

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of January 13, 2020  
FINAL MINUTES**

The meeting was called to order at 7:00 PM in the Meeting Room at the Town Hall.

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

**PUBLIC HEARING: On bonding of a proposed warrant article for the purpose of building a new fire station on Town owned land at 148 Main St (behind current fire station).**

Members of the Fire Station Building Committee gave a presentation on the proposed fire station, the funding for which will be addressed in this bond warrant article. The Committee members were introduced by Chairman Mark Furlong; they include Chuck Hart, William Sullivan, Kevin St. James as Selectmen's Representative, Kent Walker, Graham Pellerin, Rich St. Hilaire, and Tom Roughan.

A power point presentation was narrated by Chief Pellerin, Mr. Walker and Mr. Hart. Topics covered included the inadequacies and problems with the old station, the need for a new station, overview of the department, an overview of the project, budget development and financing.

Chairman Heitz then opened the meeting to public comment.

Mary Cyr thanked the committee for their work, and then asked how much money is available in interest and dividends in the town's Infrastructure Fund that could be appropriated for this use. Trustee of the Trust Fund Brad Maxwell was present and said that interest available at the end of November was \$293,566. Chairman Heitz said that this number could be confusing. He said that the fund was originally set up with 6 million dollars, and then the library took 2 million dollars. The original principal could not be invaded without a town vote. Mr. Maxwell said that money has been added to the principal, so that not all interest is available as income. Chairman Heitz said he had been looking at this differently, that the original principal of 4 million would remain, and earnings above that would be usable. Ms. Cyr said that there had been talk of using some of this money to offset the cost of the fire station, but that the last decision of the board was to forego that and bond the entire amount. Chairman Heitz said that it is still a viable option, but that Board feeling had been that the voters should be made aware of the full impact by bonding the full amount, and then some offsetting of the amount could be looked at by using some of the interest.

Rich St. Hilaire mentioned that \$700,000 had been taken out for the highway garage, and Chairman Heitz said he did not think there had been a warrant article at that time. He said that he thought that whatever was in excess of the \$4 million of principal was available to be used with a public hearing. Mr. Maxwell said that the amount in the

account at the end of 2019 was \$5,430,000, and that includes the \$293,000 of interest he cited earlier.

Mathew Steer asked if the building plan can be added onto as needed in the future. Mr. Walker answered that they see no need to expand, that the building has been designed for 50 years. He said it is designed for four employees per shift, which they do not currently have.

Mr. Steer also asked what the intent is for the South Street station. Chief Pellerin said that it is currently mainly for storage and two engines. He said that due to midline calls that do respond there, it would be kept open with one engine. Aside from taking the air system from the old station to use there and putting in a shower and other small improvements, little would be done there.

Mr. Steer asked why the department is moving to 24-hour shifts when no neighboring towns have that. Chief Pellerin said that when he took over, staffing was a problem, calls were being missed and the response time was upward of 20 or 30 minutes waiting for Epping. He said that losing Chief Seaman and his wife, it was necessary to go to 24/7 shifts to cover the calls, which are about 1,000 per year. He said that Epping also has a 24-hour department, with a comparable number of residents.

Mr. Pellerin said they went to the budget committee to ask for additional money; as they were able to use money from funds not usually used, the budget went up around 10%.

Ellen Faulconer asked if there is a possible procedure to fund the new fire station half through a bond and half through the infrastructure fund. Chairman Heitz said that the board would have to revisit the matter, as they had made a determination not to use it.

**MOTION:** by Selectman Briggs, to reopen the conversation on whether or not to use the infrastructure fund toward the fire station building.

**SECOND:** by Selectman St. James.

**All in favor.**

In discussion, Selectman Briggs said that he had heard from residents since that meeting who think the fund was set up for this purpose and it should be used to offset taxes. He said he thinks it should be considered. Selectman Wilson agreed, saying he voted for it before.

Selectman St. James questioned how much should be used. Selectman Briggs said that it should not be more than 50%, as the funds may be needed in the future for another purpose. Selectman St. James suggested that 2.6 million could be used to offset the bond, leaving 3 million to be bonded.

Mr. Maxwell was asked to clarify the numbers. Mr. Maxwell said that the rate of increase of the last year was 18% but it won't do that every year. The bond rate is 2.5 %. He added that there is always the option in the future of using the interest.

Selectman Wilson said that it does not make financial sense to break into the fund, except for the taxpayer who does not want his taxes to go up.

Selectman St. James took a moment to thank Chairman Heitz for thinking of how to come up with this money in the first place. He said it had already benefited the library

and the highway department, and infrastructure was the purpose it was set up for. He said it makes sense to use it but not drain it.

Selectman Coombs asked Mr. St. Hilaire what it will take to maintain the landfill into the future. Selectman St. James said there is a separate account for maintenance of the landfill.

Mr. St. Hilaire said that the actual “dump fund” for maintenance and emergency repairs at the landfill stands at around 1.7 million. He said it started with 1 million, and was mandated by the state as part of the closure plan. He said they test the air and water at the landfill 3 or 4 times per year, and the air quality has vastly improved. He said there has only been one repair since 2004, however there is always the potential for something to come up such as PFOAS. He said that if anything ever happened that required the trash to have to be moved to repair the cover or put a runner underneath, would cost millions of dollars, more than is available from the infrastructure fund anyway.

Selectman Coombs said that is why he voted against using the fund for the fire station. He said he considered the 18% interest being earned as opposed to the 2.5% bond payment interest, along with the need for contingency funds should something happen such as PFOA contamination that could bankrupt the town, and felt it was prudent to have the money on hand. He said that, however, he had not known about other fund set aside specifically for maintenance and repairs of the dump, so he would be in favor of putting 2.6 million dollars into the fire station as long as those contingencies are in place for the dump.

Mr. Hart addressed the issue of affecting the bonding of the fire station, saying that the article will not be affected. He said that the fire station bonding article could pass and the use of the infrastructure fund might not. Voters could decide not to use the fund for this purpose.

Chairman Heitz said that it makes more sense to him to borrow money at 2.5% and use the yield from the infrastructure fund to offset the cost of the bond each year. He said that even if the fund goes down to a more normal yield such as 7% it could be voted by public hearing to use the full interest each year. He pointed out that this past year, \$700,000 was applied to offset taxes, otherwise the rate would have gone up an additional dollar per thousand. He said the same could be done to offset the bond payment.

Ms. Faulconer pointed out that the board may or may not vote to offset the payment in the future, and that it may not happen every year. She said that setting this up for the taxpayers now, it gives a clear indication of how much money they will need to spend. She commended Chairman Heitz for the foresight he showed in setting up the fund. She said at that time, the money that would have offset taxes went into the fund. She said she feels the money has been raised to build a fire station. She said it is a great idea to save some, but a benefit to the taxpayer to use some as well.

**MOTION:** by Selectman St. James, to use \$2,595,602 of the infrastructure fund to reduce the bond to \$3,000,000 and leave a balance of approximately \$4,000,000 in the fund.

**SECOND:** by Selectman Briggs

There was a continued discussion on the bond article, and Mr. Furlong said it should be left as-is, “not to exceed” \$5,595,602. He said then there will need to be two additional articles, one to revoke the infrastructure fund to take the money out, and then one to recreate and refund the infrastructure fund. He said this is the way it was done for the library. Mr. Maxwell mentioned that there is a rule about 10% of a budget coming from warrant articles; it got very complicated and that if this gets too complicated, nothing will get passed.

There was a discussion on whether to restate the motion and whether to meet again in order to make any corrections to the details.

**MOTION:** by Selectman St. James, restated: to remove \$2,595,602 from the Infrastructure Fund to help offset the costs of the proposed fire station.

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

**Motion passed.**

The Chairman closed the public hearing at this time.

## **APPOINTMENTS:**

### **Library Trustees**

Ellen Faulconer and Library Director Rebekah Mateyk had asked to talk to the Selectmen about the solar array they have planned for the library. Ms. Faulconer said that they had heard from the Department of Revenue Administration that they do not need a warrant article for this solar project, as there is no funding involved. She said they would like a vote from the Selectmen to be sure.

The Selectmen were in consensus that the library will not need to submit a warrant article, and can get started on the project whenever they are ready.

### **Fire Station Bond Article**

Mr. Furlong presented the Selectmen with the finalized warrant article with the numbers filled in. There was some discussion of additional warrant articles now needed to use the infrastructure fund, and wording that will be needed to reduce confusion.

## **PUBLIC COMMENT I:**

Leslie Hume asked to comment and gave some history about the bonding done for the library. She said the project should be fully financed in the bond article with Selectmen support. In order to take money out there will have to be three warrant articles and all must pass. The bond article will stand on its own, and if it fails, all fail.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **Review Selectmen’s Warrant Articles**

The Board reviewed the warrant articles in order (acknowledging that the numbering will change) and took the following actions:

**Article 6:** The default budget numbers prepared by the Finance Officer were reviewed.

**MOTION:** by Selectman St. James to approve the default budget in the amount of \$5,927,089.

**SECOND:** by Selectman Briggs.

**All in favor.**

**Article 12:** It was agreed to use the lower estimate of \$29,106 for this article asking for funding for soundproofing.

**Article 13:** This article proposed for audio visual items was withdrawn at this time.

**Article 18:** In discussion, it was noted that any estimated tax impact notation on warrant articles will be just that, an estimate.

**Article 19:** If approved, the change of the Highway Agent position from elected to appointed will take effect in 2021 when the current term is up.

**Article 20:** Selectman Coombs explained that after discussion at Inspector's meetings, it was decided that in order to allow simplification of the fee structure, it needed to be removed from the ordinance so that changes do not need to go to the voters every time.

### **Double power poles**

Selectman Briggs explained that this is about power poles that have been doubled up instead of being replaced, and are not being taxed appropriately. He said that Consolidated Communications owns the poles and has the responsibility for replacing them, but outright refuses to do so unless court ordered. He said they are on an inventory, and taxes are paid on only one. There are 33 sets on the current list. It was agreed to have Selectman Briggs try to resolve this with Consolidated.

### **Fees for use of Town property/Special Events**

Selectman Coombs had taken the fee schedule that Exeter uses for comparison, after previous events showed the need for a better policy to approach event fees. He said that, for example, out of town people wanting to use the bandstand for a wedding should be charged differently than a taxpayer with the same request. It was agreed that the Exeter format is a good one and Selectman Coombs will start plugging in suggested numbers for the board to review.

### **Assessing: Cyclical Revaluation procedures**

The recent complaints received from residents about the assessor conducting property inspections were discussed. The Selectmen's administrator had reached out to KRT Appraisal, who are under contract with the Town to maintain the assessing records, to try to resolve the issue of whether or not it is legal for the assessor to measure the outside of a property if no one is home or does not answer the door. The assessor carries identification and a letter from the town, but has surprised some residents who did not know he was coming or was on their property. Information has been added to the website and KRT has been asked to send cards to residents to alert them that the assessor will be stopping by. As for the issue of whether or not the outside can be measured or photographed when no one is home, the former assessor will be asked how they did it. In addition, DRA will be contacted about the authority of assessors to

access property. It was agreed that this task is vital to keeping property records up to date.

### **Temporary Certificate of Occupancy/Waiver, 35 Marshall Road**

The matter of a new home with a driveway that is out of compliance was discussed. For several reasons, the fact that this driveway is too steep to meet Town regulations was not discovered until the owner was seeking an occupancy permit. The owner's attorney has suggested a waiver in order to allow the owners to move in pending work to be done to remedy the problem in the spring.

Town Counsel has been asked for an opinion, and this has not been received to date; however, his first impression relayed in a phone conversation was that this represented liability for the town if emergency vehicles could not get to the home. Selectman Coombs said that the owner also would be unable to get homeowners' insurance.

There was a discussion of details and information gained by fire, police and highway officials who have gone out to assess the driveway. The slope is currently far over the acceptable level of 10, but the driveway contractor, who has already been given a deposit, feels he can get it to around 12. Apparently one issue was that the owner thought he only needed it to be 15. The Fire Chief was able to get a large truck up to the house, but the Police Chief found the driveway unnegotiable for his cruiser on an icy day.

The waiver offered by the owner's attorney would hold the town harmless from "any claim of any nature", and would stay in force until the driveway is graded to a percentage less than 14% and a permanent Certificate of Occupancy is issued. There was concern whether this would truly protect the town. On the other hand, Selectman Coombs said that it is one of those things that fell through the cracks that the inspectors are trying to prevent from happening in the future; however, he said it is not the Town's job to tell people they can't move into their house. It was also noted that only the ZBA can waive an ordinance. Another alternative stated was to hold the CO until the driveway is acceptable.

It was decided to take no action and wait for further guidance from Town Counsel.

### **COMMITTEE LIAISON REPORTS:**

Selectmen St. James reported that the Volunteer Fire Association will put in application to hold a beer fest on the Plains on July 13<sup>th</sup>, 2020.

**Inspectors:** Selectman Coombs said at the last inspectors meeting, they reviewed a spreadsheet of surrounding towns, and tried to create a spreadsheet of fees. This is where they ran into the problem of ordinance vs. regulations, and suggested the warrant article to remove fees from the ordinance.

Selectman Coombs also said they are finding that there is a problem of communication between inspectors, each doing their own piece of the work with no notation in folders or conversation. He said that Assessing/Permitting Clerk Tori Dobrowolski is researching software that would allow each inspector to have real time input and a clear paper trail to do the best job for residents. This discussion is in early stages, but would involve the purchase of an ipad for each inspector.

## **PUBLIC COMMENT II:**

Mary Cyr commented that she wanted to hear more about the warrant articles, but was mainly interested to know that the article to include tax impact on future warrants was included. She also said she was glad the acoustics are being addressed, as it is hard for people at home to hear what is going on. Selectman St. James explained how the panels would work to address the reverb rate in the room, and the difference in prices. Ms. Cyr also said she appreciated that the Selectmen are considering a supplemental article to dip into the infrastructure fund and that she felt this was sensitive to taxpayers. Selectman Coombs said that although he would counter that the tax impact could be eliminated by using the interest on the account each year, given that with a change of board members this might be unpredictable, he felt this was a happy medium.

## **Newton-Kingston Taxpayer Association Videos**

The Selectmen reviewed a list of concerns shared by video technician Adam Faulconer. When he went to upload the videos to the cable channel, Mr. Faulconer had reported that the format of the videos is not one he can use; he also shared some observations of the content with a Selectman. He was asked to make a list of anything that may need changing.

Selectman St. James said he had watched the videos but did not pick them apart and thought they were innocuous. However, the Selectmen agreed that some of the points on the list should be brought to the attention of the NKTA before the videos are aired. The Association will be asked to change the videos and also to send them in the proper format.

## **2020 Revenue Projection**

Revenue projection for 2020 received from the Finance Officer was reviewed, showing offsetting revenue that is collected.

**MOTION:** by Selectman St. James, to approve the revenue total for the 2020 budget of \$2,482,260.

**SECOND:** by Selectman Wilson

**All in favor**

## **Land Use Change Tax**

Forms and Assessor recommendations have been received to remove Current Use classification and generate a land use change tax for properties at Map R34 Lot 61-1 and Map R41 Lot 20. The Selectmen approved and signed both documents for processing.

## **Records Retention Policy**

The Town's Records Retention Policy update has been completed and now includes a section addressing electronic records.

**MOTION:** by Selectman Briggs to adopt the Kingston Records Retention Policy as written.

**SECOND:** by Selectman St. James

**All in favor**

**APPROVAL OF MEETING MINUTES:**

**MOTION:** by Selectman St James to approve the public and non-public meeting minutes of January 6, 2020 as written.

**SECOND:** by Selectman Briggs.

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

**MOTION:** by Selectman Coombs, to go into non-public session under RSA 91-A:3, II(I):  
Legal advice

**SECOND:** by Selectman Wilson

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

The Board adjourned to Non-public session at 10:02 PM

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

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

**Discussed in non-public:**

Legal advice

**Adjournment:**

**MOTION:** by Selectman Briggs to adjourn at 10:16 PM

**SECOND:** by Selectman Coombs

**All in favor.**

Respectfully submitted,  
Susan Ayer  
Administrative Assistant