

**TOWN OF EAST KINGSTON, NH
SELECTMEN'S PUBLIC MEETING MINUTES
MARCH 16, 2009**

ATTENDING: Selectmen Richard S. Poelaert, David R. Pendell, Jr., & Matthew B. Dworman.

Others Attending: Hank Lewandowski, David Sullivan, Matt Gallant, Reid Simpson, Sam Richard, Rob Caron, Austin Carter, Gary Hinz, Nancy Reiss-Hinz, Ed Warren, Carol Freeman, Pat Mazur, Scott Urwick, Barbara White.

Mr. Dworman announced that he would be tape recording tonight's Selectmen's Meeting. He added that he ran on the premise of transparency, and would see if he could get a voice recording on Comcast. (At the 3/30/09 Board of Selectmen meeting, Mr. Dworman asked to amend the minutes here to reflect he said that, but meant to say to telecast on Comcast.)

Mr. Dworman called this meeting to order at 6:30PM.

CHAIRMAN: Mr. Pendell **MOTIONED** to appoint Matthew B. Dworman as Chairman of the Board of Selectmen. Mr. Dworman seconded. Motion carried 2-0. (Mr. Poelaert abstained).

Mr. Dworman stated that they were starting the year off "with a bang."

MINUTES: The Board reviewed the Selectmen's Public & Non-public meeting minutes dated Monday, March 2, 2009. Chairman Dworman **MOTIONED** to approve and sign the public meeting minutes as written, but noted that on Page 3 of the minutes Rob Caron stated at 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 Dworman added he denies the statement that he will eliminate non-public meetings, as non-public meetings are an "important tool." Chairman Dworman requested his motion be seconded. There being none, Mr. Pendell stated he was not present at the March 2nd meeting, but seconded. Motion carried 2-0.

Mr. Poelaert **MOTIONED** to approve and sign the nonpublic meeting minutes as written. Chairman Dworman seconded. Motion carried 3-0.

REGISTER: The Board reviewed the check register. Mr. Pendell **MOTIONED** to approve and sign the check register dated 3/4 - 3/20/2009 in the amount of \$50,485.97 as presented. Chairman Dworman seconded. Motion carried 3-0.

VETERANS' EXEMPTION: The Board reviewed an application for a Veteran's Exemption for Robert J. Jackson, 3 Cricket Hill Road, East Kingston, NH, Map, Block & Lot #08-02-19-29. It was noted that Mr. Jackson met all the necessary criteria for a Veteran's Exemption of \$500.

Following review and discussion, Mr. Pendell **MOTIONED** to approve a Veteran's Exemption for Robert J. Jackson in the amount of \$500. Mr. Poelaert seconded. Motion carried 3-0.

PLANNING BOARD EX-OFFICIO: Mr. Pendell **MOTIONED** to appoint David R. Pendell, Jr. as Planning Board Ex-Officio through 3/31/2010, and Matthew B. Dworman as Planning Board Ex-Officio alternate through 3/31/2010. Mr. Poelaert seconded. Motion carried 3-0.

APPOINTMENTS: The Board reviewed the following appointments for signature:

Marilyn B. Bott, Conservation Commission Member – 04/01/09 – 03/31/12
Richard S. Urwick, Conservation Commission Member – 04/01/09 – 03/31/12
David R. Pendell, Jr., Alternate Trustee of the Library – 04/01/09 – 03/31/10

Following review, it was determined that the appointments will be corrected and signed at the Board's next meeting.

CURRENT USE: The Board reviewed a current use application submitted by James Keegan. It was noted the application was reviewed by Conservation Commission Chairman Dennis Quintal, and the \$45.00 fee has been paid.

Mr. Pendell **MOTIONED** to approve and sign the application submitted for MBL #15-01-05, 59 North Road, James R. Keegan, Trustee, New England Trust. Mr. Poelaert seconded. Motion carried 3-0. The application will be recorded at the Registry of Deeds, and the property card will be changed to reflect the additional current use status.

REVALUATION: It was noted that Warrant Article #17, which requested the voters to raise and appropriate \$43,500 to conduct a revaluation and authorize the withdrawal of \$43,500 from the Revaluation Capital Reserve Fund created for that purpose, failed at the Town election held on Tuesday, March 10, 2009.

The office contacted Jeane Samms, of the Department of Revenue Administration. Ms. Samms, after consulting with the Commissioner of DRA, determined that the Constitution overrules the state RSA, and the Town must conduct the revaluation, as scheduled. Ms. Samms added that if the revaluation is not done when required, the Commissioner of DRA has the authority to contract with an appraisal firm to do the revaluation and the Town will be responsible for all costs. In that case, the costs could be much higher, because not only would the appraisal firm be paid, but the DRA would be paid for their services, as well.

Chairman Dworman inquired if a Special Town Meeting should be held, as the Town will already be operating on a Default Budget, and will need to perform this year's tasks with last year's money, and it will be difficult to "find" \$43,500 in the default budget.

Mr. Caron stated he agreed that a Special Town Meeting should be held, and Mr. Poelaert stated he agreed that money would be tight enough with the Default Budget, and a Special Town Meeting is in order.

Mr. Warren added he thought a Special Town Meeting would be in order, and Mr. Urwick inquired as to how a Special Town Meeting works with SB-2.

Chairman Dworman stated he had no idea; we will have to look into it.

Mr. Poelaert added a Special Town Meeting is still the cheapest way to go, and that the voters were not clear that the money for the revaluation was already there in the Capital Reserve Fund. He stated that if DRA got involved, it would cost the Town much more money, and it is a "no brainer" to conduct a Special Town Meeting.

Chairman Dworman stated we had some homework to do, and Mr. Pendell asked what the timeline would be. Ms. Hurteau stated she would check into the details tomorrow.

HEALTH OFFICER: It was noted, once again, 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.

Chairman Dworman inquired if anyone is interested in becoming the Town's Health Officer?

Mr. Urwick requested a description of the responsibilities for the Health Officer, and Matt Gallant, the former Health Officer, replied water testing, failed septic systems, mosquito control, etc.

Chairman Dworman inquired if Sam Richard would be interested in the position, to which he replied that he is already the Fire Chief, a member of the Safety Committee, Deputy Forest Fire Warden, and he thought the responsibilities should be spread around. He added it is his opinion that too many inspections under one person could appear to be biased.

Chairman Dworman stated if people could please spread the word, it would be much appreciated.

Mr. Pendell inquired to Matt Gallant if training was required, and Matt responded that there is no training, you kind of fly by the seat of your pants.

YOUTH FISHING POND: It was noted that Police Sergeant Ray Marquis has requested permission to replace the sign located at the youth fishing pond located near Foss-Wasson field, and wishes it to read as follows: "East Kingston Youth Fishing Pond, Restricted to Youths 15 Years of Age and Under, Per Order of the Selectmen."

Matt Gallant asked whose sign it was, and Rob Caron responded he thinks it was erected when Joe Cacciatore was in office. Chairman Dworman inquired as to whose budget the sign would come from, and Matt Gallant responded that all signs come out of the Road Agent's budget.

Chairman Dworman **MOTIONED** to approve replacing the Youth Fishing Pond sign, and Mr. Poelaert seconded.

Mr. Carter stated if the pond is stocked by Fish & Game, then it must be open to the public, and added if the sign is unenforceable, why put it there?

Police Chief Simpson stated that Fish & Game probably stocks it 50/50 with the Recreation Committee, and non-residents fish it out. He added that the police have had problems with open containers, and they "run them off" of Town property.

Mr. Pendell added that the Recreation Committee stocks it once a year for the Young Fishing Derby.

TOWN TOUR: It was noted that the annual Town Tour must be scheduled for 2009. Following discussion, the Board determined the Town Tour will be conducted once Mr. Poelaert checks his calendar to see when he is available, and they can set a date.

CUSTODIAN: The Board discussed the possibility of offering assistance to the Town custodian when extremely heavy lifting or excessive heavy snow shoveling is required.

Chairman Dworman asked if the Road Agent could offer some assistance, and Matt Gallant stated they always offer to assist him, and Gene likes to do the job himself.

Mr. Poelaert inquired if a “trustee” under the direction of the Police Department can help out to shovel the Pound School and the Library, and Matt Gallant offered that there is no issue with manpower.

Following discussion, Chairman Dworman requested that Gene be asked to attend the next Selectmen’s Meeting to discuss how all of us may assist him, if needed.

AREAS OF LIAISON: The Board discussed the Selectmen’s Areas of Liaison Responsibility. Chairman Dworman stated he was unsure of who had certain areas last year, and Mr. Pendell stated as he was involved with the Library as an Alternate Trustee, is the Ex-Officio to the Planning Board, and a member of the Recreation Committee, he would like to stay on with those areas.

Mr. Pendell inquired if there were any areas that Mr. Poelaert was not interested in, and he responded that he did not want the Planning Board.

Chairman Dworman offered that in being the liaison, you do not have to attend all meetings. You are the first person, the point of contact. There is no need to attend every meeting if everything is operating smoothly, you will only hear from some once a year, and others on a semi-annual basis.

Mr. Poelaert responded that the liaison is the person in the command module. He added he would take the Health Officer and Property Assessments. (At the 3/30/09 Board of Selectmen meeting, Mr. Dworman asked to amend the minutes here to reflect “Mr. Poelaert added Mr. Dworman would then take the Health Officer and Property Assessments).

Mr. Dworman commented that all responsibilities fall on all Board members. Although a Selectmen is a point of liaison, the Selectmen act as a Board, and two or more Selectmen constitute a meeting. He then asked Mr. Poelaert if there were any areas in the first group that he would like to have.

Mr. Poelaert responded he would swap two from the first group with Chairman Dworman, and it was determined that Mr. Poelaert will take the Building Inspector/Code Enforcement Officer.

Mr. Pendell **MOTIONED** to accept the Areas of Liaison Responsibility as amended. Mr. Poelaert seconded. Motion carried 3-0.

RECOUNT: It was noted Zoning Article #10, regarding a Workforce Housing Ordinance, received 247 “Yes” votes and 247 “No” votes at the Town Election held on Tuesday, March 10, 2009. A petition to request a recount was received by the Town Clerk’s Office. Two Selectmen, the Town Clerk, and the Moderator must be present at the recount. The Planning Board Chairman, David Sullivan, may also attend, if he wishes. According to state RSA, the recount must be scheduled no earlier than Monday, March 23rd, and no later than Thursday, March 26th.

Following discussion, it was difficult to agree on a date that would suit everyone, so Chairman Dworman recommended that the office check with the Moderator to see when she is available, and go from there. He added that given the short period of time to conduct the recount, that people just might need to make the proper arrangements to be there.

BUDGET: Chairman Dworman recommended the Board schedule an earlier meeting than the scheduled Selectmen’s Meeting for March 30, 2009, as the budget did not pass. He added he wishes to meet with the Police Chief and the Fire Chief to discuss how to make this year work on last year’s budget money.

Fire Chief Richard commented that the default budget has already been set, and Chairman Dworman responded they will have to “tweak and discuss” each budget.

Mr. Gallant added that each budget will be less than proposed, and there is approximately \$20,000 left in the budget for snow removal this year.

Chairman Dworman stated that the Road Agent will have to complete summer projects and move on to snow removal.

Mr. Warren commented that there is money to do “special projects,” and other projects that cannot be pulled out.

Chairman Dworman inquired of the other Board members if a budget session should be held next week, or should the Board wait two weeks for the next scheduled meeting?

Mr. Pendell responded the Board could meet in public session next Monday at 6:30, and discuss the default budget and the possibility of conducting a Special Town Meeting.

Mr. Pendell interjected that he had been approached by a resident about blind corners on Sanborn Road, and the danger to kids living there. He added the resident wants the Town to erect signage warning about the blind corners.

Mr. Gallant inquired as to the location of the blind corners, as there is only one corner on the road and he doesn't consider it to be a blind corner.

Mr. Pendell responded that he instructed the resident to write a letter to the Board, so they will be receiving a letter.

Mr. Poelaert offered that in some cases the default budget is higher than the proposed budgets, and Rob Caron offered some explanation regarding the Police and Fire Department budgets, in that some of the increases were attributed to salary increases and the cost of benefits.

Mr. Poelaert noted that the Recreation Committee will lose \$8000 from their original budget.

Chairman Dworman asked those in attendance if there were any other business, and David Sullivan asked if he could have permission to speak, and was granted permission by Chairman Dworman.

DAVID SULLIVAN: Mr. Sullivan stated it had nothing to do with Chairman Dworman, but he was not pleased with Mr. Pendell's decision to elect him as Chairman. He added that Mr. Poelaert has experience to step up to the plate and provide continuity.

He went on to say that Mr. Pendell was running his own agenda by making that move, and Mr. Pendell said that it wasn't. Mr. Sullivan repeated it is Mr. Pendell's own agenda and that it does not benefit the Town.

Chairman Dworman stated he would like to address that issue, and added he was glad Mr. Sullivan brought it up. He stated Mr. Sullivan is right, it does go outside of the traditions, and he thinks it is a good idea because of the bad blood between Mr. Pendell and Mr. Poelaert. He added that last year was a tough year for the Town, and he thinks having a non-biased third party as Chairman will allow them to get along better. He went on to say it's important the three of them work together as a Board.

Chairman Dworman added that with earlier Boards, they didn't always agree, but could leave the meeting and still look each other in the eyes and all shake hands and say hello on the street. He added they are all here for one reason to serve the Town's best interest. He stated that he has no personal agenda and hopes neither of the others do. He said as Chairman, he will do his best to make sure that we only work in the Town's best interest, and that they work together as a Board. He went on to say we have to remember it's a Board for a reason. We have three personalities, three levels of expertise, and three different opinions at times, and that it, hopefully, represents the Town. He added the Town consists of many people with many opinions. He stated that they won't always agree, but need to agree to try their best to work together to serve the Town. He said they are not in this for the money, for building their resumes, or for it to be the highlight of their careers, they are here for one reason.

Mr. Dworman asked that they try to put the bad blood behind them; it is a brand new year and a new term. He asked the other Board members to put hurt and hard feelings aside, and forget what has happened, because it doesn't matter anymore. He added that is why he thinks it is a good idea for him to serve as Chairman, and that is the only reason he accepted the nomination.

Mr. Sullivan asked Mr. Dworman if he knew that this was going to happen before tonight's meeting, and Chairman Dworman indicated it was certainly no surprise to him given the bad blood. Mr. Sullivan again asked if Chairman Dworman knew in advance what was going to happen, and Chairman Dworman responded that it is no secret that the two of these guys are not friendly.

Mr. Pendell added that before the Election, he and Mr. Dworman had a conversation whereby if Mr. Dworman won the election, for those reasons, he would nominate him as Chairman. He added it has nothing to do with Mr. Poelaert's experience, it has to do with what had happened over the last nine months, and that is the only reason why.

Mr. Sullivan asked Mr. Pendell if that was why he told people in Town that Matt Dworman was in his pocket and he would vote any way he wanted him to?

Mr. Pendell said he never told that to anybody, and Mr. Sullivan stated he had heard it from numerous people, and Mr. Pendell ran around Town telling people that. Mr. Pendell stated he did not wish to argue with Mr. Sullivan.

Chairman Dworman stated that there are always rumors around, Mr. Sullivan is the Chairman of the Planning Board, and in that position, he should know not to believe any rumors that he hears. Mr. Sullivan added that Mr. Pendell printed a bunch of lies in e-mails, which he has a handful of, and ran around Town telling people he is going to get rid of the Fire Chief, Police Chief, Ray Donald, and the ladies that work here. Mr. Pendell asked Mr. Sullivan why would he do that?

Mr. Sullivan responded Mr. Pendell did that by publishing things that the Town lawyer told him not to talk about, and added he had the e-mails in his hand and the whole list of people who read them. He asked Mr. Pendell what right he had to discuss personnel matters in public? Mr. Pendell responded that he did not believe he did discuss them. Mr. Sullivan said they are all right here (the e-mails), and Mr. Pendell opened the door, and everyone else did his dirty work. He added Mr. Pendell left a paper trail, and asked him if he were denying it when he had the e-mails right in his hand?

Mr. Pendell again stated he was not going to argue with Mr. Sullivan, and he could believe whatever he wanted to believe. Mr. Sullivan said Mr. Pendell sent them to people, and Mr. Pendell responded he sent Matt's flyer out to his address list. Mr. Sullivan reiterated that Mr. Pendell doesn't benefit the Town, he benefits himself. Mr. Pendell said he did not benefit at all.

Chairman Dworman requested to see the e-mails, and Mr. Sullivan responded, no, he had already seen them because Mr. Pendell had sent them to him. Chairman Dworman said he had not seen them, and Mr. Pendell had not sent them to him. Mr. Sullivan responded they were his copies and he was keeping them.

Chairman Dworman responded ok, but if Mr. Sullivan was making accusations, he should back them up.

Mr. Sullivan indicated that he could back them up.

Austin Carter asked to speak, and said on the other hand, he has known Chairman Dworman, . . . and Mr. Sullivan interjected he has no problem with Chairman Dworman. Mr. Carter stated he had the floor, and Mr. Sullivan apologized for interrupting. Mr. Carter continued that with the turmoil in Town, especially attached to the Selectmen as a whole, what they are doing or not doing, the power struggle, etc., he thinks Matt Dworman has three years experience as Chairman of the Selectmen, and with his personality, he personally thinks he is an excellent choice for the job. Chairman Dworman thanked him.

Mr. Sullivan stated he asked Mr. Pendell at the Deliberative Session what about paying the Town back for money spent on the lawsuit against the other two Selectmen, and that he did not get an answer. Mr. Pendell responded he believed Keri Marshall stopped him. Mr. Sullivan said Mr. Pendell still had a chance to speak, he was asked a valid question for the Townspeople, and he neglected to answer it.

Carol Freeman interjected the moderator said it was not called for at that time, and Mr. Sullivan asked to be allowed to speak. Ms. Freeman repeated that the Moderator said it was not called for at that time, and Mr. Sullivan asked what happened to Freedom of Speech? Ms. Freeman responded that she did not know. She continued, the Moderator was running the meeting that night, to which Mr. Sullivan responded that the Moderator nodded her head and let me continue to speak, and asked Ms. Freeman if she was ok with Mr. Pendell spending their money in that respect?

Mr. Carter added that the Moderator has control of any meeting, and told Mr. Sullivan to sit down. He added if this Moderator here was on the ball, he would tell Mr. Sullivan that he'd said his piece and keeps saying the same thing over and over. He then told Mr. Sullivan to be quiet. He added it was his opinion.

Mr. Sullivan reiterated that the Moderator nodded her head and continued to let me speak, and added so it is ok for people to waste our money in these times? Mr. Carter countered that is Mr. Sullivan's opinion, and Mr. Sullivan said he is entitled to his opinion, that is correct.

Chairman Dworman said he appreciated Mr. Sullivan speaking out. He reiterated that he thinks it is important to start this year out fresh, try to put all this behind them, and face the task in front of them, which is substantial. He added we have budgetary issues and a number of other issues to address, so he does not wish to waste any more time on hurt feelings and put all this behind us.

Mr. Lewandowski inquired if a Chairman had been voted on this evening, and Chairman Dworman responded, yes. Mr. Lewandowski indicated it was very hard to hear the meeting tonight, and Ms. White introduced herself as the Planning Board/Zoning Board Secretary and agreed that Chairman Dworman speaks very softly. She addressed Mr. Pendell, and explained that if the Ex-Officio to the Planning Board cannot attend their meetings, he should schedule the Ex-Officio alternate to attend in his absence.

Mr. Carter stated that times are tight and money is tight, and inquired if there were plans for the East Kingston Police Department to provide 24/7 police coverage to the Town. Chairman Dworman deferred the question to

Police Chief, Reid Simpson, and he stated he had been approached about the subject, and there would have to be a warrant article for next year.

Mr. Urwick asked if he was talking about 24/7 on duty or on call, and Mr. Carter clarified that at 3:00AM he wants an East Kingston Police Officer to respond to his home, not a state cop. He added the Town had it before when Hank Lewandowski was Chief of Police, and he wants it back.

Chief Simpson explained that the Town never had 24/7 coverage, that he himself was on call. He worked a four-day workweek, and was on call. Former Police Chief Hank Lewandowski agreed with Chief Simpson that was the situation, there was never 24/7 police coverage.

Mr. Carter repeated that the Town had 24/7 coverage before, and they do not have it now, and Chief Simpson reiterated that was him getting out of bed, and if you want 24/7 coverage, that's what you are asking for.

Mr. Carter stated that he (Chief Simpson) created it. Chief Simpson added you have to get out of bed, de-ice your car, etc.

Mr. Carter responded that he wants 24/7 coverage and it is Chief Simpson's job to make it happen, and the Selectmen's job to make it happen.

Mr. Urwick added he agreed with Mr. Carter, the local police should respond no matter what the time, like the Fire Department.

Mr. Dworman stated he would try to make that happen.

LIBRARY TRUSTEES: The Board received, for their review, copies of the November 18, 2008, and December 16, 2008 meeting minutes of the Library Trustees.

BUILDING INSPECTOR: It was noted that Ray Donald, Building Inspector, will attend a "Wall Bracing" seminar on April 14th at the Holiday Inn in Portsmouth.

NHMA: It was noted that the New Hampshire Municipal Association provided a "Legislative Alert" that Governor Lynch has notified them that he will ask the legislature to restore the meals and rooms tax revenue to municipalities in the 2010-2011 budget. If restored, it would return close to \$120 million over the biennium to municipalities, revenue which is critical to providing essential local services.

CAULK: It was noted that the hearing scheduled for Thursday, March 26, 2009 with the State of NH, Board of Tax and Land Appeals, Docket No. 22585-06PT, Margaret Caulk Revocable Trust v. Town of East Kingston, has been cancelled, as the appeal was withdrawn by Ms. Caulk on March 4, 2009.

CALENDAR: 3/17 – St. Patrick's Day, 3/18 – Cemetery Trustees Meeting, 3/19 – Planning Board Meeting, 3/26 – ZBA Meeting (as needed), 3/30 – Selectmen's Meeting.

Mr. Pendell **MOTIONED** to adjourn the Selectmen's Public Meeting at 7:45PM. Mr. Poelaert seconded. Motion carried 3-0.

Respectfully submitted,

Cheryll A. Hurteau
Administrative Assistant II

Richard S. Poelaert

David R. Pendell, Jr.

Matthew B. Dworman