terrain bureau, and Mr. Mauck has offered to join a meeting via Zoom if he can help to answer any questions about regulation. Mr. Mauck also said that last week DES had sent out personnel to make sure Torromeo is still working within their footprint.

IT Services Contract: Decision, Budget - cont.

Anthony Levin introduced himself as a new partner at Rockport Technologies, and said that it had been difficult to listen to some of the comments shared during the prior conversation, and would like to clarify some matters. Selectman St. James shared the proposal submitted and said that Rockport's was the lowest bid. Mr. Levin said he and Nils Bergman had come to do walk-through. He said Kingston is unique in that there are three separate locations that talk to each other. He said that Rockport had tried to stay within the RFP, but that it did not have a lot of meat to it, compared to other RFPs they had seen.

Mr. Levin shared how Rockport operates and what their approach to pricing was. He said they had seen things that needed to be done that were outside the RFP, such as working with the email system. He said that, for example, rather than identify email and website as a project for a certain amount of money, they felt the cost could be absorbed into the monthly fee, with a few added hours. He said the relationship with clients is very important to them, and that they are available at all hours. He added that that information technology and cybersecurity are very confusing subjects, and the "rabbit hole" gets very deep very fast, so he is here to try to help with questions.

Selectman St. James said that he had not realized right away that projects were not included in the RFP, and had reached out to the companies to try to catch up with that information, and soon found the "rabbit hole". He said he discovered that the biggest aspect is trust in the company the town will work with.

Mr. Levin gave further information about how Rockport approaches the work to be done, and how they approach monitoring the system for security purposes. He said they use "SIM" systems that are relatively new, that will tag suspicious activity. He said that by including that in their system they save money, as they will not be called out at 2 am for breaches. Chairman Coombs asked what Mr. Levin thought was the Town's most urgent need. Mr. Levin said he thought it was security and email, and that there are two vulnerabilities right now that he could fix in a couple of hours. He said that using Microsoft 365 makes a lot of sense. He also said a lot of the hardware is aging, but it can be replaced or repaired as needed rather than all at once.

After some further discussion, Chairman Coombs said that the Board will narrow the choice of company down to three and follow up on references. Selectmen St. James and Coombs will meet to work on this.

NEW BUSINESS:

Sale of Town Property: Two requests received

Selectman St. James said he would like to look at the tax map first before going forward with a decision on selling Town lots.

Inspectors

Chairman Coombs went over a listing of issues and areas for improvement that he had compiled together with the Town inspectors. He touched on some primary areas of concern in the categories of Technology, Fees and Fines, Centralized Permitting and Record Keeping, and Legal. Suggestions related to technology include forming a tech committee to research adding an online portal so that all information regarding a project will be available to all inspectors. Chairman Coombs said this would go hand in hand with digitization. Fees and fines were found to be overall on par with nearby towns; however, clear policies are needed, and better fee capture to ensure all permittees are paying appropriate fees. Centralized permitting would require that all permits and applications be run through the Assessing/Permitting Clerk, and all records should be kept in that office. No building permits should be issued until a driveway permit is obtained. Better management of non-buildable lots and subdivisions is needed. A Cease and Desist process needs to be established and followed.

Chairman Coombs linked many of the bullet points to the hiring of a Code Enforcement Officer, who would be able to research, oversee and implement many of them.

COMMITTEE LIAISON REPORTS:

Selectman Wilson reported that after today's 79-e Committee meeting, committee members submitted written comments on the application from Chinburg Properties for 79-e tax relief for the Sanborn building renovation. It was agreed that these comments should be forwarded to Mr. Chinburg prior to next week's hearing.

A question was raised by Ernie Landry and the Heritage Committee about whether a personal Zoom account could be used for their meeting, as the town's account will be in use. It was agreed this is fine.

Selectman Wilson reported on a meeting with Town Counsel and Rich St. Hilaire about the process for bonding and building subdivisions, when the Mylar plan should be signed, etc.

Selectman St. James spoke about information he will present at Deliberative Session regarding the LED streetlight project. He said that the rebate amount will be \$16,986, and the kilowatt hour usage will be reduced by 40,000. He said he is trying to find out what the cost is per kilowatt hour.

Selectman St. James also brought up the topic of possibly obtaining credit cards for department heads. He said currently, if something needs to be purchased online, department heads need to use their personal credit card. He said he would like to task Cindy with researching this. All were in agreement.

Selectman Briggs said he would like to put two old cruisers out to bid. They will be advertised in the Union Leader and the NHMA website.

PUBLIC COMMENT II: None heard

BOARD BUSINESS:

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- Renewal of contract with Total Notice, the company that the Tax Collector uses for tax lien execution was approved on a motion by Alessio, second by Briggs, all in favor.
- A letter from the Library Trustees asking for a transfer of fund balance, met with questions that will be asked before approval.
- Application for Facility Use approved for the Congregational Church to hold a sunrise service on Easter (April 4).

APPROVAL OF MEETING MINUTES:

MOTION: by Selectwoman Alessio, to approve the public and non-public meeting minutes of January 11, 2021, as written.

SECOND: by Selectman St. James

In Favor: Alessio, Briggs, Coombs, Wilson; **Abstain:** St. James

NON-PUBLIC SESSION:

MOTION: by Selectman Wilson, to enter non-public session under RSA 91-A:3, II (a), Personnel and (l) legal

SECOND: by Selectwoman Alessio

All in favor

Meeting adjourned to non-public session at 10:00 PM.

MOTION: by Selectwoman Alessio, to return to public session at 10:28 PM

SECOND: by Selectman Briggs

All in favor

MOTION to seal these minutes for an undetermined length of time, made by Selectwoman Alessio, seconded by Selectman Wilson, because it is determined that divulgence of this information likely would:

xx Affect adversely the reputation of any person other than a member of this board.

Passed by unanimous roll call vote.

Discussed during non-public session: Legal advice from Town Attorney; Personnel.

Action was delayed on a personnel matter, pending further research.

Adjournment:

MOTION: by Selectman Coombs to adjourn at 10:30 PM

SECOND: by Selectwoman Alessio

All in favor.

Respectfully submitted,
Susan Ayer, Administrative Assistant