

**Kingston, New Hampshire
Board of Selectmen
Meeting of October 21, 2019
Draft MINUTES**

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

PRESENT: Kevin St. James, Vice-Chair; Phillip Coombs (arr. 7:00 PM), Donald Briggs, Jr., Richard Wilson, Selectmen.

APPOINTMENTS:

Interim Fire Chief; Fire Department Topics

Interim Chief Graham Pellerin updated the Board on Fire Department activity, including that eight per diem candidates have been interviewed so far and he hopes to soon have 24/7 coverage.

Fire Station Building Committee

Kent Walker and Mark Furlong of the building committee were present to answer any questions the Board may have about the Construction Manager contract with Bauen Corporation. Mr. Walker explained that the contract had been reviewed by both Town Counsel Sumner Kalman and Primex, as requested by the Board. Some clarification and added liability safeguards had been added.

Selectman St. James asked if this contract needed to be signed at this time, and Mr. Walker said that in order to work with the contractors to get pricing for the warrant article the construction manager needs to get started now. He said the contract is very specific that there is no monetary responsibility beyond \$7,500 if the warrant article does not pass; the portion being signed is for preconstruction work only.

There was some discussion of building details and what would be covered by the \$7,500. It was agreed to wait to approve and sign the contract until Selectman Coombs arrives.

Mr. Furlong said that a workshop with other committees and the Board is being planned for November 4.

Heritage Commission/Envision Kingston II- Chapter 79-E Community Revitalization Relief

Glenn Coppelman, Electra Alessio and Debra Powers discussed this topic, and plans to submit an article for the 2020 Town Warrant. The article would be brought forward by the Envision Kingston II subcommittee, of which they and several others present are members.

Mr. Coppelman explained that Community Revitalization Relief is something communities can adopt to incentivize redevelopment of town centers. He said the power point document shared with the Selectmen is essentially the same presentation from last year's town meeting. He said the article garnered a lot of voter support even without support of the Selectmen and Budget Committee, and got a good response at the polls.

The Selectmen reviewed the document, which they had received ahead of the meeting. Selectman St. James said that it looks like the article will only address Historic District 1. Ms. Powers said that they decided to start with HD1, see how it works, and then extend out, adding that the primary concern of the committee is the country store and the seminary building. Mr. Coppelman added that the legislation was designed to give a shot in the arm to village centers and businesses there, and they thought HD1 fit that description best.

There was a discussion of the seminary property, and that a tax incentive may help to find a buyer. Ms. Powers said that the property has never produced any tax revenue, so it is an untapped resource. She added that the florist that has moved into the country store building is doing a great job, but that incentives are needed to bring it to the next level. She added that the influence of the Board is huge, and that their approval would help.

Selectman Wilson noted that the assessments on the buildings are very high, and would have to come down to attract buyers. He said that he has been sitting on this committee, and feels that supporting the article is a no-brainer. Ms. Powers said that the old Loaf and Ladle building in Exeter, now the Sea Dog restaurant, is considered a success under 79-E. She said the bottom line is that it is not really a tax giveaway but a deferment of some of the tax on a completed project.

Selectman St. James said that last year the article came up at the last minute and that was part of the problem. Ms. Alessio said that it got before the voters anyway, which helped to get people comfortable with the concept. Ms. Powers said that they realized they were late in the process and there were not enough answers to questions, but that a lot of fine-tuning has been done this year and having a Board representative on the committee was valuable.

Selectman St. James said that the Board will look at this when they begin work on warrant articles. Ms. Powers said that the problem with waiting is that the committee would like to start in November getting signatures. Selectman St. James said he did not feel the Board was ready to vote on this, and that he would rather the Chairman was present. It was agreed that the Committee will return on November 4th with further detail.

There was a discussion of how the tax incentive works, and its purpose. Selectman Briggs said there had been a lot of confusion about how the article would affect historic homes within HD1. Ms. Powers said that the information is in the covenants and the application. Mr. Coppelman said that when an application is received, it must be determined if there is a public benefit; not every project is going to receive a tax incentive. Reading from the handout, he said that per the RSA, there are five "public benefit" types, and a project must provide at least one. He added that another thing to keep in mind is that every approval is at the discretion of the Board of Selectmen. He added that the application is complicated, and suggested an advisory committee to help process the applications.

Selectman St. James announced an event sponsored by the Heritage Commission; "Poor Houses and Town Farms: The Tough Row for Paupers" will be presented by Steve Taylor on Saturday, Nov. 2 at 2:00 PM, at the Town Hall.

Bresnahan Storage, SEC Engineering - Update

Attorney Joseph Kittredge, Joe Bresnahan and Charles Zilch of SEC Engineering were present to discuss progress made at the Bresnahan Self Storage project since it was discovered that the site had been cleared of many more trees than it should have been, according to the site plan.

Mr. Zilch displayed a drawing of the site showing where the trees had been cleared and described replacement planting that has been done to date. He said one item never discussed was the number of trees Mr. Bresnahan was obligated to plant, but said in total he had planted close to 100 replacement trees. He gave details on the type and location of trees that have been planted, including 9-10 foot oaks and maples along Route 125, arborvitae along the sides to enhance the buffer and a mix of evergreens in other areas.

Selectman Wilson commented that Mr. Zilch said the number of trees needed was not mentioned, but that the amount of trees needed to set up a buffer is spelled out in the ordinance. Mr. Zilch said they had put the buffer back in, and that they were looking for a bit of diversity. He said his intention was to create a more effective buffer where there is exposure to neighbors, and more seasonal trees near the highway and parking areas.

There was a lengthy discussion on the site, the plantings needed for buffers and what had so far been done. Selectman Coombs said that in his opinion, taking down old growth hardwood and replacing it with a mix of white pine and spruce did not begin to remedy the problem. He said the site is an eyesore now. Attorney Kittredge said a mistake was made and while he can't replace 100-year old trees, Mr. Bresnahan is trying to make a bad situation better. Mr. Zilch said there is room for more planting and they will entertain suggestions. Selectman Coombs said that the goal is for the property to look somewhat like it looked before, and that the effort so far falls far short of what was discussed.

It was decided to include Town Engineer Dennis Quintal in the discussion, and to take a site walk, along with Mr. Quintal, on October 27 at 8:00 AM.

Kingston Days Committee Appointments

Annemarie Roth and Marline Fitton were present to meet the Selectmen. Both shared that they understood the need for help on the committee, and that several volunteers had left.

MOTION: by Selectman Coombs to accept both nominees for the Kingston Days Committee.

SECOND: by Selectman Briggs

All in favor.

PUBLIC COMMENT I:

None

OLD BUSINESS

Mass Mechanical Invoice/Estimate for Police Station HVAC

The Vice Chairman signed the estimate and invoice for this work to be done, as it had already been approved at the October 7 meeting.

Worker's Compensation 3-year Agreement/CAP

MOTION: by Selectman Briggs, to authorize the Vice Chair to sign the Worker's Compensation and Contribution Assurance Program agreement with Primex for a 3-year term ending December 31, 2022.

SECOND: by Selectman Wilson

Selectman St. James noted the 6-months difference in the lapse dates for the Worker's Compensation and the Property and Liability policies, and said that in January of 2022 the Town should package the policies for competitive bidding.

All in favor.

Construction Manager Contract (AIA Document):

It was agreed to discuss some legal points on this contract in non-public session before signing.

NEW BUSINESS

Municipal Aid

The Town has received a letter with information about funding in the State's budget for aid to municipalities.

MOTION: by Selectman Briggs, to apply the amount of \$56,654.36 received as unanticipated municipal aid from the state of New Hampshire to reduce the 2019 tax rate, and to appropriate the anticipated similar amount for 2020 into the 2020 budget.

SECOND: by Selectman Coombs

All in favor.

Sanborn Head

Noting that in a meeting last week, the Town's attorney recommended working with a consultant on the issue of PFAS contamination in the drinking water, the Selectmen reviewed a draft agreement with the firm Sanborn Head. Counsel had spoken with Chip Crocetti and recommended the firm. Selectman St. James noted that the agreement is for a \$5,000 budget and included a fee structure.

MOTION: By Selectman Briggs, to authorize the Vice Chair to sign an agreement with Sanborn Head & Associates, Inc., for technical consulting services with an initial budget amount of \$5,000, to be invoiced on a time and materials basis; budget extensions will require Board approval.

SECOND: by Selectman Wilson

Selectman Coombs voiced concern about the cost and how high it could go. He mentioned ongoing litigation over what is seen as an unfunded mandate to remediate drinking water contamination. It was pointed out that anything more than \$5,000 will need to be approved; Selectman Coombs said that the expenses include the initial \$1,500 consult and that this needs to be tracked.

All in favor.

Bottled Water - Discussion

The Selectmen discussed supplying bottled water to 16 households whose wells tested above the limit for PFAS in drinking water, as required by the DES per a letter dated October 4. It was agreed to discuss attorney recommendations on this in non-public session before making a decision.

Environmental Insurance Cost Recovery Agreement.

The Selectmen elected to add this topic to non-public session as it is related to the water issues.

COMMITTEE LIAISON REPORTS: None

PUBLIC COMMENT II: None

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS

- A code complaint was received regarding 11 Wadleigh Point Road. Selectman Briggs will go to the property to check boundary setbacks for a shed.
- Rockingham County has notified the Town that their 2019 Warrant for Kingston is in the amount of \$769,282. Payment is due by December 17, 2019.
- A notice of violation has been sent to a resident about a motorcycle shop being illegally operated in a residential zone.
- The 2019 MS-1 Summary of Inventory Valuation was signed by the Board.
- The agreement for work to be done on the Nichols Museum steps was signed, as agreed at the last meeting. This phase of the work will cost \$22,000.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman Briggs to approve the public and non-public meeting minutes of October 7, 2019, as written.

SECOND: by Selectman Wilson.

All in favor

Vice-Chairman St. James announced that on Wednesday, October 23 at 6:30 PM, a meeting with NH DES will be held at the Town Hall, subject matter to be the contamination of well water. He encouraged residents to attend with any questions they may have.

Non-Public Session

MOTION: Upon motion of Selectman Coombs, **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 (I) Legal advice.

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

The Board adjourned at 8:17 PM.

MOTION: Upon motion of Selectman Coombs, **SECOND** of Selectman Wilson, it was voted by roll call to return to public session at 8:50 PM.

In Favor: 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 would render a proposed action ineffective.

SECOND: by Selectman Briggs

All in favor via roll call vote.

MOTION: by Selectman St. James, to authorize the Vice Chair to sign a letter agreeing to retain Eisenstein Malanchuk, LLP, to pursue insurance payments for recovery of environmental costs that have been and may continue to be borne by the Town, understanding that payment will consist only of a percentage of gross recovery amounts.

SECOND: by Selectman Wilson

All in favor.

MOTION: by Selectman Wilson, to follow the lead of the Town's consultants and the DES mandate to supply water to 16 households identified as having PFAS levels over the new drinking water standards.

SECOND: by Selectman Briggs

In favor: St. James, Wilson, Briggs; **Opposed:** Coombs

MOTION: by Selectman Wilson, to authorize the Vice Chair to sign an agreement to contract with Bauen Corporation as Construction Manager for the Fire Station project, with terms as outlined and reviewed by legal counsel, which include a maximum of \$7,500 for pre-construction work and no further cost unless the project is approved by the voters at the 2020 Town Meeting.

SECOND: by Selectman Briggs

All in favor.

Adjournment:

MOTION: by Selectman Coombs to adjourn at 8:55

SECOND: by Selectman Wilson.

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant