

**Kingston, New Hampshire
Board of Selectmen
Meeting of November 4, 2019
FINAL MINUTES**

The meeting was called to order at 6:02 PM in the Meeting Room at the Town Hall.

PRESENT: Mark Heitz, Chairman; Kevin St. James, Vice-Chair; Phillip Coombs, Donald Briggs, Jr., Richard Wilson, Selectmen.

APPOINTMENTS:

Fire Station Building Committee - Building Plan Progress

Committee Chair Mark Furlong introduced members of the Fire Station Building Committee (FSBC), along with representatives from SMP Architects and Bauen Corporation who were present to discuss the proposed Fire Station building project. Representatives of several Town committees were in attendance.

FSBC member Kent Walker spoke on the topic of the land purchase/swap necessary to fit the building on the current lot. He then turned the discussion over to Anthony Mento of SMP Architects. Mr. Mento went through the "fit study", which took the building plans from the prior proposed site and reconfigured them to fit on the smaller footprint. Mr. Mento gave details of several rounds of revisions to change room sizes and orientation of the building, which have reduced the overall square footage from 16,230 to the current 13,903. He said that inefficiencies have been corrected and that the building still meets the needs of the fire department. Mr. Mento also said that SMP had looked at various components to try to keep the scale and cost of the building down, for instance, he said that an energy efficient wall system would be desirable but the cost will be taken into account.

Jeff Parks of Bauen Corporation spoke about the role of the Construction Manager. He said he would be developing a budget based on the plans, looking at physical components to get pricing numbers. He said the budget numbers will be needed for the warrant article, however, he will solicit no bids for the work until after the vote in March.

Selectman St. James asked about the functional use of the building, in years. Mr. Walker said it is meant to be a 50-year building, and that there is room for growth so that even though reductions have been made it is hoped to be a long term solution. Mr. Walker added that it would be necessary to keep the South Station, even though it is unmanned, because the new station is not in the center of town.

Details of the building plan were discussed, such as the cellar area for utilities, the mezzanine that can be used for training, and decontamination areas. It was pointed out that the department is moving from a call department to a 24-hour department, and that bunk rooms are needed. Mr. Walker went into more building detail options, emphasizing that they want a green, efficient building.

Chuck Hart gave an update on the financial aspects of the building. He said the finance subcommittee had included the Trustees of the Trust Fund and the Selectmen in the discussion on how to fund the project, and had identified four options:

- Use the Town's landfill fund to finance the entire project
- Use the landfill fund for a portion of the cost and finance the rest
- Bond the entire project
- Finance the entire project with bonds and use the landfill fund interest to reduce the bond payment

Mr. Hart said that the subcommittee recommends the fourth option. He also said that a bond counsel has been retained, who will help to write and approve the warrant article. He said the bond will be obtained through the NH Municipal Bond Bank if approved, which will require a 3/5 vote.

Lynn Merrill said that there is still concern about the contaminated soil and asked how decontamination would work. Mr. Walker said that the storage tank for containment that had to be built at the existing station can be used in the new building. He said that any contamination coming off the trucks or equipment is trapped in the tank and taken away.

Selectman Heitz mentioned that the rooms on the end of the building look like an addition and said he assumed this was done as a cost savings. Mr. Walker said that it was, but also that this is only an initial concept, not the building that will be built. Mr. Furlong said that a very conscious effort was made to keep the building at one level to avoid the cost of an elevator.

Electra Alessio asked if the flat roof was pragmatic, as there may be the need to shovel snow off it. Mr. Mento said that the roof will be engineered appropriately to take snow load into consideration; Chairman Heitz said that he assumes it will be designed so that snow removal will not be a maintenance requirement.

Mr. Furlong concluded by saying that the committee will be back with updates.

Tax Rate for 2019

The Selectmen reviewed a spreadsheet prepared by the Finance Officer and discussed how much fund balance should be used to offset the tax rate. Chairman Heitz observed that no matter what amount is chosen the Town will realize an increase in the tax rate.

After some comparison of rates, Selectman Briggs said he thought they should go with the lowest tax rate possible; Selectman Coombs agreed.

MOTION: by Selectman St. James, to spend \$800,000 from fund balance to offset the tax rate, which will reflect a 13- cent increase in the municipal rate and a 96- cent increase overall, for a tax rate of \$22.00 per thousand.

SECOND: by Selectman Briggs

In discussion, Selectman Coombs said he wanted to be sure the unanticipated revenue received from the state had been included in the figures; it was confirmed that the Finance Officer had included those funds.

It was also noted that the County rate had decreased by 1 cent, and the School rate had increased by 83 cents.

All in favor

Heritage Commission - RSA 79-E Community Revitalization Tax Relief Program

Debra Powers, Ernie Landry and Ellie Alessio were present to discuss a proposed warrant article to bring the option of tax relief for rehabilitation of qualifying structures to the voters. Ms. Powers, noting that the group had addressed the Selectmen 2 weeks ago and brought a lot of information at that time, said they were back to see what the Selectmen thought and if they might agree to put forward the article.

Ms. Powers went over the concept of the program, emphasizing that in order for a resident to be granted tax relief, they must demonstrate that their project benefits the public. She said there would be no obligation to give a tax break for fixing the interior of a home, for instance. Letters of approval are necessary, from a state historical architect and from the Historic District Commission or Heritage Commission, to state that the structure qualifies for the program. Ms. Powers said that this protection is in place and the Selectmen will make the decision on whether there is a proven public benefit to a given project. She said that in order to overturn a Selectmen's denial, it would have to be proven that they acted in bad faith, or that the decision was discriminatory.

Ellie Alessio said that this is a tool for the community to entice developers to invest in properties that are in serious disrepair. She said the benefit will be for buildings such as the Sanborn Seminary and the country store. Ms. Alessio said that someone is interested in the Seminary property and that having this provision in place will sweeten the pot. She said the renovation will be a costly proposition and that this could be an effective way to help the town move forward. It was noted that the article was put forward at the last minute last year, and almost passed, but the Heritage Commission would like to promote it more efficiently this year.

There was a discussion of the merits and details of the program, which would allow for the assessed value on a building to remain the same for a set number of years, then increase to reflect repair and improvement when the time is up. Ms. Alessio said that the number of years that an assessed value increase will be deferred on a qualified building is at the discretion of the Selectmen; the RSA only gives an upper limit of 13 years. Selectmen St. James, Briggs and Wilson agreed on the premise that the program would be a benefit to the town. Selectman Coombs said that he agreed if it were to concentrate on the two buildings discussed, but that his concern is that the board will be bogged down by requests from residential property owners. He referred back to the lawsuit over a barn easement, and said that it cost money and he does not want the board put into such a position again. Chairman Heitz asked what would happen if a resident wanted to change the outside of a house to be more historic and wanted those changes to be subsidized; he said the town could be sued. Ms. Powers said that the covenants are for the protection of the Town, and also that the revitalizing goal includes improving houses, that this is not a detriment. She also said there are stiff fines for not doing what is expected. Mr. Coppelman said that the intent is geared toward commercial development, and gave the Seadog restaurant in Exeter as a very successful use of

RSA 79-E. He said enough incentive was given to make the project viable, and that it is a real shot in the arm for the community to have the building back in use.

Selectman Coombs asked about buildings outside of Historic District 1, and people who might do the same work without qualifying for the benefit. Virginia Morse said that they are trying out HD1 first, and then will branch out if it is a success. Mr. Coppelman said this is the logical place to start as the focus is on downtown centers.

There was then a discussion of the placement of the warrant article itself.

MOTION: by Selectman Wilson, that the Selectmen submit a warrant article asking that the town adopt the Community Revitalization Tax Relief Incentive, as a Selectmen's Article.

SECOND: by Selectman St. James

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

PUBLIC COMMENT I:

Gaeton Dostie of 155 Main Street said he was here about the water situation in town, and wanted to know how it will affect his property value. He said he is currently drinking bottled water, that he had gotten a letter from the Town and a water delivery.

Chairman Heitz said he can't speak to property values, but gave a synopsis of the situation so far with PFAS contamination found in local wells. He said that PFAS are found in numerous products, including fire-fighting foam, and the State DES is operating under the assumption that the exceedances in properties around the fire station are from the station. He said that this is a state-wide problem, and testing has shown wells with higher levels of PFAS or PFOAS that are nowhere near a fire station. However, the Town is providing water to residents who are now over the newly adopted lower drinking water standards, at the mandate of the DES. Selectman St. James said that the acceptable level used to be 70 parts per trillion, and the state "arbitrarily" lowered it to 11 p.p.t., the lowest in the country.

Chairman Heitz pointed out that the bottled water is for drinking and cooking, that bathing in affected water is safe. He said that several towns have entered into lawsuits, and that he feels this may end in a suit such as that involving MBTE that resulted in large funds for cleanup and remediation. Meanwhile, the Town is acting in good faith and supplying water, which he said will continue until the next step is identified.

Selectman Coombs said that the science is not settled by any means. He said the levels fluctuate, and that the Board has hired expert consultants to help with identifying what, if anything, the Town is liable for.

OLD BUSINESS

Water Delivery to 17 Kingston households

As discussed under Public Comment, the water requested by the DES to be supplied to residents whose wells now show PFAS levels above the acceptable limit has been delivered. Those residents received a letter from Stantec about their test results, and a letter from the Town accompanying the water delivery.

Rockingham Planning Commission - Explanation of dues

The Selectmen have received a document from the Rockingham Planning Commission that explains some of what the Commission does for the dues the Town pays. Glenn Coppelman was present to answer questions as needed.

There was a brief discussion; the Selectmen asked Mr. Coppelman to thank Tim Roach of the RPC for the information.

Videotaping of Meetings

Selectman St. James said that it had come to his attention that older meetings are not left on YouTube. There was a conversation with Adam Faulconer, who said they are kept on file and can be added back on to YouTube. It was agreed that only recent meetings will be added on, starting with most recent and going back in time as time permits. There was also a brief discussion of the need for backups, and that \$20 may be needed for a second drive.

NEW BUSINESS

Public Rights of Way Ordinance - Invitation to participate in group representation

This invitation, from the Donahue, Tucker and Ciandella law firm to participate in group representation to form a comprehensive rights-of-way ordinance, was briefly discussed. Town Planner Glenn Greenwood will be obtaining more information, which will be brought to the Selectmen at the next meeting.

Purchasing Policy

The Selectmen reviewed and discussed some details of a draft purchasing policy prepared by Finance Officer Cindy Kenerson.

One revision was suggested, to add "Volunteer Committees" under \$0 to \$200 range for expense approval without a purchase order.

MOTION: by Selectman St. James, to approve and adopt the purchasing policy, as amended.

SECOND: by Selectman Coombs

In discussion, it was also agreed to add a line under "Purchasing Procedures" that reads, "The Board of Selectmen shall review the prepared manifest at a minimum of every two weeks."

All in favor.

Request from Sleep Institute regarding tree removal

A letter has been received from the owner of the Sleep Institute about a tree that fell on the property. The owner has requested that the town consider splitting the cost of the tree removal. Selectman Coombs said that the town does not own that part of the property and it is three trees in from the road, so he does not believe it is in the town's right-of-way.

Selectman Briggs said he had gone out to see the tree, and as the owner is talking about taking down more than one tree, as they are threatening her parking area, he told her she would need to pull her site plan to see what is required to be left as a buffer.

It was decided to have Highway employees take a look at the trees in question. The owner will be advised not to hire anyone to take out the trees until more information is collected.

COMMITTEE LIAISON REPORTS

Conservation Commission: Selectman Wilson said that he will need someone to fill in at the next meeting.

Budget Committee: Selectman St. James said that the milfoil control expenditure is being added as a line item on the budget rather than as a warrant article as in years past. Selectman Wilson noted that it has been well supported over the last 3 years.

Inspectors' Meeting: Selectman Coombs said that a spreadsheet of all permits issued, prepared by Permitting/Assessing Clerk Tori Dobrowolski, is now being shared with all inspectors on a biweekly basis. He said that if anyone wants to be included on the mail list should let Ms. Dobrowolski know.

Selectman Coombs said that Jack's Towing still has no occupancy permit, and Selectman Briggs suggested sending a letter of violation. In discussion it was noted that Town Planner Glenn Greenwood was to do another site visit, and a letter will be prepared for the next meeting, pending a response from Mr. Greenwood.

Selectman Coombs also said that work is being done on putting together new permit fees, based on what other towns are doing. He said a longer meeting will be held to complete a new fee structure.

PUBLIC COMMENT II: Mary Cyr said she had looked at YouTube for meetings and saw there was very little there, only a couple of special meetings and the most current. There was a discussion of this matter, which was discussed with technician Adam Faulconer. Ms. Cyr suggested a link on the website to YouTube.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS

- A request for a refund for a Veteran's vanity license plate was approved, after the explanation for the refund (these are free to veterans per statute, and the charge was applied by mistake) from the Town Clerk was reviewed.
- A bill has been received for computer work at the museum, where the computers were recently hacked.
- A notice of a class action suit seeking relief for costs associated with opioid abuse was reviewed. The Town will be included unless it decided to opt out.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman Briggs to approve the public and non-public meeting minutes of October 28, 2019, as written.

SECOND: by Selectman Wilson.

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

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 (b) and (c): The hiring of any person as a public employee, and matters which, if discussed in public, would likely adversely affect the reputation of any person other than a member of this board.

In Favor: Heitz, Briggs, Coombs, St. James, Wilson; Motion passed.
The Board adjourned at 9:00 PM.

MOTION: Upon motion of Selectman Coombs, **SECOND** of Selectman Wilson, it was voted by roll call to return to public session at 9:59 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.

Topics discussed in non-public session:

Personnel matters.

Adjournment:

MOTION: by Selectman Coombs to adjourn at 10:05 PM

SECOND: by Selectman Briggs.

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant