

# TOWN OF EAST KINGSTON BOARD OF SELECTMEN

## MEETING MINUTES

JANUARY 16, 2023

Pound School  
41 Depot Road  
East Kingston, New Hampshire  
6:00PM

Joseph Cacciatore, Chair  
Robert Caron, Vice Chair  
Robert Nigrello

### PUBLIC HEARING ON THE PROPOSED 2023 BUDGET

Board Members present: Joseph Cacciatore - Chair, Robert Caron - Vice Chair, and Robert Nigrello.

Others Present at this hearing: Grace Ruelle - Town Administrator, Ron Morales – Solid Waste and Recycling Committee Chair, Stephen McMillan – Trustees of the Cemetery Chair, Zoe Sucu – Library Director, Sherry Castle – Assistant Library Director, Ed Warren – Fire Chief, Scott Urwick – Deputy Fire Chief, Michael LePage – Police Chief, and Ted Lloyd.

### MOMENT OF SILENCE

Prior to the opening of the public hearing, Chairman Cacciatore noted with regret, the recent passing of Planning Board member Dr. Robert Marston and then called for a moment of silence.

### PUBLIC HEARING ON THE PROPOSED BUDGET

Pursuant to the provisions of RSA 32:5, Chairman Cacciatore opened the public hearing at 6:02pm on the proposed 2023 Town Budget and Warrant Articles. He stated the goal of the hearing is to inform the public about the town warrant articles to be voted on, to provide their (Select Board) budget recommendations, and to gather public input. Monetary warrant articles include the operating budget, specific expenditures, and additions to capital reserve funds. Non-monetary warrant articles include zoning article amendments.

### ARTICLE 5 – TOWN OPERATING BUDGET

*Shall the Town of East Kingston raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$3,525,978. Should this article be defeated, the default budget shall be \$3,460,920, which is the same as last year, with certain adjustments required by previous action of the Town of East Kingston or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. This operating budget article does not contain appropriations contained in any other warrant articles. MAJORITY VOTE REQUIRED.*

Chairman Cacciatore presented that the proposed operating budget of \$3,525,978, which is recommended by the Select Board, is a 4.87% (\$163,710) increase over the 2022 budget. Departments with increases over 10% include Solid Waste, Conservation, Planning and Zoning boards, and building utilities. Significant decreases are realized in Emergency Management, information technology, legal expenses and long-term debt.

Ronald Morales spoke to the increases in the Solid Waste budget noting a 19% increase over last year due to fuel and recycling costs. He stated the recycling market has gone down significantly and they are putting forth their best estimate with relation to fuel costs. He spoke to bundling fees, processing fees, and China's significant reduction to purchase recycled materials as well as East Kingston having the highest recycle rate in the state at over 30%.

Discussion ensued on discontinuing the recycling program all together (cost benefits, restart concerns). East Kingston is currently in year three of a five-year contract with Waste Management. Mr. Nigrello stated the increase in the solid waste budget qualifies for insertion into the default budget and that the town needs to keep its options open with respect to whether it leads to discontinuing the recycling program or not.

Mr. Morales spoke to marketing trends with respect to US manufacturing and recycled materials as well as the retained value in aluminum products, by comparison glass having little recycling value, although there is new technology for using glass in asphalt. He is meeting with Waste Management later in the week and will run numbers with them about the possibility of discontinuing the recycling program.

Chairman Cacciatore continued to provide an overview of the budget increases noting the Conservation Commission is looking to expand their trainings for the board members to offer the town the most effective and beneficial opportunities and the Planning Board has gained momentum in the re-organization of files and procedures with the onboarding of the new Land Board Secretary. They have also started looking at the Master Plan and addressing the revisions of its chapters. The Zoning Board of Adjustment is continuing to implement new organizational procedures and archiving tasks. There were no questions or comments on these increases.

He went on to present the rationale for increases in building utilities noting the town has seen an average increase of 30% in building utilities due to the rate of inflation. The town has just enrolled in an energy supplier program to help mitigate some of the electric increases over time.

Mr. Nigrello spoke to the building utilities increases noting the town was paying 30 cents per kilowatt, they explored different options and were able to lock into a 14-cent per kilowatt rate for a period of five years. Noting the fluctuation in both winter in summer electric rate costs, a 14-cent year-round rate is a good rate that will allow the town to plan and budget for this energy cost. Discussion ensued on solar gardens, New England having the highest energy rates in the country (second to Hawaii), and it not being feasible for East Kingston to have an electric co-op.

Chairman Cacciatore then presented budget decreases noting with continued management, Emergency Management has been able to decrease their budget by \$14,000 without impacting the level of service to the town, the onboarding of a new IT company has shown a town-wide savings of \$25,000 and has improved the benefit, as time carries forward the town's long-term debt obligation decreases, this year having a decrease in interest obligations of \$11,500, and through the continued effort of the State and Federal programs, the town can decrease the welfare need by \$3,000 while maintaining an equal level of support to residents. There were no questions or comments about the budget decreases.

The Board then directed attention to the proposed budget reflecting a total of \$3,525,977.18 as listed by account for FY2022, FY2023, and increase/decrease percentages and fielded questions from members of the public as follows:

- NH Retirement System – increased per state law with increases to both the employer (town) and employee.
- Part-time payroll increases – 135% increase due to planning and zoning with respect to a new hire in a competitive work environment and with there being a tremendous amount of work to be completed.
- Town Hall expenses – telephone, electric, heating costs for an unoccupied building were discussed. Some work is being completed at the building that is privately funded. The Board will look at these numbers more closely.
- Telephone expenses at Pound School – fire and burglar alarm use the phone line; however, these specific alarms may have been removed – the Board will look into this.
- Heating expenses at Pound School – the Board will look at the thermostat set up at the building noting it should be programed for efficiency.
- Serving town buildings – the Board recognizes the need to do a better job at servicing town buildings prior to them falling into disrepair. The budget reflects their intention to address some of the issues – handicap ramp at the Town Offices was given as an example.

#### ARTICLE 6 – ELECTED OFFICIAL COLA INCREASE

*To see if the Town will vote to provide a 7.2% COLA (cost of living adjustment) in 2023 for all elected officials. Such COLA is also retroactive to January 1, 2023 for those officials who were duly holding office on January 1, 2023, and further to raise and appropriate the sum of four thousand three-hundred dollars (\$4,300) to cover all costs associated with the increase. MAJORITY VOTE REQUIRED.*

Mr. Nigrello stated this was specific to the town clerk position; however, the article did need to include the term *all elected officials*. Discussion ensued on the impact of inflation for the private sector in contrast to the public sector, fire department personnel not given raises for years, the importance of retaining employees, concern that a pattern of wage increases due to inflation only creating more inflation, positions affected by this article (town clerk, supervisor of the checklist, election workers, health officer, trustee of the trust fund chair, selectmen – the selectmen declined the increase), and salaries versus stipends.

#### ARTICLE 7 – Revaluation

*To see if the Town will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000) to be added to the existing Revaluation Capital Reserve Fund established at the 1991 Town Meeting for the purpose of the next revaluation of the Town, as required every five years by NH RSA 75:8-a. MAJORITY VOTE REQUIRED.*

This item will go into the budget either way.

#### ARTICLE 8 – Town Owned Building Preservation

*To see if the Town will vote to raise and appropriate the sum of Twenty-five Thousand dollars (\$25,000) to be added to the existing Building Preservation Capital Reserve Fund established at the 1993 Town Meeting for the purpose of the preserving Town owned buildings. MAJORITY VOTE REQUIRED.*

Mr. Nigrello stated this article would cover all four town buildings (Pound School, town hall, town offices, railroad depot) with some issues already identified: handicap ramp at town offices, heating system at town offices. The goal is to keep this fund at \$50k while exercising the best economical and sensible option. It was noted the library utilizes a capital improvements/maintenance worksheet that allows them to project service/maintenance costs and repairs. Mr. Nigrello applauded the effort and noted the Board is working on catching up to a place where they can implement a similar plan. Employing a facilities engineer to develop a needs-assessment plan could also be an option.

#### ARTICLE 9 – EMERGENCY RESPONSE PERSONNEL

*To see if the Town will vote to raise and appropriate the sum of Seventy-Three thousand dollars (\$73,000) for the purpose of providing two overnight at-home on-call qualified emergency response personnel for the purpose of responding to all emergencies. MAJORITY VOTE REQUIRED.*

Fire Chief Warren spoke to this article explaining the difficulties the department has had with providing night coverage and is now proposing to adopt a model used by other towns which is to pay \$100 per night for individuals to be available for night call coverage. The few people currently available now are burning out. The other option is for no coverage and depending on mutual aid which means help coming from farther away. There were no questions or comments from the Board or public.

#### ARTICLE 10 – FIRE APPARATUS

*To see if the Town will vote to raise and appropriate the sum of Fifty Thousand dollars (\$50,000) to be added to the existing Fire Apparatus Capital Reserve Fund established at the 1999 Town Meeting for the purpose of acquiring fire apparatus. MAJORITY VOTE REQUIRED.*

Chief Warren stated the department took a break from this capital reserve fund for one year and then reduced it from \$65k to \$50k for the past five years. This is a capital improvement plan item. There were no questions or comments from the Board or public.

#### ARTICLE 11 – CISTERN/HYDRANT REPAIR OR REPLACE

*To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand dollars (\$15,000) to be added to the existing cistern hydrant repair/replace Capital Reserve Fund established at the 2018 Town Meeting for the purpose of repairing or replacing existing cisterns or hydrants. MAJORITY VOTE REQUIRED.*

Chief Warren stated the fund balance is at \$80k, the cost for one new cistern is \$88k, nonworking fire ponds are replaced with cisterns, and last year's cistern costs were \$4800 for repair of four units with three more slated for ground repair which is much more costly. There were no questions or comments from the Board or public.

#### ARTICLE 12 – FIRE/EOC LAND AND/OR BUILDING

*To see if the Town will vote to raise and appropriate the sum of Ten Thousand dollars (\$10,000) to be added to the existing Fire Department/Emergency Operations Center Land &/or Buildings Capital Reserve Fund established at the 2012 Town Meeting for the purpose of the acquisition of land and/or buildings or construction of building for a Fire Station/Emergency Operations Center. MAJORITY VOTE REQUIRED.*

Chief Warren stated they would need to undertake a feasibility study in order to qualify for grants to acquire land and construct emergency facilities – these need to be shovel-ready plans. The cost of engineering plans for a fire station run approximately \$250k or more. The capital reserve fund balance is at \$100k.

Mr. Nigrello noted the town recently acquired five acres behind the current fire station through a trust donation; however, there are no plans on how this parcel shall be utilized at current – this is yet to be determined and the Board will look at all options.

Chief Warren responded he had no expectations whatsoever with respect to that parcel; however, he does want to be ready to move forward with plans when an opportunity arises. There were no questions or comments from the public.

#### ARTICLE 13 – POLICE DEPARTMENT BUILDING

*To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be added to the existing Police Department Building Long Term Maintenance Costs Capital Reserve Fund established at 2016 Town Meeting for the purpose of funding long term maintenance costs for the Police Department Building. MAJORITY VOTE REQUIRED.*

Police Chief LePage stated this article is to continue funding this capital reserve fund and increase the fund balance to address issues that may come up. Items under consideration include generator replacement, parking lot repair, septic and roof. These funds are to anticipate these types of improvement/repair costs. There were no questions or comments from the Board or public.

#### ARTICLE 14 – POLICE DEPARTMENT EQUIPMENT

*To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the existing Police Department long term Equipment Replacement fund established at the 2016 Town Meeting for the purpose of funding long term equipment replacement costs for the Police Department. MAJORITY VOTE REQUIRED.*

Chief LePage stated this fund covers equipment officers wear (tasers, radios, handheld radar). Fielding questions about server and software needs, he stated the county server is shared with all towns and those costs are ferreted to all the departments (fire departments as well). Mr. Nigrello stated the town went to a new computer company and saved \$25k. He then spoke to the importance of the need to bear the costs for technology upgrades.

#### ARTICLE 15 – LIBRARY BUILDING

*To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the existing Library building maintenance expendable trust fund established at the 2010 Town Meeting for the purpose of funding long-term maintenance. MAJORITY VOTE REQUIRED.*

Library Director Zoe Sucu spoke to this article stating the capital reserve fund was created resultant of the capital improvement/maintenance plan generated years ago upon the construction of the new library. This fund serves to fund those improvements and repair. Examples of the use of these funds was to replace the broken furnaces with heat pumps. There were no questions or comments from the Board or public.

#### ARTICLE 16 POWWOW RIVER BAND RESTORATION

*To see if the Town will vote to establish a Powwow River Bank Restoration Capital Reserve Fund for the purpose of restoring and preventing future erosion of the Powwow riverbank to create an improved Town beach and to raise and appropriate the sum of one hundred fifteen thousand dollars (\$115,000) to be placed in this fund, and to further vote to appoint the Board of Selectmen as agents to expend from this fund and no further approval is required by the legislative body to expend. MAJORITY VOTE REQUIRED.*

Mr. Caron stated the cost for this project is \$115k and that the committee overseeing this project was only able to get one quote for the work. The Selectmen do not support this article.

Discussion ensued on other state funding options, completing the project in stages over a number of years as capital reserve funds are typically created for such terms – not the fund the full cost of a project all at once.

#### NON-MONETARY WARRANT ARTICLES

##### ARTICLE 17 – ADOPT ADDYSON LANE AS A TOWN ROAD

*To see if the Town will vote to accept Addyson Lane as a Town-owned Road as recommended by the Town Engineer. MAJORITY VOTE REQUIRED.*

Mr. Nigrello noted Addyson Lane, located off of Maplevale Road, is a newly constructed road that services two house lots with only one home constructed at this time. Once new roads are inspected for compliancy, they are placed before the town for acceptance as a town road.

##### ARTICLE 18 – RE-ADOPT ALL VETERAN’S TAX CREDIT DUE TO LANGUAGE CHANGES IN RSA 72:28

*Shall the Town of East Kingston READOPT the ALL VETERAN’S TAX CREDIT in accordance with RSA 72:28-b, for an annual tax credit on residential property which shall be equal to the same amount as the standard or optional veteran’s tax credit voted by the Town of East Kingston under RSA 72:28. MAJORITY VOTE REQUIRED.*

Mr. Nigrello stated this is a housekeeping item on a program that is already in existence. The language has been cleaned up due to technical and legal language changes by the legislature. There were no questions or comments from the Board or public.

#### OTHER NON-MONETARY ARTICLES

The Board then presented the two zoning ordinance warrant articles (Articles 2 and 3):

##### ARTICLE 2 – ARTICLE XVI – HOME OCCUPATION

Original ordinance in *italics*, strike through words deleted, new text in **bold**.

Are you in favor of the adoption of the following zoning amendment to the existing town zoning ordinance as proposed by the Planning Board of East Kingston as follows:

##### ARTICLE XVI – HOME OCCUPATION:

###### *D. Exceptions:*

*2) Administrative support for businesses or services that are conducted on or off-site of the residential premises are exempt from the ~~formal application and approval~~ **public hearing of the application** process but must complete ~~an invisible~~ **a** Home Occupation application for the purposes of municipal record keeping, pay the annual Invisible Home Occupation Permit Fee, and meet with the Planning Board to present the application and receive a favorable recommendation from the Planning Board. (Amended 3/97) (Amended 3/18)*

AND

J. Procedure: Application shall be made to the Selectmen’s office, including public hearing fees paid in accordance with the Town of East Kingston Subdivision Regulations. Abutters will be notified **by certified, return-receipt mail, the public will be notified by public hearing notice posted on the town’s website or newspaper of**

general circulation and posted in two other locations, and the applicant will be scheduled for a public hearing with the Planning Board. After the public hearing, the Planning Board will make a recommendation to the Selectmen as to whether the Home Occupation Permit should be granted. The application will then be forwarded to the Selectmen who will issue their final decision. (Adopted 3/96)

It was noted the intent of this article is to clarify the provisions for an invisible home occupation and modify the public hearing notification process to mirror the recently adopted subdivision and site plan review regulations by posting notice to the town website versus in the newspaper; however, the Planning Board may opt to publish in the newspaper should they deem the land use proposal significant for regional impact.

#### ARTICLE 3 – ARTICLE VIII – ACCESSORY DWELLING UNIT USES

Original ordinance in *italics*, strike through words deleted, new text in **bold**.

Are you in favor of the adoption of the following zoning amendment to the existing town zoning ordinance as proposed by the Planning Board of East Kingston as follows:

#### ARTICLE VIII – USES PERMITTED, SECTION F ACCESSORY DWELLING UNIT, PARAGRAPH G

*g. Septic facilities and water. An accessory dwelling unit shall conform to all applicable water and sanitary standards for residential structures. Prior to Special Exception approval by the Zoning Board of Adjustment for an Accessory Dwelling Unit, the owner shall provide evidence as part of the Special Exception application that septic facilities are adequate to serve both the principle dwelling and the accessory dwelling unit. The principal dwelling and accessory dwelling may be served by either a combined septic system or separate septic systems. ~~This initial~~ Evidence of septic system adequacy shall be in the form of:*

- compliance with requirements in either section i or ii below; and
- septic system inspection required in section iii for all instances when a new septic system is not installed.

#### Below shall be required:

- A replacement septic system design plan prepared by a state licensed Septic System Designer sized to accommodate either a combined system or separate systems to serve both the primary dwelling and the accessory dwelling. The Zoning Board of Adjustment Special Exception approval shall be conditional upon approval of the septic replacement plan by the NH Department of Environmental Services.*
- Alternatively, if the existing septic system is has been state approved and proven to be adequately sized to accommodate both the primary dwelling and accessory dwellings and conforms to state and local requirements, an applicant may choose to submit a copy of the existing state approved septic system plan. The applicant shall also provide ~~and~~ an inspection report by a state licensed Septic System Designer ~~detailed~~ documenting a site inspection and the current condition and function of the existing system.*
- If installation of a replacement septic system is not proposed as part of the application, a site inspection of the existing septic system shall be performed by a state licensed Septic System Designer. If upon site inspection the existing septic system is found to be not fully functional or inadequate to serve both the principal dwelling and accessory dwelling, the property owner shall install a replacement septic system according to an approved replacement septic system design plan prepared by a state licensed Septic System Designer sized to accommodate either a combined system or separate systems to serve the primary dwelling and accessory dwelling.*

If utilizing methodology i. above, prior to the issuance of a building permit for and a dwelling renovation and/or accessory dwelling unit construction, the owner shall provide the East Kingston Building Inspector a copy of the NH Department of Environmental Services Construction Approval (CA) for the septic design presented with the Zoning Board of Adjustment notice of decision approving the accessory dwelling unit.

~~Prior to a dwelling renovation or accessory dwelling unit construction, the owner shall provide evidence to the East Kingston Building Inspector that septic facilities (whether separate or combined) are adequate to serve both the principal dwelling unit and the accessory dwelling unit and obtain the necessary Town and State permits. Such evidence shall be in the form of a replacement septic system plan prepared by a State of New Hampshire licensed septic system designer and approved by the State and the Town. The property owner shall have an existing septic system inspected by a licensed septic system inspector and provide a report of the inspection results. If the existing septic system is found to be not fully functional, the property owner shall install a replacement septic system according to the approved plan. The property owner shall provide evidence that there is adequate potable water (whether separate or combined) to serve both the principal dwelling and the accessory dwelling unit, according to State standards.~~

It was noted the intent of this article is to clarify that septic systems, whether single or combined, be adequately sized for the main dwelling and the accessory dwelling unit.

At the request for any other questions or comments with respect to the budget and warrant articles presentation, Cherry Castle inquired as to the YTD actual date as depicted on the budget report as well as how unanticipated funds are received. Town Administrator Ruelle indicated the budget YTD was December 31<sup>st</sup> and offered to provide greater detail of the budget upon request. Mr. Nigrello responded that unanticipated funds are typically placed into the general fund unless designated or specifically earmarked (e.g., bridge monies from the state could only be spent on a bridge).

Chairman Cacciatore then announced the deliberative session is scheduled for Saturday, February 4, 2023 at 10am at the East Kingston Elementary School, 5 Andrews Lane and the second session (Annual Meeting – Vote) will be held on March 14, 2023, also at the East Kingston Elementary School. Polls will be open from 8am to 7pm.

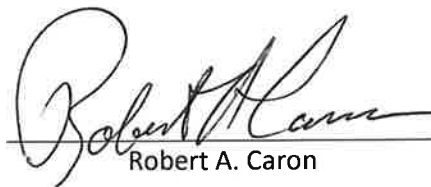
Scott Urwick, who was present for the budget public hearing but not the bond public hearing, inquired why the budget was presented separately than the bond. He was informed the statutes dictate each (bond and budget) have their own public hearings. It was noted that the budget public hearing presentation will be posted to the town website and the bond hearing presentation has already been posted by the Conservation Committee.

**MOTION: Chairman Cacciatore motioned to close the public hearing and adjourn, seconded by Mr. Nigrello. The motion passed 3-0-0 and the hearing closed at 7:19pm.**

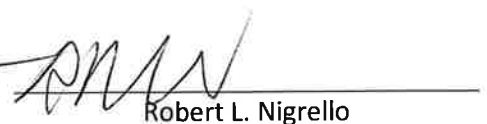
Minutes prepared by Catherine Belcher. Approved on January 30, 2023.



Joseph Cacciatore



Robert A. Caron



Robert L. Nigrello