

**Kingston, New Hampshire
Board of Selectmen
Meeting of December 09, 2019
FINAL MINUTES**

The meeting was called to order at 6:00 PM in the Meeting Room at the Town Hall.

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

MOTION: by Selectman St. James, to go into non-public session under RSA 91-A:3, II(b): Hiring of any person as a public employee.

SECOND: by Selectman Coombs

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

The Board adjourned to Non-public session at 6:05 PM

MOTION: Upon motion of Selectman Coombs, **SECOND** of Selectman Wilson, it was voted by roll call to return to public session at 7:00 PM.

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

Discussed in non-public:

Fire Chief contract

APPOINTMENTS:

Library Trustees - Building and Grounds

Library Director Rebekkah Mateyk and Library Trustee Ellen Faulconer addressed the board to inform them of an issue with a cracking sidewalk at the library. Ms. Faulconer said that they had discussed repair options with Tom Roughan of the Building Maintenance department. She added that while the library has the money to proceed, they want to include the Selectmen in the decision as the library is a Town building. She said the total cost will be \$5,500. They would like to enter into a contract before the end of the year, for work to be done in 2020.

There was a brief discussion of the details of the work to be done, and the Selectmen agreed that once Road Agent Rich St. Hilaire has reviewed the plan for the job they have no problem with it going forward.

On a related subject, Ms. Faulconer said that the Trustees would also like the Board to be on the same page with them regarding responsibility for any large exterior repairs to the library building in the future. The question was whether the Trustees should plan ahead in the form of a Library Capital Reserve fund, or if the library would take funding for such repairs from the Town Buildings budget line. Board members discussed this and concluded that it makes the most financial sense to use the Town Buildings line for all town buildings.

Fire Station Building Committee
Draft Warrant Article

Mark Furlong, Kent Walker, Chuck Hart and Graham Pellerin were present to discuss progress in budgeting and preparing a Warrant Article for the proposed fire station. Mr. Furlong said that the Warrant Article presented to the Board this evening has been reviewed by both the Department of Revenue Administration and Bond Counsel. He later added that if the Budget Committee does not approve the article, it cannot pass. He said that the DRA had told them if that happens, a viable option would be to add language to override the Budget Committee.

Chairman Heitz asked how much money is available in Fire Department Capital Reserve funds, and Mr. Furlong reported that the balance is at around \$275,000 and updated numbers will be available soon. This money will be used to decrease the amount of the bond for the project. Mr. Furlong said that the timeline for the bond hearing and submitting the article is tight, but that they feel they can meet the necessary deadlines. They have met with SMP Architects and Bauen, the construction management firm, and will have a firm budget on December 23. The deadlines were reviewed; Mr. Furlong said that they will bring the article in as soon as possible.

There was a discussion of water supply for the sprinkler system at the new building. Kent Walker described the two options as either running a pipe from the Sanborn Seminary, or putting in a new cistern and pump at the fire station. Mr. Walker said he had talked with Road Agent Rich St. Hilaire about costs. Estimates are \$318,000 for a whole new system or \$88,000 (or less) to tap off the old system.

Selectman St. James said that the old system is already outdated, and the Sanborn Seminary may soon be private property. Chairman Heitz said he would recommend planning for the cost of a new system, not knowing what will happen with the Sanborn building. All were in agreement that a new system is the best choice.

Chuck Hart then discussed terms and rates for a bond. He said that this year the rate for 20 years is 2.6%. The Selectmen reviewed various options on a printout supplied by Mr. Hart. Selectman St. James said he thought a 20-year term is best for the taxpayers. Mr. Hart also revisited the options for payment discussed at prior meetings, the consensus being that using interest from the Infrastructure (landfill) fund toward the bond payment would be a good option for reducing the tax impact. Chairman Heitz said he thought this could be approved at a public hearing, but will look into whether the Board has this authority.

Granite Fields Homeowners Association

Duane Brown, 19 Bent Grass Circle, introduced himself as the Chair of the Homeowners Association, and said that the purpose of this request to meet with the Selectmen was to open a line of communication in order to work with the Town on issues affecting their neighborhood. Mr. Brown said he is aware that the lawsuit that has held up work on the subdivision was found in the Town's favor, and said that there are things that need to be accomplished in short order, as the residents are concerned about property values.

Chairman Heitz, noting that the Selectmen are the enforcement branch for the Planning Board, went through the process that took place to date that ended in the court case. He said that at this time, the builder needs to adhere to the original site plan, which could mean for one thing that a building will need to be removed. He said that he does not think the court's finding precludes the builder returning to the Planning Board for an amended site plan.

Mr. Brown said that he is not here for the builder, but to let the board know the association would like to help facilitate the remedies. Selectman St. James said that the biggest issues involve drainage on the site and that swales may need to be added. Mr. Brown said that surveyors found an issue with power lines having been buried in areas where the swales were to go. There was a brief discussion of drainage problems and Selectman St. James said that these requirements are part of the MS-4 Stormwater Management permit. He said that the Town is responsible for storm water management and these requirements must be met.

Tony Veligor, 25 Bent Grass Circle, wanted to know what the next steps would be; Selectman Coombs said that the Planning Board had not met to discuss this, but that the association would be kept in the loop. Enforcement is spelled out in the original notice of violation, but it will be up to the Planning Board and Town Engineer to work with any revised plans that are submitted.

Janet Saunders - 2 King Pine Way

Ms. Saunders appeared with her husband, Peter Saunders. She said that she was trying to get a statement of "simple fact" from town records regarding tax payments on the property. Chairman Heitz asked if she is the owner of the property, and Ms. Saunders said no; asked why she is here, Ms. Saunders said she is defending the title.

There was a discussion of what information she was trying to elicit. Ms. Saunders said she did not want to know if the bills were paid, and that she knows who paid them. She said she wants to know who didn't pay them, and named Wells Fargo Bank. Chairman Heitz said he is unsure if information about who pays a bill is public record, or if it would be in the Town's interest to issue a statement that is not backed up by public records. Town Counsel will be consulted on this matter.

Request for placement of Taxpayers Association Video on Town Cable Channel

Members Annie Collyer, Mary Cyr and Jim Baker of the Newton-Kingston Taxpayers Association were present to talk about this request; Selectman St. James said they had approached him during the week, and asked that the matter be discussed at this time. He recapped how this was handled last year, when the videos were not approved pending the creation of a policy governing the cable channel, and that at the time the videos were also thought to be too long.

Jim Baker of the NKTA said that they brought a presentation to the Board last February, but the Town could not do the videos at the time. He said that if this is a Public Access service, the Town has to make it available to the public. The content of the videos (which were publicized in a link in a Cable "bulletin board" slide for the NKTA last year)

was described as non-political information on the budget process. Mr. Baker said they were created by the Association and have appeared on the Newton cable station for 3 or 4 years now. He said the purpose is to educate people who don't know how local voting works and to get people involved. Chairman Heitz asked if the videos had been viewed by the NH Department of Revenue Administration, as his concern is that the information is factual. They had not been reviewed by the DRA, but several of the Selectmen said they had seen them and they are not controversial.

What file format would be required (MP4) was confirmed with Video Technician Adam Faulconer. Ms. Cyr thanked those Selectmen who had watched the videos for confirming they are educational. She asked when they can be put on the cable channel. It was agreed that the Association will submit a formal request to the Selectmen's office and the matter will be decided next week.

PUBLIC COMMENT I: Mary Cyr said she was encouraged to see the progress made by the Fire Station Building Committee. She mentioned a pending warrant article requesting that the tax impact of all warrant articles be published on the ballot, and asked what the tax impact of the fire station article is shaping up to be. Selectman St. James said that more will be known once they have their budget in place, and he would rather not spread misinformation.

OLD BUSINESS

NEW BUSINESS

PFAS/PFOAS Court Decision

Selectman St. James spoke to an order recently issued by the Merrimack Superior Court where several parties (Plymouth Village Water & Sewer District, Resource Management, Inc., and Charles G. Hansen and 3M Company) had brought a lawsuit against the Commissioner of NH Department of Environmental Services. The Plaintiffs sought preliminary injunctive relief to stop NH DES from enforcing recently adopted rules lowering the Maximum Containment Levels for PFOA and PFOS in drinking water. The Court had granted this preliminary relief, which will cause NH DES to perform a cost and benefit analysis before they can implement the new rules. However, citing the complex legal issues, public health concerns and expense imposed by the new rules, the court also stayed the order until December 31 in order that either side may seek review of the decision.

The Board discussed the implications of this court order and its delayed implementation on the Town. Budgeting for continued testing, providing bottles water to affected residents, and hiring consultants was discussed as problematic. The current round of testing being performed by Stantec was discussed; a purchase order for \$24,000 has been received, along with a separate contract agreement for the month, as the contract for three rounds of testing in 2019 has been completed.

The Selectmen were in agreement that the December testing must go forward, that the Town is committed to this. The Stantec contract and purchase order were approved. It was decided to meet with town counsel and consultants from Sanborn Head for help

with preparing a Request for Proposals for testing to be done in 2020, and also for help in understanding the scope of work to be budgeted for.

COMMITTEE LIAISON REPORTS:

Conservation: Selectman Wilson said that discussion at the Conservation meeting was mainly on the topic of insurance, for coverage on the trails and anything that may happen involving the town's ATV. He said that he will be working with Finance Director Cindy Kenerson to develop a waiver, which he will bring back to the Board. He said that another issue discussed had to do with the appointment of subcommittees. It was agreed that this is within the authority of the committees, as long as they include any such appointments in their meeting minutes.

Envision Kingston II: Selectman Wilson reported that this committee is looking into matching grants and wants to know if the money in the Transportation Improvement fund, which has been there without being used for 30 years, can be used. Selectman Briggs said that this was to have been for New Boston Road traffic lights, a specific purpose. Selectman St. James said that it was looked at last year and he believes the Selectmen are agents to expend. Selectman Wilson said that the grant is wanted to pay for a study of sidewalks, a one-way traffic plan, and the straightening of intersections.

Inspectors: Selectman Coombs said that a question had come up about whether or not to charge for permits for school projects, the question was whether this was a one-project waiver or for all school permits. After some discussion, it was agreed that the understanding was that school permits should be without fees, especially in light of the computer help the town gets from school IT staff.

Finance: Selectman Briggs reported that he had met with two attorneys researching town insurance for past environmental coverage that might be used for current costs of remediating water contamination. He noted that he had discovered that much of the fire-fighting foam that had been used by the fire department had been supplied by Pease Air Force base for free, to be available in the event of a plane crash.

PUBLIC COMMENT II: None heard.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS

- A request for using a metal detector on the Plains was approved.
- School facility use forms were signed by the Chairman for use of the Swasey gym for four elections taking place in 2020.
- One veterans credit application was approved.
- A letter received from the NH DOT regarding a crosswalk at the high school across state Route 111 was read by the Chairman. Selectman Briggs will review the number of pedestrians that cross there; Selectman Coombs will forward the letter to the School Administrative Unit.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman St. James to approve the public and non-public meeting minutes of November 25, 2019, as written.

SECOND: by Selectman Wilson.

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

Budget 2020:

It was decided to review the Selectmen's budget with changes made at Budget Committee meetings in a work shop following the televised meeting.

The Televised portion of the meeting ended at 9:05 PM in order to conduct this workshop and also to address a personnel issue in non-public session.

Budget discussion took place, after which the Board adjourned to 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 (a): The dismissal, promotion or compensation of any public employee or the disciplining of such employee.

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

The Board adjourned at 9:45 PM.

MOTION: Upon motion of Selectman Wilson, **SECOND** of Selectman Coombs, it was voted by roll call to return to public session at 10:15 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 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 St. James to adjourn at 10:15 PM

SECOND: by Selectman Briggs.

All in favor.

Respectfully submitted,
Susan Ayer
Administrative Assistant