

**TOWN OF EAST KINGSTON, NH
SELECTMEN'S PUBLIC MEETING MINUTES
TUESDAY, MAY 26, 2009**

7:00pm – Jay Somers, Comcast

Attending: Selectmen Matthew B. Dworman, & Richard S. Poelaert. David R. Pendell, Jr. arrived at 7:15PM.

Others Attending: Jay Somers.

Chairman Dworman called this Selectmen's Public meeting to order at 6:30PM, taping it.

REGISTER: The Board reviewed the check register. Mr. Poelaert **MOTIONED** to approve & sign the check register dated 5/14-5/25/09 in the amount of \$378,896.43. Chair Dworman seconded. The motion carried 2-0.

HOME OCCUPATIONS: The Board reviewed the home occupation renewal permits, effective July 1, 2009 – June 30, 2010, noting no changes from the previous year. The fee of \$50 has been paid for each Home Occupation, and \$25 for each Invisible Business.

Glenn P. Clark, Glenn Clark Remodeling, 2 Clark Road, MBL #10-04-08, Permit 89-20

Christopher Crowley, Tack Shop, 153 North Road, MBL #16-02-03, Permit #05-01

Norman Freeman, Sr., Freeman Family Custom Sawing, 52 Main Street, MBL #09-08-01, Permit #89-24

Norman Freeman, Jr., Freeman Logging, 52 Main Street, MBL #09-08-01, Permit 89-23

Donna Reed Davis, Therapeutic Massage, 73 South Road, MBL #13-03-11, Permit #91-02

Anthony W. Moulton, Millpond Dev. Corp/MBW, Inc., 6 Pine Woods, MBL #12-03-21, Permit #89-38

Marshall Law Office, Keri J. Marshall, 53 Depot Road, MBL #09-04-03, Permit #89-44

Robert L. Rossi, RL Rossi, Inc., 130 Sanborn Road, MBL #07-03-06, Permit #89-11.

Mr. Poelaert **MOTIONED** to approve and sign the Home Occupation renewal permits as presented. Chair Dworman seconded. Motion carried 2-0.

Ms. Gallant informed the Board, Mr. Robert Forrest submitted his renewal of the Invisible Business, Firearms Business, 1 Stumpfield Road, Gary Hinz, Grounds For Living, 76 Main Street, Judith Manning-Leonard, Judy's Music School, 2 Fox Hollow Court & William Faris, William Rick Faris, Inc., 36 Joslin Road.

Chair Dworman **MOTIONED** to approve the Invisible Home Occupation renewals as presented. Mr. Poelaert seconded. Motion carried 2-0.

SUPPLEMENTAL WARRANT: The Board reviewed a supplemental warrant. Mr. Poelaert **MOTIONED** to approve and sign the supplemental warrant in the amount of \$1,706 as presented. Chair Dworman seconded. Motion carried 2-0.

DEED: With the passage of Warrant Article #27 at Town Election held on 3/11/09, the Board was presented with a warranty deed conveying Taylor Way from Brentwood Commons to the Town.

Chair Dworman **MOTIONED** to approve and sign the warranty deed as presented, and noted it has been reviewed by Town Counsel. Mr. Poelaert seconded. Motion carried 2-0.

With the passage of Warrant Article 25 at Town Election held on 3/11/09, the Board was presented with a warranty deed conveying Bowley Road from Franklin Park, LLC to the Town.

Chair Dworman **MOTIONED** to approve and sign the warranty deed as presented and noted Town Counsel has previously reviewed the deed. Mr. Poelaert seconded. Motion carried 2-0.

The original deeds will be recorded at the Rockingham County Registry of Deeds, and upon receipt of the recorded deeds from the Registry, the remaining bond funds will be released to the appropriate parties.

APPOINTMENT: The Board reviewed the appointment of Cemetery Sexton for Michael Benjamin, effective through 12/31/2011, filling the vacancy of Eugene Madej.

Mr. Poelaert **MOTIONED** to approve and sign the appointment as presented, noting he has received a successful background check. Chair Dworman seconded. Motion carried 2-0.

PA-30: It was noted the two residents that currently receive the elderly and disabled tax deferral have completed and submitted the necessary documentation for the first tax billing for 2009.

Chair Dworman **MOTIONED** to approve and sign the PA-30 applications as submitted. Mr. Poelaert seconded. Motion carried 2-0.

VEHICLE: The Board was asked for authorization for the Chairman to sign the title to the 99 vehicle in preparation of selling the vehicle. Mr. Poelaert **MOTIONED** to approve the Chair to sign the title. Chair Dworman seconded. Motion carried 2-0.

TOWN HALL: The Board was informed the Grange replaced the stage curtains with flame resistant material, and the office has a copy of the certificate of flame resistance on file.

STRATHAM: The Board acknowledged correspondence from the Town of Stratham dated 5/13/09, along with a Public Notice regarding the renewal of a contract with Comcast with a public hearing on June 1st.

DRAGON MOSQUITO: The Board acknowledged the April report submitted by Dragon Mosquito.

BI: On 5/13/09, Building Inspector Ray Donald attended a NH Building Officials Assoc. meeting, and reported the possibility of a new law effective 7/1/2010 regarding town owned buildings must be in compliance with standards. It has not yet come up for a final vote.

POWWOW POND: The Board acknowledged receipt of correspondence from the Powwow Pond Council regarding the notification of approval to treat the weeds, noting, to date, the permit has not been approved by DES. It was suggested that State Rep. Kim Casey be contacted to follow up on the status of the permit in the process. The application was filed in February, and DES has a 90-day deadline to respond.

PLANNING BOARD: The Board acknowledged the receipt of the Planning Board meeting minutes dated 5/21/09, along with the Notice of Decisions for approvals of two new tenants at the Light Industrial Park, owner of record Paul Masone and the recommendation of an approved Invisible Home Occupation for Diana Whitmore, 108 Depot Road, for a doggy day care and boarding. Chair Dworman, based on the recommendation of the Planning Board, **MOTIONED** to approve the Invisible Business for Diana Whitmore, 108 Depot Road. Mr. Poelaert seconded. Motion carried 2-0.

BARTON'S: The Board acknowledged receipt of notification of an application submitted to the NH Dept. of Environmental Services by RE Prescott Pump, for a temporary groundwater discharge permit by RE Prescott Pump at Barton's Mobile Home Park.

BI: The Adm. Asst., on behalf of the Building Inspector/Code Enforcement Officer, inquired if the Board wanted him to take down illegal signs recently erected around Town. Discussion ensued. The Board members agreed to have him remove signs placed in the ground, but not on privately owned utility poles.

POUND SCHOOL: The Board acknowledged many committees opted to continue to use the Pound School for their meetings, along with the Friends of the Library used book store, therefore, they thought it would be appropriate to install air conditioners. Mr. Poelaert stated he had measured the Pound School to be about 960 sq. ft., and thought two air conditioners from Sam's Club would work fine. He quoted the cost would be less than \$500, with each at \$229. It was further noted the building has 200-amp electrical service. Mr. Poelaert **MOTIONED** to approve the purchase of two window air conditioners for the Pound School for less than \$500. Chair Dworman seconded. Motion carried 2-0.

It was further noted that, currently, the building has 4 wooden chairs and 18 folding wooden chairs for meetings, which is sufficient.

SOUTH ROAD: The Adm. Asst. reported two complaints to the Board members. She informed the members Ursula Gilstrap has reported she lives on South Road and when it rains, she gets a lot of water in her driveway. Ms. Gallant contacted the Road Agent (Matt Gallant), and he reported there is no ditch at her driveway. There is a drop from the road to the shoulder, and last fall he built a berm for her. He added with the default budget this year, there is no extra money to do any work there. He may be able to fix the berm again at this point. Mr. Gallant also noted he has already spoken with her several times about this complaint. He stated she could build up her driveway to meet the road on her end.

PHILBRICK ROAD: The Road Agent, upon receiving the complaint, has reported he will have a backhoe next week to remove any branches, twigs, etc. from the Town portion of the area between the Bartlett residence and the Pound School.

CALENDAR: The following dates were noted: Trash pick up will be delayed one day due to the observance of Memorial Day, and will be conducted on Tues. 5/26, 5/28 accounts payable and payroll processing, Friends of the Library holding a book & bake sale at the Pound School on Fri. 5/29 & Sat. 5/30, Art Festival at Town Hall 5/29, 5/30, and 5/31, and 6/1.

6/8 Mon. Selectmen's Meeting and at 8:00PM, set up booths for Special Town Meeting on Tues. June 9th, polls open 8AM – 7PM, 6/18 Planning Board meeting, 6/20 Grange Ham & Bean Supper, 6/21 Father' Day & 1st day of summer, 6/22 Selectmen's Meeting, 6/24 Last day of School, & 6/30 Home Occupation renewal permits due.

COMCAST: Jay Somers of Comcast met with the Board to discuss the renewal of a contract with Comcast, which will expire on 4/30/2011.

Mr. Jay Somers stated he had been contacted by David Pendell inquiring about the Town having their own channel in East Kingston, with the possibility of live meetings of the Board of Selectmen and/or other meetings. He stated they have had several discussions over the phone.

Mr. Somers stated he agreed to meet with the Board of Selectmen to better explain. He acknowledged that the license with Comcast expires 4/30/2011 (a 10 year contract). Mr. Somers stated David wanted to do this

beforehand, and Mr. Somers responded he was not in agreement to do it now. He stated the \$20,000-\$25,000 franchise fee would be passed onto the customers.

With only 17 months left of the contract, in order to recoup the money expended, a cost of \$2.45 would be added to each subscriber's bill. He noted in 2008, the Town received \$11,000+, or 3% of the revenues. Currently, the subscriber pays \$1.37 per month, and if you added the channel to it, of \$2.45, the total monthly bill for each subscriber would be \$3.82 per month. It would be another burden to the subscriber, and especially in this economy, he did not advise it.

He added there would also be capital equipment needed. Mr. Somers did acknowledge the Town does have the right to have its own channel, but they can use Exeter's right now. For your own channel and your own equipment there would be an additional cost to get the correct equipment.

Mr. Somers stated the current contract expires in April 2011, and he recommended beginning negotiations one year ahead, like April 2010, to discuss the needs of the Town. A public hearing will also be conducted for residents to express their views.

It was noted the Town received a payment of \$3,000 in May 2007, which was deposited into the general fund.

Mr. Somers stated the big step that you need to think about is whether or not the people in Town show any interest in doing it. He added currently there are only 640 subscribers to Comcast. It is a very small base.

Chair Dworman noted the Town of Kingston has recently stopped recording their meetings.

Everyone acknowledged that, currently, East Kingston does share a channel with Exeter.

David Pendell joined the meeting at 7:15PM.

Mr. Poelaert stated there are no volunteers to record the meetings in Kingston.

Mr. Poelaert inquired about when a meeting goes into a non-public session, would an edit be done. Mr. Somers responded it is a live broadcast, and in the contract it is spelled out that the Board of Selectmen are responsible for all content, not Comcast. Mr. Poelaert expressed concern with possible bad language.

Chair Dworman stated essentially a live broadcast would require installation of a direct line at \$20,000-\$25,000. With only 17 months left to the current contract, the cost would be too heavy to the individual subscriber.

For David's benefit, information was again stated. Currently the franchise fee is 3% or \$1.37 per month per subscriber, and in 2008 the Town received \$11,000+ to the general fund. The additional franchise related cost would be \$2.45 for a total of \$3.82 per month per subscriber. The Town currently has 640 subscribers. Mr. Somers reiterated they need to keep costs down, as they receive complaints any time the rates increase.

He suggested they talk about the renewal of a contract at a separate meeting. Mr. Pendell asked when the Town re-ups the agreement, is it for 10 years? Mr. Somers responded Comcast recommends a 10-year contract.

He added to reduce the cost; you do it over the 10-year period, not the 17 months remaining of the current contract.

Chair Dworman acknowledged the size of the Town, as well as the number of subscribers is very small. He added it is his opinion that accessing the Exeter channel would be fine, he sees no need to get our own direct line. He would agree to use the Exeter station.

It was noted by Mr. Somers, the Town would need an operator. Mr. Pendell suggested a turn on/off switch for the audio and the camera be stationary. Mr. Somers responded people hate it if you don't have the camera showing who is talking.

Mr. Pendell asked if they could set it up, tape it, edit it, and give it to Exeter to put it on. Mr. Poelaert warned of anything said that might be inflammatory about someone, and when they hear their name on TV, they may come right into the Selectmen's Office very upset and express it to the Board.

Mr. Somers stated Rye shares with Portsmouth, and they set aside time during the day to put out information for Rye. They have someone to input the information, and it is on 2 – 3 times a day.

Mr. Poelaert asked how many people tune into the channel? Mr. Somers responded Comcast cannot tell how many people watch it.

Mr. Somers stated the Board must discuss the matter, and think it all out one year from now. It can be either a positive for the Town, or a distraction. You need to determine whether or not there is a need for it.

When Mr. Poelaert inquired about towns in NH that currently have live broadcast, Mr. Somers responded none in NH.

Mr. Somers added the Town of Newington said NO to broadcasting; they did not want to pass any costs onto the subscribers.

Mr. Poelaert inquired about competition, i.e. Verizon, FairPoint, etc. Mr. Somers responded, at the earliest, Fairpoint may be available in 2010. They are experiencing problems.

Mr. Poelaert added he has no fault with Comcast, if they are the only product available. He added they are nice people to work with.

It was acknowledged that Fairpoint will be competition in the future for video, but is not available right now.

Mr. Poelaert stated he is not electronically savvy, and asked if there is any service to help people with assistance. Mr. Somers responded you can contact 1-800-COMCAST for technical assistance, and they can walk you through it.

The Board members acknowledged they have equipment located downstairs, and Mr. Somers recommended we take an inventory of what we have. Mr. Pendell offered to take the inventory and email it to Mr. Somers.

Mr. Somers stated in the fall or next spring, you could hold a public ascertainment hearing to get the cable needs from the residents. The public hearing is held during the regular Selectmen's meeting. That would be step one, and he encouraged next spring.

Mr. Pendell asked if Mr. Somers would attend the meeting, and he responded yes.

In response to Chair Dworman, Mr. Somers stated he will attend the June 1st meeting in Stratham to answer questions. The hearing is mostly for getting input from the residents. You need to look at what residents want.

Mr. Somers encouraged they start in April 2010 with renewing the contract with Comcast, that expires in April 2011.

Mr. Pendell suggested a warrant article to ask the voters if they want to pay to have Board of Selectmen's meetings televised.

Mr. Pendell inquired about the channel Exeter uses, and Ms. Gallant responded channel 22.

Mr. Pendell stated a representative from Comcast told him the Town should have three channels, one for Town, one for the school, and one for commentary. Mr. Somers responded he does not recommend three channels, just one.

At 7:40PM, Chair Dworman thanked Mr. Somers for coming in. Mr. Pendell stated he will email the inventory to Mr. Somers. Mr. Somers provided his business card to the Board members.

Chair Dworman asked if there was any further discussion. He stated he feels there is no need to add a channel for East Kingston; he is ok with sharing with Exeter. He added you would need someone to tape it, and take it to Exeter.

Mr. Poelaert suggested waiting until the next contract, and getting input from the public. Mr. Poelaert added a return line is \$30,000 per channel.

MINUTES: The Board reviewed the Selectmen's Meeting minutes. Mr. Pendell **MOTIONED** to approve and sign the public meeting minutes dated 5/11/09. Chair Dworman seconded. Motion carried 2-0. (Mr. Poelaert was absent for most of the meeting, therefore, abstained from voting).

Mr. Poleart **MOTIONED** to adjourn. Mr. Pendell stated he had a couple of things to discuss.

LAW: Mr. Pendell presented a letter he received from his wife Teresa, which was given to her from Timothy Law for the Board of Selectmen. Copies of the letter were provided to each Board member to address at the next meeting.

SOUTH RD: Mr. Pendell reported he has received complaints about speeders on South Road. He further added there are no speed limit signs. He also added the northbound school flashing light is not working. The Board of Selectmen agreed the Police Dept. should be contacted and asked for more coverage on South Road and Willow Road. The Administrative Assistant will check on the light.

Mr. Pendell stated he sees a cruiser on South Road between 5-5:30AM, but not during school hours.

Mr. Pendell acknowledged that the speed limits on Town roads are currently at 25 mph, and previously they were at 30 mph.

Chair Dworman stated a few years ago, the Police Chief had asked to make town ordinances for speeding so the revenue could go to the Town and not to the state. He suggested working on that.

EKFA: Mr. Pendell reported the electricity has been disconnected in the kitchen area of the Fire Station, and he is waiting for the plumber to disconnect the water before demolishing the kitchen. He added he did clean out the area over the weekend, and is ready for demolition.

At 7:55PM, Mr. Poelaert **MOTIONED** to adjourn this Selectmen's Public meeting. Mr. Pendell seconded. Motion carried 3-0.

Respectfully submitted,

Deborah G. Gallant
Administrative Assistant

Matthew B. Dworman

Richard S. Poelaert

David R. Pendell, Jr.