

**Kingston, New Hampshire
Board of Selectmen
Meeting of March 18, 2019
FINAL MINUTES**

The meeting was called to order at 6:35 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

ADMINISTRATIVE: APPLICATIONS, PURCHASE ORDERS, CORRESPONDENCE:

- Facilities Use Applications reviewed: Baseball League to use Magnusson Field on Sundays; Use of meeting room and stage during 325th Celebration; Kingston Days carnival and parade; Use of meeting room for cemeteries discussion. All approved except application for camping at Magnusson Field before and during Kingston Days; this is held pending notification of abutters. Selectman St. James said he had no objection to the stage being used, but that he thought the matter of what to do with the stage area needs to be revisited in the fall.
- Veterans Credit application approved.
- One request for placement on Cable Bulletin Board approved. Applicant will be notified that this will be placed when the Cable channel is back in service, as it is currently down pending equipment repairs.
- A check has been received from LCHIP for the Heritage Commission's monitoring report on the bandstand, which must be submitted annually. Heritage Commission request that the check be deposited into their account was agreed to (Motion: Heitz, Second: Coombs, all in favor) pending verification that it is permissible.
- Legal notices received from Exeter regarding a cell tower project.
- Dave Allwine of Stantec sent an email advising the Selectmen that extra water testing and attendance at Board meetings may put him over his contract amount. The Selectmen chose not to authorize a change order but to have Mr. Allwine try to work within the budget.
- Quarterly lab testing report from Eastern Analytical has been received, for gas levels at the landfill.
- Appointments to Conservation and Heritage Commissions were tabled until the new board is in place.
- The Employee Status Change document changing the Assessing/Permitting Clerk to full time was signed.
- A letter was received from Representative Ken Weyler regarding solar power.

Memo re: Site Plan conformance issues at 111 Route 125 and 9 Main Street:

Town Planner Glenn Greenwood reported on these two sites, as Selectman Coombs had requested, to determine the degree to which each conforms to site plan restrictions.

At 111 Route 125, vehicles and equipment were observed; following site plan revocation proceedings in 2016 no activity is permitted on site. Mr. Greenwood said that 9 Main Street appears to be out of compliance with its approved site plan, as there are many vehicles being stored in areas not designated for vehicle storage. After some discussion of the issues, including start-up of vehicles outside of approved hours of operation, it was agreed that Selectman Briggs would go to verify what is going on. Chairman Heitz said that ordinarily the Planning Board would send a letter to a property owner observed to be in violation, and if necessary would follow up by contacting the Selectmen for enforcement. Selectman Coombs clarified that these items came up during a weekly inspectors' meeting, and that at this time the matters are for information only.

Request for vote recount:

The Chairman announced that a recount has been requested for the March 12 vote to fill the Selectman's seat vacated by George Korn. The difference in votes between two candidates is 8. These candidates, Richard Wilson and Chuck Hart, were present. Chairman Heitz asked to have Town Clerk Tammy Bakie come in to explain the process.

Ms. Bakie said the recount is set for 9:00 AM on Thursday, March 21, at the Town Hall. She said that attending will be Town Moderator Ellie Alessio, herself as Town Clerk, the Selectmen available (quorum not necessary), and others appointed by the Moderator to assist. Candidates may be present, in a designated seating area. She went over the steps to be taken for the recount.

Asked if the result of the recount could be contested, Ms. Bakie said that if a candidate is still dissatisfied they can to Superior Court. However, she said the goal is to have everyone leave feeling good about the result. If there is a tie, the Town Clerk has to resolve it by flipping a coin or drawing a name, etc.

Spring Household Hazardous Waste Collection Day:

The Spring collection day is set for April 27, 2019 in Plaistow, from 9:00 am until 12:00 pm at 51 Old County Road. Residents of Kingston who wish to participate will need to provide proof of residency; Chairman Heitz noted that this is so that Plaistow can charge back the communities that utilize the service.

SCHEDULED APPOINTMENTS

Library Trustees - Update to Solar Array Plans:

Trustee Ellen Faulconer was present to discuss this topic. She said that the Trustees are moving forward with the plans to install a solar array on the library grounds, but are not yet at the final stages. For this reason, she said they need to ask for an extension for the grant they were given from the NH Public Utility Commission (NH PUC). The grant, worth \$13,500, expires at the end of March. Ms. Faulconer said that extensions are often needed and the PUC will grant the extension as long as a good reason is provided and it is clear the money is still going to be used for its proper purpose. She said that a letter of support from the Selectmen is requested to be sent in conjunction with a letter from the Library Trustees.

James Hasselbeck of Revision Energy was also present and there was a discussion of the library project and its benefits to the Town, as well as of some of the reasons that some residents may not have been in favor of the project. The economic benefit to the Town was cited as one thing people raised doubt over. Mr. Hasselbeck said that he understands this, as a resident himself, and went over some of the details of the contract.

Selectman St. James said he thought the attorney had concerns; Ms. Faulconer said that was what caused the need for an extension, while they worked to answer some questions. Chairman Heitz said that if the Board feels something is not a great deal for the Town, it is sent to the attorney. He said due diligence needs to be done in order to protect the tax rates. Mr. Hasselbeck said that one benefit of the smaller library project is that while it gives only a modest savings, it provides long-term stability, and also introduces solar power to the Town. There is educational value which can pave the way for a larger, more valuable project such as at the landfill, in the future.

The Board was in favor of sending a letter in support of the project and requesting an extension from the Public Utilities Commission for the grant.

Solar Power Plant Net Metering

Chairman Heitz took the opportunity to discuss the matter of the proposed state bill to raise the net metering limit from 1 MW to 5 MW, and some concerns expressed by Rep. Weyler in his letter to the Board. Chairman Heitz asked if, should the bill pass, it would be required that 20% of the generated energy be consumed within the Town. Mr. Hasselbeck said that this is not required, but there is an economic advantage if 20% is used on the parcel where the project is installed. He said that for this reason, while he considers the landfill site to have great potential, it would need to be a very large site to be economically viable. Raising the net metering limit would be very important to the success of the project. He said the difference is between wholesale and retail value of the electricity. Because the library project will consume most of its output onsite, they will get full retail value. He said the landfill is a very different project.

Chairman Heitz said that one reason given by Rep. Ken Weyler for not being in favor of solar power projects is that they decrease the amount of electricity required for the generation plants to produce, and when they do that, they are basically generating less power for the same cost and therefore no longer efficient. Mr. Hasselbeck answered that this is an excellent talking point provided by Eversource. He said that, in reality, solar is very efficient for New Hampshire's needs.

Mr. Hasselbeck went on to explain that the peak demand for power in New Hampshire is in the summer months, the bulk of it driven by air conditioning costs. The utilities are legally bound to have supply to meet demands of the consumer. For this peak generation, they maintain gas burning plants that may run for only a couple of days per year. Mr. Hasselbeck said that several independent studies, including one by the NH Public Utilities Commission, show that the solar generating curve matches the demand curve almost exactly. He said that solar power could eliminate most if not all of the need

for peak generation and therefore the need to fund the gas plants maintained only for that purpose. Chairman Heitz said it is fair to say it is cost prohibitive to fund the plants, and why would you if they are not needed. Mr. Hasselbeck said that there are no utility-owned plants in the state; they are going out of business.

Selectman Coombs asked if major users, such as a large plaza, would be able to be included to bring the "on site" load up to 20%, and Mr. Hasselbeck answered that unfortunately, anything off the immediate parcel is considered an entirely different entity as the rules are currently written. Selectman St. James asked how Brentwood is having its entire municipality supplied by the array at their fire station. Mr. Hasselbeck explained that the Town of Brentwood's solar array was designed to handle the entire municipal load, including some streetlights. There is only the one large array located at the fire station, which was designed to provide just enough power that the fire station uses 20%, which means that the balance is worth retail value. He said the project was designed to just meet the needs of the town and maximize the value.

Fire Station Building Committee:

Chairman Mark Furlong and Committee member Chuck Hart were present to give an update and ask for direction going forward. Mr. Furlong said they want to get a purchase and sales agreement to the adjacent properties as soon as possible, and want to know if they should work with Town counsel or another attorney. In addition, they said they need to have test pits surveyed. Mr. Hart said they would like to work with Dennis Quintal and have talked to him briefly, but wanted to know if there is any conflict of interest for him to work on the survey of the lot as he is the Town's engineer.

There was a discussion of whether or not Mr. Quintal should do the survey work. Selectman Coombs said he thought the bulk of the survey work should go out to bid. Selectman Briggs agreed. Selectman St. James suggested that the survey and engineering work should be separated and bid separately. Selectman Coombs asked if the Highway Department might be able to do the test pits.

Road Agent Rich St. Hilaire joined the conversation and said that from his perspective, having Mr. Quintal come out for a highway project worked well. He said Mr. Quintal had his own crew and did not overcharge; he said his own belief is that in-house employees should be utilized and billed separately from Town work.

Mr. Furlong said that when the project gets to the building phase, there will be a project manager approach and everything will be put out to bid.

The Board agreed they were comfortable with the Town attorney working on the Purchase and Sales contracts. It was also agreed to include Mr. Quintal in the process and try to come back next week with quotes.

Mr. Furlong then said that Fire Station Building Committee appointments expire in May, and one member does not want to be reappointed. He said that he is requesting to have a new member and alternate from the Board of Selectmen. The open slot will be

advertised on the Town's website and bulletin board; during next week's reorganizational meeting a new Selectmen's representative will be appointed.

PUBLIC COMMENT I

None heard.

OLD BUSINESS

History of Kingston Book

Bob Bean was present to discuss a new proposal that has been received to do the work of designing the history book. He said they solicited 5 bids, and received 3, and have chosen Great Life Press out of Rye. Mr. Bean explained how the decision was arrived at, saying that from the look and quality of this person's work, as well as from the knowledge displayed in her interview, they found her by far the most proficient candidate. Examples of the designer's work were shown to the Board.

The Selectmen reviewed the proposal and purchase order for Great Life Press, which Mr. Bean acknowledged is a little higher than the last designer's price. The total not-to-exceed price of all aspects is \$9,515. He said that one reason is that while the last designer had talked about creating the index, this designer recommended hiring an index service, as the index needs to be comprehensive; the price of the outside indexer is included in the proposal. It was noted that the payment will be in two installments; 50% to be paid upfront and the balance at the end of the job.

Mr. Bean said that one thing the designer told them was that they are unlikely to meet the schedule to have the book ready for Kingston Days. It was agreed that it will be better to do the job right and have a good product rather than rush it.

There was a brief discussion of other details of the project, including that the first print will be 500 copies and the committee is looking for someone to help with marketing. Donors will be solicited that will appear inside the book, and pre-orders will be taken.

The Selectmen agreed to sign the purchase order, saying that the committee needs to get their work to the designer all at once to minimize her work and the cost to the Town. Mr. Bean was thanked for the work he has done on the project.

Rockingham Planning Commission Electricity Supply Aggregation

Selectman St. James reported on the meeting he attended on group electricity purchasing, in which the Town has signaled interest. He said there is no cost to the Towns to join, but the RPC would like to have all towns that are interested sign a memorandum of understanding. Then the RPC would do the Request for Proposal review process and secure the best energy price.

Selectman St. James said that only four Towns in the target area are not currently under contract; two of those will be up this year, 3 more in 2021 or 2022, including Rockingham County. He said that this presented a second option, to go with Constellation Energy as the others currently are, to get a volume discount in the

meantime, then in 2022 go out for bids. He said that he would recommend this option, as it will save money.

Chairman Heitz said that he would want to have current rates and rates for the life of the contract to look at. Selectman St. James said he felt it is at least worth exploring. The Board was in agreement that this should be pursued. Selectman St. James will follow up.

Solar Energy:

The letter received from Representative Weyler was revisited in light of this evening's conversation about solar projects. Chairman Heitz, noting that it is response to a majority of the Board sending a letter asking state representatives to support the increase in net metering, read the letter. There was a brief discussion about the contradictions between this letter and what was shared by Mr. Hasselbeck.

NEW BUSINESS

Selectmen's Policies and Procedures:

A proposed draft of Selectmen's policies was briefly reviewed.

MOTION: By Selectman Coombs that the Board should review and make changes to be discussed at the next meeting.

SECOND: Selectman St. James.

All in favor.

PUBLIC COMMENT II

None heard.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman St. James to approve the public and non-public meeting minutes of March 4, 2019, as written.

SECOND: by Selectman Coombs.

All in favor.

ANNOUNCEMENTS

Budget Committee openings:

Noting that a letter of resignation from the Budget Committee has been received, Chairman Heitz said that there are several openings on this committee, and anyone interested should contact Chair Lynn Gainty.

Rally NH:

Selectman St. James shared that a Code 3 trailer will be at the Exeter Fire Station on Monday from 8:00 AM until 11:00 AM for the Rally NH response to the opioid crisis. The trailer, which travels around the state, has a simulated teenager's bedroom as a teaching tool of warning signs to look for.

Non-Public Session

MOTION: Upon motion of Selectman St. James, **SECOND** of Selectman Briggs, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-A:3, II (a): Personnel, and NH RSA 91-A:3, II (l): Consideration of legal advice, and NH RSA 91-A:3, II (c): Matters which if discussed in public would likely affect adversely the reputation of a person other than this board.

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

The Board adjourned at 8:41

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 Chairman Heitz to adjourn at 9:31 PM

SECOND: by Selectman Coombs.

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant