

**TOWN OF EAST KINGSTON, NH
SELECTMEN'S PUBLIC MEETING MINUTES
MONDAY, SEPTEMBER 29, 2008**

6:45pm – Building Inspector/Code Enforcement Officer Ray Donald
7:00pm – Recreation Committee Chairman Rick Bourque
7:15pm – Town Clerk/Tax Collector Barbara Clark
7:30pm – Cemetery Trustee Hank Lewandowski, Jr.
7:45pm – Police Chief RR Simpson
8:15pm – Patricia Downey, Cricket Hill Association

ATTENDING: Selectmen Robert A. Caron, Richard S. Poelaert & David R. Pendell, Jr.

Others Attending: BI/COE Ray Donald, Police Chief RR Simpson, TC/TC Barbara Clark, Recreation Committee Chairman Rick Bourque, Patricia Downey, Barbara Williams, Robert Costello and Austin Carter.

Chairman Caron called this meeting to order at 6:30PM.

MINUTES: The Board reviewed the Selectmen's Public & Nonpublic meeting minutes dated 9/15/2008.

Mr. Pendell stated, for the record, that the vote taken at the last meeting on 9/15, regarding contacting Town Counsel is invalid, based on his opinion after contacting a State Rep., an Attorney and LGC. He added that he is not accepting the vote. He voted against it at the meeting. (Re:memo)

Mr. Pendell **MOTIONED** to approve and sign the public meeting minutes, after stating the above clarification. Mr. Poelaert seconded. Motion carried 3-0.

Mr. Pendell **MOTIONED** to approve and sign the non-public meeting minutes as written. Mr. Poelaert seconded. Motion carried 3-0.

EBC: The Board reviewed the 2009 EB & C and holiday list. Mr. Pendell suggested changing Thu & Fri off in Jan. in celebration of New Year's vs. Wed/Thu. Mr. Pendell **MOTIONED** to approve as amended. Mr. Poelaert seconded. Motion carried 3-0.

REGISTER: The Board reviewed the check register. Mr. Poelaert **MOTIONED** to approve and sign the check register dated 09/17/08 – 09/25/08 in the amount of \$456,142.91. Mr. Pendell seconded. Motion carried 3-0.

BOND COUNSEL: The Board reviewed documentation from Bond Counsel, Devine & Millimet. Mr. Pendell **MOTIONED** to approve and have the Chairman sign the "Engagement Letter" (2 originals), with Bond Counsel authorizing borrowing of a bond note in the amount of \$950,000 to acquire conservation easements. Mr. Poelaert seconded. Motion carried 3-0.

It was noted of the \$4 million approved, approximately \$330,000 remains unexpended at this time.

IZIP: The Board reviewed an IZIP agreement. It was noted the Planning Board meeting minutes of 9/18 reflected a letter would be forthcoming from the PB Secretary stating the PB recommends moving forward with the IZIP. The Board members agreed the PB members should read the agreement before the Board of Selectmen sign it, as Mr. Pendell noted none of them had seen the agreement at the last meeting, and Mr. Pendell offered to contact the Chairman and Vice Chairman and have them read the commitment before signing the Agreement. Mr. Pendell **MOTIONED** to authorize the Chairman to sign the Agreement, upon approval and acceptance of the grant by the PB members, after they review the Agreement. Mr. Poelaert seconded. Motion carried 3-0.

LUCT: The Board reviewed several Land Use Change tax assessments, as recommended by the assessing company, noting each of the properties are now disqualified for the classification of current use. Mr. Poelaert **MOTIONED** to approve and sign the LUCT in the amount of \$16,045 for MBL #15-02-11 for Mr. & Mrs. Bailey; Deborah Osgood, Trustee, in the amount of \$16,545 for MBL #11-01-02; \$16,045 for MBL #11-01-06 for Deborah Osgood, and \$16,245 for MBL #11-01-08 for Deborah Osgood. Mr. Pendell seconded. Motion carried 3-0.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER: At 6:45PM, BI/COE Ray Donald met with the Board to discuss the 2009 proposed budgets for the BI/COE.

It was noted the 2008 budget for Building Inspector was approved at \$12,850, and the 2009 proposed is set at \$11,350, noting the decrease is due to a reduction in the hours from 585 to 500 for the year.

It was further noted the Code Enforcement budget for 2008 was approved at \$515, and the 2009 proposed is set at \$450, noting the decrease is due to less hours for 2009, from 25 to 20 for the year.

Chairman Caron **MOTIONED** to approve the 2009 proposed budgets for the Building Inspector and Code Enforcement Officer as presented for 2009. Mr. Poelaert seconded. Motion carried 3-0.

Mr. Donald explained the current situation with the Clark Road development, informing the Board members complaints have been received from an abutter, Malcolm MacLeod. Mr. Donald stated the Town Engineer, Conservation Commission Chair, Larry Smith, DES, State and Town Road Agents, along with himself, are all involved in addressing his concerns with the water run off from the development. It was noted there is nothing anyone can do with "mother nature," and the rain that we have been receiving.

Mr. Donald stated he just wanted to be sure the Board of Selectmen are kept informed.

OLD HOME DAY: The Board acknowledged receipt of a letter received 9/19/08 from Rev. Kuder, informing the Board of Selectmen the Old Home Day event will not be held on Sat., Oct. 4th. It has been cancelled for this year.

NHDS: The Board acknowledged positive testing of EEE found in Danville, Brentwood, and Newfields.

ASSESSING: It was noted the assessing company for the Town is conducting data verification, and a portion of property owners have been notified to schedule a viewing for accuracy of their property cards. The actual inspections will be conducted on Thu. 10/2 & Fri. 10/3.

POLICE DEPT.: The Board acknowledged receipt of a letter on 9/19 from the Police Chief, asking the Board to not continue support of the J-One Grant Application.

Chairman Caron **MOTIONED** to accept the new version, and to NOT continue to support the J-One application, based on the recommendation of the Police Chief. Police Chief Simpson was in attendance, and answered questions from the Board. Mr. Poelaert seconded. Motion carried 3-0.

CONTRACT: The Board acknowledged receipt of the 2009 mowing contract at the same overall rate as the past few years from Yankee Clipper. Mr. Poelaert **MOTIONED** to approve the contract as received for 2009. Chairman Caron seconded. Motion carried 3-0.

SB-2 TIMELINE: The Board reviewed the SB-2 timeline as approved by DRA for review. Chairman Caron **MOTIONED** to accept the timeline for SB-2 as presented and approved by DRA. Mr. Pendell seconded. Motion carried 3-0.

It was noted Mr. Bourque was not in attendance, therefore, Chairman Caron **MOTIONED** to table discussion on the Recreation Committee budget. Mr. Poelaert seconded. Motion carried 3-0.

Mr. Poelaert noted the School would like police patrol on Election Day, March 10, 2009.

AREAS OF LIAISON: It was noted the new Town website should be added to the Areas of Liaison. Chairman Caron **MOTIONED** to add the new Town website to his Areas of Liaison Responsibility. Mr. Poelaert seconded. Motion carried 3-0.

PLANNING BOARD: The Board acknowledged receipt of the Planning Board meeting minutes of 9/18, along with Notices of Decision and letters to applicants for their review.

Noting Mr. R. Bourque has arrived, Chairman Caron **MOTIONED** to untable the discussion for the Recreation Committee. Mr. Poelaert seconded. Motion carried 3-0.

RECREATION: At 7:07PM, The Board reviewed the 2009 proposed budget for the Recreation Committee with Rick Bourque, Recreation Committee Chair.

It was noted the 2008 budget was set at \$6,500 with a one time additional fee of \$2,500 for basketball hoops that were installed at the EKES. Mr. Bourque has requested a 2009 proposed budget of \$10,000, including \$5,000 for renovations to Foss Wasson Field.

R. Bourque explained the increases to the proposed budget. He stated for the last few years the Town budget has been set at \$4,000, last year \$2,500 was added to install two basketball hoops at the school, and they appreciated that.

He continued by informing the Board members they have a proposal that it will cost \$30,000 to legitimize the Foss Wasson field into a ballpark.

They have been conducting fundraisers, and are asking for \$5,000 to be included in the Town budget to fund the project. With the fundraisers and the additional \$5,000 from the Town, they will have the \$30,000 to do the project.

He reviewed the requested \$10,000 budget, noting \$150 for supplies, \$4,000 for uniforms, \$850 for non capital items, along with \$5,000 to go toward renovating Foss Wasson Field, the total = \$10,000.

Mr. Bourque also noted currently there is almost \$7,000 in the recreation special revolving fund. He added the funds raised from recent activities (Shooters Pub, Softball Tournament & Camp David, etc.) of about \$12,000+ would be deposited into the fund. He added they have received private donations and sponsors who will have signage at the field. (\$5,000 from Town, \$7,000 in fund (using \$5,000), \$8,000 coming & \$12,000 already raised = \$30,000 for the project).

Mr. Bourque stated they will not need to put anything in the CIP (Capital Improvements Plan), nor will they ask for a warrant article.

Chairman Caron informed him that the money raised recently through the fund raising needs to be deposited into the special revenue fund account right away, and Mr. Bourque agreed.

The Board members agreed they are happy with the plans to upgrade Foss Wasson Field.

Mr. Bourque requested that the funds deposited for the project be "earmarked" as such. The Adm. Asst. stated the funds could be kept track of and ear marked for the project in the account.

Mr. Poelaert asked that the abutters (Dick Marcella, Austin Carter (EKFA), and Nat Rowell be kept informed of the progress on the project. He agreed to.

Mr. Bourque explained that the final draft of the surveyed plan should be forthcoming soon. He further provided more detailed info for the Board to review.

Mr. Poelaert **MOTIONED** to approve the 2009 proposed budget for the Recreation Committee at \$10,000. Mr. Pendell seconded. Motion carried 3-0.

Chairman Caron asked the plan be submitted to the Selectmen's Office to be reviewed by the Conservation Commission, EKFA and the Board of Selectmen. He agreed.

Mr. Bourque stated they plan to have the grading and drainage completed, along with the infield and outfield while the ground is soft before winter. Future plans include fencing and dug outs, etc.

At 7:25PM, Mr. Bourque thanked the Board and left the meeting.

TOWN CLERK/TAX COLLECTOR: At 7:25PM, the Board reviewed the 2009 proposed budgets for the Town Clerk and Tax Collector with Barbara Clark.

It was noted the Tax Collector 2008 budget was set at \$29,700, and the proposed 2009 budget is at \$30,100. Ms. Clark explained the budget.

Mr. Pendell **MOTIONED** to approve the 2009 proposed budget for Tax Collector. Mr. Poelaert seconded. Motion carried 3-0.

It was noted the 2008 Town Clerk budget was set at \$34,550, and the 2009 proposed budget is at \$37,950. It was noted an increase of \$2,200 was for OHRV registrations that will also be reflected as income, as it is reimbursed by the State.

Mr. Pendell **MOTIONED** to approve the 2009 proposed budget for Town Clerk. Mr. Poelaert seconded. Motion carried 3-0.

CEMETERY: At 7:30PM, the Board reviewed the 2009 proposed budget for the Cemetery. The Adm. Asst. was asked to present the budget on behalf of the Trustees of the Cemetery.

The 2008 budget was approved at \$19,175, and the 2009 proposed is at \$20,200. The increase is due to the paving repairs scheduled for 2009 at the cemeteries.

Mr. Poelaert **MOTIONED** to approve the 2009 proposed budget for the cemeteries. Mr. Pendell seconded. Motion carried 3-0.

POLICE DEPT.: The Board members met with the Police Chief to discuss the 2009 proposed budget for the Police Dept.

The 2008 budget for the Police Department was approved at \$275,000 and the 2009 proposed budget is at \$300,000.

Police Chief Simpson explained the increases and answered questions posed by the Board members.

Mr. Pendell **MOTIONED** to approve the 2009 proposed budget for the Police Dept. Mr. Poelaert seconded. Motion carried 3-0.

CALENDAR: The following dates were noted: Household Hazardous Waste Collection Day 10/4, White Goods Collection Day 10/20, Columbus Day Holiday 10/13, Selectmen's Meeting 10/14, & Trick or Treat 10/30.

FIRE DEPT. BUILDING: The Board reviewed an updated list of goals to be completed at the Fire Station. Austin Carter was in attendance, and the Board reviewed the list with him. It was noted the ceiling of the firehouse upstairs would be repaired soon, and then painted. Items were checked off as completed (ie #2, #6 & #7), and #8 will soon be completed. They agreed to do #11 before winter sets in to help save on fuel costs.

Mr. Poelaert **MOTIONED** to approve the expenditure of \$1,100 for separating the heating zones. Mr. Pendell seconded. Motion carried 3-0. It was noted others were contacted and no other bids were received.

POUND SCHOOL: The Board noted the to do list for the Pound School has been tabled until 2009. No action items were addressed at this time.

EATON/MCDONALD: The Board acknowledged a letter dated 9/25 from Shawn Eaton & Amy McDonald regarding a haunted barn at their property on Fri. 10/31. It was noted the Fire Chief stated he would be happy to inspect the barn, prior to the event, and cautioned no smoking signs be posted, and the Police Chief stated being a private function on private property, they would only request no parking along the road (North Road). Both Chiefs have agreed to contact the property owners directly.

It was further noted Trick or Treat would be held 5PM – 7PM on Thu. Oct. 30th.

RUGGIERO: The Board acknowledged receipt of a letter dated 9/22/08 from K. Ruggiero requesting police dept. logs. It was noted the request was forwarded to the Police Chief for the appropriate action.

CASH FLOW: The Adm. Asst. informed the Board the cash flow is getting low, and again, the Town may have to hold school payments until the tax revenue from the property tax bills are received. The Adm. Asst. has asked DRA to schedule a date to set the tax rate, as soon as possible. She further noted, at this time, the tax collector has uncollected funds in the amount of \$81,500.

Mr. Carter inquired how the buy out the government is discussing will affect Towns.

CRICKET HILL: At 8:15PM, it was acknowledged that Mr. Dale Young was not in attendance, and Patricia Downey agreed to meet with the Board, along with Barbara Williams and Robert Costello, to discuss the letter dated 9/18/08 submitted by the Cricket Hill Association and signed by Dale Young.

Ms. Downey informed the Board members residents of Cricket Hill brought forward their concerns at an association meeting and were asked to put their thoughts on paper for them to be brought to the Board of Selectmen. Mr. Dale Young finalized the letter and forwarded it to the Board.

The Board members provided her with excerpts from the Town's Ordinance Book. It was noted the elderly housing developments were approved by the Planning Board in accordance with the ordinances. They have roads that are built to Town standards, but they are not Town owned roads. They will remain private roads under the jurisdiction of the associations for plowing and repairs, etc. (The association dues cover these kinds of costs). They expressed their concerns with the varying verbiage of private vs. public vs. public right of way, etc.

It was noted in their covenants it is referred to as private right of way and, therefore, feel no one should be trespassing or using the road unless they have business at Cricket Hill. The ordinance reflects that it is not Town owned, but it is still for public use.

They complained about school buses and other large trucks using Cricket Hill Road to Holly Lane to get to Maplevale Farms & Woods and visa versa for traveling.

They questioned whether or not the road could be posted at 15, 20 or 25 mph, or possibly a no thru traffic sign. Several other suggestions were mentioned, and then reasons discussed why those were not an option.

Ms. Downey expressed her concerns with the maintenance of the road. If the association is responsible for repairs, she is concerned with the large trucks, delivery trucks, and heavy traffic flow causing damage, and they don't feel they should carry that burden. It was noted the developments were approved with these conditions of being private roads, along with private trash pick up, so as to not impact the Town.

Mr. Poelaert suggested they give suggestions to the Board of Selectmen and to attend the next Planning Board meeting to discuss it with them. It was noted a copy of the letter will be provided to the Planning Board members.

Again, Ms. Downey stated it is costly to repair roads, and that is her main concern.

It was noted the Planning Board will meet at the Pound School at 7:00PM, and they should contact the Planning Board Secretary to be placed on the agenda. They agreed to meet with them for further clarification.

Police Chief Simpson stated if they report any offenders (speeders) to him, he will take appropriate action.

Ms. Downey and the others thanked the Board and left the meeting.

At 8:35PM, Mr. Poelaert **MOTIONED** to adjourn this Selectmen's Public Meeting. Chairman Caron seconded. Motion carried 3-0.

Respectfully submitted,

Deborah G. Gallant
Administrative Assistant

Robert A. Caron

Richard S. Poelaert

David R. Pendell, Jr.