

**TOWN OF EAST KINGSTON, NH
SELECTMEN'S PUBLIC MEETING MINUTES
MARCH 2, 2009**

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

Others Attending: R. Scott Urwick, Ed Warren, James Nicolosi, & Carol Freeman.

MINUTES: The Board reviewed the Selectmen's Public & Non-public meeting minutes dated Tuesday, 2/17/09. Mr. Poelaert **MOTIONED** to approve and sign the public meeting minutes as written. Chairman Caron seconded. Motion carried 2-0.

Mr. Poelaert **MOTIONED** to approve and sign the nonpublic meeting minutes as written. Chairman Caron seconded. Motion carried 2-0.

REGISTER: The Board reviewed the check register. Mr. Poelaert **MOTIONED** to approve and sign the check register dated 2/19-2/27/2009 in the amount of \$442,138.63 as presented. Chairman Caron seconded. Motion carried 2-0. It was acknowledged the register included two school payments (East Kingston School District & the Cooperative School District) of approximately \$180,000 each.

ABATEMENT: The Board reviewed an abatement and the assessor's recommendation. Mr. Poelaert **MOTIONED** to approve the abatement as recommended by the assessors in the amount of \$121.27 for MBL #10-02-02. Chairman Caron seconded. Motion carried 2-0.

APPRECIATION LETTER: The Board acknowledged the Town Reports were delivered to the Selectmen's Office, and were then delivered to each home by the EKFA on Sat. Feb. 28, 2009.

The Board reviewed a letter of appreciation addressed to the EKFA for their signature. It was noted the printer was also sent a letter of appreciation for producing the Town Report, along with payment. Mr. Poelaert **MOTIONED** to approve and sign the letter as written. Chairman Caron seconded. Motion carried 2-0.

It was noted the cost of publishing & delivering the report was about \$8,000. A Selectmen's Insert was provided within each Town Report, and a copy will be forwarded with each absentee ballot request.

WASTE MANAGEMENT: It was noted, due to the winter storm, Waste Management did not conduct rubbish/recycling removal today, and will resume pick up on Tuesday, March 3, 2009.

LIBRARY: The Board acknowledged receipt of the 1/21/2009 Library Trustee meeting minutes for their review.

PLANNING BOARD: The Board acknowledged receipt of the 2/19/09 Planning Board meeting minutes, along with the Notice of Decision, for their review.

The Adm. Asst. informed the Board of Selectmen, the PB/ZBA Secretary has requested permission to continue to conduct the Planning Board & Zoning Board of Adjustment meetings at the Pound School, and not return to the Town Hall as originally planned in April 2009.

The Board of Selectmen agreed and welcome them to continue to use the Pound School.

It was also mentioned that the Planning Board Secretary is preparing a written statement with the correct facts for the Planning Board members and public, regarding what has transpired with the citizens' petition, Warrant Article #11, to be voted on March 10, 2009. Recent meetings and newspaper articles have had incorrect information.

FIRE DEPT.: The Fire Chief has submitted a letter dated 2/24/2009 informing the Board of Selectmen, due to recent circumstances, he will have office hours 9AM- 5PM, effective immediately. The Board agreed to the new office hours.

The Fire Chief also submitted a letter dated 2/19/09, at the Selectmen's request; stating he attended the 1/20/09 Selectmen's meeting, and reaffirmed that Selectman Pendell *did* state he did refer to Ray Donald, by name, when discussing the changing of minutes.

WAGNER: The Board acknowledged a thank you note from Ms. Wagner regarding the recent approval of an abatement.

POWWOW POND COUNCIL: The Board acknowledged receipt of a letter dated 2/20/09 from Lycott Environmental Inc., stating they have been hired by the Powwow Pond Council to treat species around June 22, 2009. During that time, some activities may be restricted on the Pond.

Mr. Urwick stated he also received the same letter, and thought it referred to only Kingston, not East Kingston, and informed the Board members that he will contact them directly himself and ask if they will be also covering East Kingston. He added at a recent Conservation Commission meeting, they discussed and are thinking about submitting a warrant article next year to use Conservation Funds to cover costs for the Powwow Pond.

LEGAL CASE: A Motion to dismiss has been filed for a case. No action was required.

It was also noted the transcript ordered in January will be provided to the Town in March. It is 30 days from the date the court provides the transcript, which was 2/9/09, not the date of request (1/22/09).

CALENDAR: 3/2 Abatement application submission deadline, 3/7 Clocks ahead one hour, 3/9 Set up for election 4:30PM, 3/10 Election Day 8:00AM – 7:00PM, 3/16 Selectmen's Meeting, 3/19 Planning Board meeting, 3/26 accounts payable and payroll processing, & 3/30 Selectmen's Meeting.

It was noted the Annual Town Tour is to be conducted by the Board, and they tentatively scheduled the Town Tour for Fri., April 3, 2009.

BTLA: It was noted a case from 2006 with the Board of Tax & Land Appeals has a hearing scheduled for March 26, 2009. A representative from the Town's assessing company, Avitar, will attend on the Town's behalf.

HEALTH OFFICER: It was noted the current term for Health Officer expired 2/25/09. To date, we have not had anyone volunteer for the three-year state appointed position. The duties will fall to the Board of Selectmen, unless someone is appointed. The Board agreed to address it again at the next meeting.

NONPUBLIC MEETINGS: Chairman Rob Caron stated at the Candidates Night held on February 25th, Matthew Dworman had stated, if elected Selectman, he would eliminate non-public meetings, as there were too many non-public meetings held. Chairman Caron noted the Board of Selectmen are permitted to conduct non public sessions only for specific reasons as stated by law. During the year (Jan-Dec) 2008, 36 nonpublic sessions were held by the Board of Selectmen, and he gave the following breakdown:

- (a) 5 for the dismissal, promotion or compensation of any public employee . . . ;
- (b) 15 for the hiring of any person as a public employee;
- (c) 12 for matters which, if discussed in public would likely affect adversely the reputation of any person . . . , noting this is used for all welfare applicants & tax deferrals, etc.;
- (d) 1 for consideration of the acquisition, sale or lease of real or personal property . . . ;
- (e) 3 for consideration or negotiation of pending claims or litigation . . . ;
- (f) 0 for consideration of applications by the adult parole board . . .

Mr. Urwick inquired about unsealing nonpublic meeting minutes. Mr. Poelaert responded he really didn't know when it was warranted, but would find out for him. Chairman Caron confirmed that most of the nonpublic sessions are sealed as they deal with welfare candidates or legal matters. Mr. Poelaert added the subject matter must meet the criteria in order to go into nonpublic. Mr. Urwick asked how would you know whether or not it meets the criteria? Mr. Poelaert responded if it doesn't, Deb would say it doesn't qualify.

NICOLOSI: Mr. James Nicolosi stated he was in attendance, because he has a question about workforce housing. He was informed that there is a warrant article to adopt a workforce housing ordinance, on the ballot to be voted on March 10, 2009. It was also noted it will be managed by the Planning Board. Ed Warren, Planning Board member, was also in attendance and explained to Mr. Nicolosi that towns are required by the state to allow for affordable housing. He added he recently attended a Rockingham Planning Commission meeting, and noted that most towns do not want it, but they have no choice in the matter. The state mandates it. The theory is to equalize housing availability in the area. He further noted that the Planning Board is NOT changing any other ordinance. Any developer proposing workforce housing must meet with the Planning Board for approval. He also stated that 51% of buildable land must meet the criteria for workforce housing. Mr. Warren continued to say he thinks there will be no money for developers to make, and he does not expect many developers asking to build this kind of housing.

It was further mentioned that the Town requires 800 sq. feet, and if workforce housing requires less, the Town requirement that is in effect must be met.

Mr. Nicolosi stated he moved to Town in 2003, and what attracted him was the quaint little town with a little library and a small police station. He has seen the taxes increase the last couple of years, with the building of a new large library and police station, and with workforce housing coming, he sees more children and the need for more police and fire down the road.

Mr. Warren responded with the economics of the issue, he does not think it will be profitable enough for a builder.

Mr. Nicolosi stated the bottom line is how it will all affect his taxes. Mr. Poelaert added the (East Kingston) school has been holding its population to the same level for about 10 years (for K-5).

Mr. Nicolosi stated he is very concerned; the bottom line is his wallet.

FREEMAN: In response to Mr. Poelaert, if she had any questions, Mrs. Freeman responded she wanted to know how the food pantry was doing. Ms. Gallant informed her the pantry is currently stocked, and suggested toiletries and paper products are always welcomed, as they do not spoil and providing those items to residents frees up their money for other things, like electric or heating bills.

Mrs. Freeman asked if she could be contacted if the pantry gets low, and Ms. Gallant responded, yes. She added currently several churches donate to the pantry, along with the school children conducting food drives. She added, the Town has been fortunate that the need for the pantry has been low. Chairman Caron added they also do provide to those that are “shut ins,” and well being checks are performed by the police department.

Mr. Warren suggested putting something on the website about the Town having a food pantry, as he thought some may not be aware that we do, and Chairman Caron responded that was a good idea.

NONPUBLIC SESSION: Chairman Caron **MOTIONED** to go into a nonpublic session at 7:15PM under RSA 91-A-3, II: para (c.) Matters which, if discussed in public would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. The Board was polled and the results of the poll were: Robert A. Caron – Yes, & Richard S. Poelaert – Yes.

The Board was polled and determined the divulgence of the information would render the proposed action ineffective and the information will be withheld from the public during the public meeting Minutes of March 2, 2009. The results of the poll were: Robert A. Caron – Yes, & Richard S. Poelaert – Yes.

Chairman Caron **MOTIONED** to adjourn the Selectmen’s non public meeting at 7:16PM. Mr. Poelaert seconded. Motion carried 2-0.

Mr. Poelaert **MOTIONED** to adjourn this Selectmen’s Public Meeting at 7:17PM. Chairman Caron seconded. Motion carried 2-0.

Respectfully submitted,

Deborah G. Gallant

Robert A. Caron

Richard S. Poelaert

David R. Pendell, Jr.