

**Kingston, New Hampshire
Board of Selectmen
Meeting of February 10, 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

APPOINTMENTS:

Scott Panfilis, Terry Jamro, 35 Marshall Road re: driveway

Mr. Panfilis and Mr. Jamro were back to see the Selectmen along with their attorney, Caitlin M. Masys. Attorney Masys said that following the last meeting, her clients secured a bond, and have brought it tonight, along with a copy of the certified check given as a down payment to their paving company.

Selectman St. James asked if the contractor that will be doing the excavation work is comfortable with the plan, and was told that the excavator had met with the surveyor and also with Town Engineer Dennis Quintal, and all were in agreement that the plan as previously presented can be met. The schedule for the work will depend on the weather, but it will begin as soon as possible.

Chairman Heitz looked at the \$5,000 bond, which lists the town as Obligee, has an effective date of February 10, 2020, and runs for one year.

MOTION: by Selectman St. James, to approve a temporary occupancy permit for 35 Marshall Road, by signing the Agreement with Release of Municipal Liability and Responsibility.

SECOND: by Selectman Briggs

All in favor.

Pete LaChappelle, Waste Management

Mr. LaChappelle, Waste Management's Public Sector Representative for New England, was present to discuss the matter of Waste Management having raised the rate for recycling pickup in 2018. The town has continued paying the original contracted rate, after consulting counsel, on the belief that the reason given for the increase was not covered by the section of the contract cited as allowing increases for "unusual changes or costs".

A letter from Waste Management's attorney had been received in March of 2019, giving the case for increasing the rates and suggesting that if the town did not agree, the matter should go to arbitration. The Town had at that time remained committed to staying with the original contract rates. Mr. LaChappelle said that he would have followed up sooner, but had thought, from looking at their accounting system, that the town had paid the new amount on the invoices. He said that at this point, Waste Management and the Town appear to be at an impasse.

Mr. LaChappelle gave the reasons behind the increase, saying that with China no longer taking as much recycling, and several landfills nearing closure, disposing of trash and recycling is a huge issue in New England. He said that the area has lost over 2 million tons of capacity, and communities need to pay their fair share to dispose of trash and recycling.

Chairman Heitz said that people are under the impression that trash and recycling are being disposed of in the same place. Mr. LaChappelle said that is not true, and invited the board to tour Waste Management's recycling facility in Billerica. He said that the problem lies in people putting things into the recycling bin that do not belong there. He said they get things such as diapers and bowling balls, and at the facility there is a large pile of things that can't be recycled that need to be disposed of.

Back to the matter at hand, Mr. LaChappelle said that the letter from the attorney is where his company stands. Chairman Heitz said that Town Counsel has looked at the letter and agrees with the Board that the paragraph in the contract refers to something like the state imposing a surcharge, or something else totally unexpected. He said that the problem with China has been going on for a number of years, and the company should have been aware of that. Mr. LaChappelle said that they saw it coming but did not foresee this level; the paragraph was added to address this.

Mr. Heitz said that he will turn the matter over to the town's attorney again to see if his opinion has changed.

PUBLIC COMMENT I: None heard.

OLD BUSINESS

Certified Local Government Grant, Heritage Commission

The Selectmen reviewed the application for this grant, the purpose of which will be to hire a consultant to help place the Plains Cemetery on the National Register of Historic places. The Board had agreed to approve it at the last meeting.

MOTION: by Selectman Wilson, to authorize the Chairman to sign the Certified Local Government grant application document.

SECOND: by Selectman Briggs

All in favor

Tree Cutter James Anderson

Mr. Anderson had asked earlier in the day to appear before the Selectmen. He said he was here to apologize for not showing up two weeks ago when he had been on the agenda. He said he had been arrested, but nothing to do with tree cutting.

There was a discussion of the problems with Mr. Anderson and associates cutting hardwood trees when asked not to, cutting on Town land, and leaving brush behind. Mr. Heitz said that the mess will need to be cleaned up, and that Mr. Anderson needs to clearly delineate where property lines are, before any further cutting will be allowed. That two of his customers had been in to see the Selectmen and are waiting for hazardous trees to be removed was noted; Mr. Anderson said he is now working at 8

Great Pond Road. He said he could burn at night to get rid of the brush, as there is snow on the ground.

It was agreed that Mr. Anderson will stay in contact with Rich St. Hilaire as the town's tree warden, that Selectman Briggs will make regular checks on progress, and that before doing any burning, a permit will need to be obtained from the Fire Department.

NEW BUSINESS

Rockingham Planning Commission Road Surface Management Program

An invitation to join in this program for assessing road conditions and planning repairs has been received. Chairman Heitz said he had talked to Road Agent Rich St. Hilaire earlier in the day, and had been told he already does this on his own. The Administrative Assistant will notify the RPC that Kingston will not be joining in the program.

Request for financial files

The Finance Director has received a request from John Ingalls' attorney for copies of all the financial files relating to Solar Hills Estates. There was no objection to this; Ms. Kenerson will be authorized to release the information.

All American Assisted Living - Engineering bond

A request has been received for the balance of this bond to be released as the project is completed. Chairman Heitz said that typically the Board requires a request from the Planning Board for release of construction bonds. It was decided to send it back to them, to ensure all the work is done. Selectman Coombs said he would also bring up the matter at the inspectors' meeting on Thursday.

COMMITTEE LIAISON REPORTS:

Selectman Coombs said he had brought up the matter of driveways at the **Planning Board** meeting. They agreed that all driveways in town should require a town permit, regardless of whether or not it is on a State road.

Selectman St. James said he is still working with street lights.

PUBLIC COMMENT II: None heard.

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- The Board reviewed a plan received from the Planning Board for a new business at 4 Main Street.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman St James to approve the public and non-public meeting minutes of February 3, 2020 as written.

SECOND: by Selectman Wilson.

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

MOTION: by Selectman St James, to go into non-public session under RSA 91-A:3, II (I); legal advice

SECOND: by Selectman Briggs

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

The Board adjourned to Non-public session at 7:58 pm

MOTION: Upon motion of Selectman Coombs, **SECOND** of Selectman St. James, it was voted by roll call to return to public session at 8:45 PM

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

Discussed in non-public:

Legal /Personnel

Adjournment:

MOTION: by Selectman Coombs to adjourn at 8:45 PM

SECOND: by Selectman Briggs

All in favor.

Respectfully submitted,

Susan Ayer

Administrative Assistant