

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of September 16, 2019  
FINAL MINUTES**

The meeting was called to order at 6:05 PM in the Meeting Room at the Town Hall.

**PRESENT:** Chairman Mark Heitz; Kevin St. James, Vice-Chair; Donald Briggs, Jr., Richard Wilson, Selectmen. (Selectman Coombs arrived at 6:45 PM)

**APPOINTMENTS:**

**Work Session with Interim Fire Chief Graham Pellerin - Information on Per Diem employees and Regionalization**

Chief Graham Pellerin was present to discuss information on per diem personnel for the Fire Department along with other Fire Department topics. Members of the Fire Department and Fire Station Building Committee were present to participate.

Chief Pellerin said that he had researched three options for solving the lack of sufficient ambulance coverage at night. First he said he had looked into hiring a private ambulance, and got a bid back from Trinity. Based on the number of calls expected and other information he provided, the price quoted by Trinity was \$600,000 per year.

The second option he looked into was hiring four full-time EMTs to cover the night time shift. He consulted with Finance Director Cindy Kenerson, who advised him that at a pay rate of \$20 per hour, each employee would cost the Town \$84,000 per year including benefits.

Because of the cost involved in contracting with a private ambulance company or hiring full time employees, Chief Pellerin said that he would recommend per diem help as the best way to get night time coverage, and as the easiest solution to implement. He shared information about pay rates in nearby towns, which are varied based on level of training and whether the person is on call, from \$12.50 per hour up to \$19.00 per hour. He said there are still some bugs to work out, but for easier budgeting he recommended a flat rate at least until the end of the budget year. He said that at \$16.00 per hour, covering from October 1 through the end of the year should cost roughly \$30,000 to \$40,000, and there is \$72,000 left in the salary line. He also said that he would recommend 24 hour shifts with one per diem person working with one regular member who knows the roads and the equipment.

Mr. Pellerin said that the biggest unknown is scheduling, and noted that with his own shift vacant while he is filling in as Chief (which requires weekday hours) there is an extra gap which makes scheduling difficult. He encouraged the Board to act without delay.

Mr. Pellerin also said he had spoken with area Fire Chiefs and that Newton, Plaistow, Danville and Hampstead had just signed on with Trinity ambulance and are locked in for three years. He said that Hampstead got a price break on the ambulance service because they are busier than Kingston. He added that if Kingston got a cheaper rate by being part of a group, he thinks that response time would suffer. He said they would not necessarily put an ambulance in Kingston, but it would come from wherever it was housed. The price quoted of \$600,000 would be for having an ambulance and crew in Kingston 24 hours.

Selectman Wilson observed that four full time employees would cost the Town less than half the price of hiring Trinity. There was a discussion of statistics on ambulance calls in Kingston and members available. Mr. Pellerin said that in order to run the ambulance, two licenses are needed; one person can't go alone. He said that in the past 30 days, only 5 nights were covered, and that it is getting harder and harder to get people to come out. He said he would strive to have Fire Fighter EMTs in house, as they can cover both fire and ambulance calls.

Discussion continued on 24 hour shifts, over time pay for members needed to supplement the per diem night shift, and the cost and billing of ambulance calls, currently handled by Comstar. Collection rates in recent years were discussed, and it was noted that Comstar has one of the lowest percentage rates for reimbursement, at 5%, and among the highest collection rates.

Fire Department members present agreed that all local departments are looking at per diem help, and that if Kingston is going to do it, it should be done soon. It was also suggested that a training period would be necessary and that the transition would go faster with 24 hour shifts, as the roads and hydrants would not necessarily be learned working only at night.

**MOTION:** by Selectman St. James, to allow Chief Pellerin to implement a per diem shift with 24 - hour coverage, at the pay rates discussed, starting on October 1, 2019.

**SECOND:** by Selectman Wilson

There was a discussion of allowing for overtime on open shifts so that 2 per diem people won't be working together. Chief Pellerin said that until his former shift is re-filled, by himself or someone else, scheduling will be a nightmare. He said he has an advertisement prepared for per-diem help and will get it out on Facebook and through Seacoast Chiefs and Essex County, Mass.

**All in favor.**

On the subject of payroll, Selectman St. James mentioned that when going to a new 24-hour shift, the town might want to consider paying employees an average each week to avoid some weeks with only 24 hours of pay, such as the Exeter Fire Department does. He also suggested that all town employees could be changed to a bi-weekly pay schedule, and he will talk about that with the Finance Director.

**(Selectman Coombs joined the meeting at this time.)**

Chief Pellerin said that he still plans to talk about regionalization, but that although some of the local chiefs would be interested in at least looking into it, all are concerned about logistics and the time it will take to implement. He said that all the departments are facing problems now, and if Kingston has 24 - hour coverage it will be in a position to help other towns.

Selectman Briggs pointed out that he wants to solve Kingston's problems for now; he said that he understands mutual aid but does not want other towns to rely on Kingston and not address their own problems.

Chief Pellerin will come back to the Board at the next meeting for another 6:00 PM workshop; he will bring budget numbers with adjusted pay rates and ambulance rates, and a readjusted schedule to reflect 24 hour shifts. Selectman Wilson questioned the idea of raising the ambulance rates, and whether residents will pay the balance when their insurance company pays only up to a certain amount. Selectman Coombs said that it will still be exponentially cheaper than using a for-profit ambulance.

#### **Opening of bids for masonry work - Nichols Museum building**

Three sealed bids were received for masonry work planned for the Nichols Museum, housed in the old Nichols library. These were opened:

<b><u>COMPANY</u></b>	<b><u>Total bid</u></b>	<b><u>Front Stairs</u></b>	<b><u>Chimney</u></b>	<b><u>Rake and repoint</u></b>	<b><u>Stone repair</u></b>	<b><u>Other</u></b>
<b>Contracting Specialists</b>	\$253,250	\$98,600	\$35,111	\$38,383	\$10,329	\$70,828
<b>Tito Masonry &amp; Construction</b>	\$109,800	\$22,000	\$19,000	\$29,300	\$39,500	0
<b>Atlantic Restoration</b>	\$260,000	\$95,000	\$38,000	\$45,000	\$10,000	\$72,000

**MOTION:** by Selectman St. James, to forward all bids to appropriate persons (Heritage Commission, Engineering Company) for a recommendation.

**SECOND:** by Selectman Coombs.

All in favor.

#### **Kim Donahue, Budget Committee appointee**

Kim Donahue met briefly with the Board to introduce herself; she was appointed to the Budget Committee at their Sunday meeting and now needs Board signatures before being sworn in.

Ms. Donahue said she has lived in Kingston for two years. She said she had volunteered on the 325<sup>th</sup> celebration committee and former Budget Committee Chair Lynn Gainty invited her to apply to that Committee. She said that she works as Assistant Vice President for a large company in Massachusetts, where she manages a 22 million - dollar budget, so she is familiar with budget responsibility.

**MOTION:** by Selectman St. James, to appoint Ms. Donahue on behalf of the Budget Committee.

**SECOND:** by Selectman Briggs

**All in favor**

**Unmerge request: 5 Parsons Way (Map U12 Lot 48)**

Lisa Kopoulos, owner of 5 Parsons Way, was present with her daughter, Rhea White, as well as with realtor Lynn Merrill, to resume discussion on their request to unmerge Lot 48 into the two original lots from the Ruth Ellis subdivision from the 1960s. (Ms. Kopoulos has contended that the merger was involuntary, done by the Town, and so subject to RSA 674:39-aa.) Chairman Heitz said that after the Board's last action (in which they voted to allow the un-merging contingent upon obtaining a viable septic plan), the Town's inspectors had said they felt the lots were voluntarily merged when the house was built. He said the lots had always been together on one tax bill and on one deed.

Ms. Merrill gave background on the decision by the Town to pass 2-acre building lot zoning in 1977, and the impact on the 39 lots owned by Ruth Ellis in particular. She said that the land was totally redesigned, and the result was 20 lots with those involuntarily merged scattered in different areas.

She said that now Ms. Kopoulos is trying to unmerge her lots and the Town has the burden of proof to show that the lots were merged voluntarily rather than involuntarily. Ms. Merrill said that the map from 1975 that the Town has, that shows the lot as merged, has a note that it was revised to 1991.

Ms. Merrill also said that there is precedence of lots being un-merged in the same neighborhood, and she is requesting that the Board look into the matter further. She mentioned parcels on Toppan/Colcord Road, Ball Road, and Rockrimmon Road that have similar circumstances.

Selectman St. James said he wants to look at the other three that were unmerged to see the circumstances, saying that per the RSA all need to be looked at individually.

Selectman Wilson said that if it was approved for another property owner it should be approved for this one. Selectman Coombs said that the sticking point in this case is that in order to obtain a building permit, both lots were used. He said based on that, he does not see that they were involuntarily merged, but rather merged voluntarily by conduct.

**MOTION:** By Selectman St. James, to take this matter under advisement and make a decision in two weeks, on September 30.

**SECOND:** By Selectman Wilson

**All in favor**

**Fire Station Building Committee: Construction Manager recommendation**

Members of the Building Committee were present to bring their recommendation of a Construction Management firm to the Board, after having interviewed four firms. A summary of the four bids was supplied to the Selectmen. Chair Mark Furlong said that

any one of the companies could do the job of managing the Fire Station project; an analysis was done with the help of SMP Architects.

Mr. Furlong broke down the fees, which will be in three phases; preconstruction up to the public vote on the project, then from when the vote passes until a guaranteed maximum price is determined, and finally, the major amount, for overseeing the building phase. He said that with SMP's help they were able to equalize the various components among the companies. He said the time frame is still unknown, so a mock project duration was entered, which means that will be a mock value.

Mr. Furlong said that the committee's recommendation is to engage Bauen. He said they worked on the library project, and all involved had good things to say about them. He said also that the company's costs are projected to be the lowest.

**MOTION:** by Selectman St. James, to approve the payment of pre-construction cost of \$7,500 to Bauen.

**SECOND:** by Selectman Wilson

Mr. Furlong said that one problem with the motion is that Bauen is looking to be engaged for the project and enter into a contract. He said the contract would be open ended because there is no firm cost of the project, so the amount would be the set fees plus 3.75% of the rest of the cost, which is unknown. He added that once the construction manager is in place, they look out for the Town and work to bring the building in on budget. The motion was amended:

**MOTION:** by Selectman St. James, to engage with Bauer to build the Fire Station and approve the payment of upfront pre-construction cost of \$7,500 to Bauen.

**SECOND:** by Selectman Wilson

Chairman Heitz said that a clause will be needed about the contract being negated if the voters do not support the project, or if for some reason the property can't be secured. He reminded the Board that the Town does not yet own the property. He also suggested that the contract should be sent for legal and risk review to Town Counsel before signing. The motion was further amended:

**MOTION:** by Selectman St. James, to approve the payment of upfront pre-construction cost of \$7,500 to Bauen, and to authorize the Chairman to sign the contract with Bauen to act as Contract Manager for building of the Fire Station, pending legal and risk review by Counsel, and contingent upon voter approval in March and upon the Town securing the land.

**SECOND:** by Selectman Wilson

**All in favor.**

**PUBLIC COMMENT I:** None heard.

## **OLD BUSINESS**

### **Electricity Aggregate contract**

Selectman St. James reported that Finance Officer Cindy Kenerson had attended a meeting at the Rockingham Planning Commission, along with Library Director

Rebekkah Mateyk and Administrative Assistant Susan Ayer. At this meeting, the Town's representatives and all other participants voted for the contract to be of 36-month duration, the rate to be set on the day of signing (September 25). Estimated rates were given. At this time, the Selectmen were asked if they would like to authorize Ms. Kenerson, who is already the point of contact with the RPC for this matter, to sign the contract when it is ready.

Selectman Briggs said he would like to ask Unitil if they can give the Town a break before agreeing to this contract, to see if the pay rate could be less than with the aggregate. Selectman St. James said that there is no time, and the agreement has been in the works for three or four months. Selectman Briggs said he will call Unitil and have an answer for the next meeting, ahead of the contract signing day.

## **NEW BUSINESS**

None.

## **COMMITTEE LIAISON REPORTS**

**Inspectors:** Selectman Coombs said there has not been another Inspector's meeting since last week, but reported that they are revisiting the revision of the fees schedule, and hope to make progress in the less busy winter months.

**Budget Committee:** Selectman St. James said that this committee met last night, nominated Ms. Donahue, and also named Axl Prophett as Chair. He said there are still at least two open positions, and there will be a meeting on October 7 to see about nominating members.

**325<sup>th</sup> Committee:** Selectman Coombs said he had met with Ms. Kenerson to review expenditures of the Kingston Days/ 325<sup>th</sup> celebration. These will be looked at by the Board.

**PUBLIC COMMENT II:** None heard.

## **CORRESPONDENCE, APPLICATION, PURCHASE ORDERS**

- Land Use Change Tax forms that the Assessor had prepared for the Bresnahan site were signed.
- Correspondence was received from the Primex attorney handling a legal matter.
- An update on a Historic District Commission enforcement request was reviewed.

## **APPROVAL OF MEETING MINUTES:**

**MOTION:** by Selectman Coombs to approve the public and non-public meeting minutes of September 9, 2019, as written.

**SECOND:** by Selectman Wilson

**In favor:** Heitz, Briggs, Coombs, St. James, Wilson.

## **Non-Public Session**

**MOTION:** Upon motion of Selectman Briggs, **SECOND** of Selectman Wilson, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-

A:3, II (c): Matters, which if discussed in public, would likely affect the reputation of any person other than a member of this board; and (I) Legal advice.

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

The Board adjourned at 8:25 PM.

**MOTION:** Upon motion of Selectman Coombs, **SECOND** of Selectman St. James, it was voted by roll call to return to public session at 9:05 PM.

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

**MOTION:** by Selectman St. James to seal the non-public meeting minutes for an unspecified length of time, as the divulgence of the information likely would affect adversely the reputation of a person other than a member of this Board.

**SECOND:** by Selectman Briggs

**All in favor via roll call vote.**

**Discussed in Non-Public Session:**

Legal update on a current lawsuit.

Legal advice on real estate closing date.

**Adjournment:**

**MOTION:** by Selectman Briggs to adjourn at 9:15 PM.

**SECOND:** by Selectman Wilson.

**All in favor.**

Respectfully submitted,  
Susan Ayer  
Administrative Assistant