

**TOWN OF EAST KINGSTON, NH  
SELECTMEN'S PUBLIC MEETING MINUTES  
MONDAY, JULY 20, 2009**

**6:45PM – Solid Waste & Recycling Contract Committee**

**7:00pm – Mary Currier, Rockingham Conservation District**

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

**Others Attending:** Mary Currier, Leonard (Len) Lord, Rob Caron, Ron Morales, Dan Guilmette, Ed Warren, Pat Mazur, & Carol Freeman.

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

**MINUTES:** The Board reviewed the public & nonpublic Selectmen's meeting minutes dated 7/6/2009. Mr. Pendell **MOTIONED** to approve and sign the public meeting minutes as written after clarifying a couple of things with the other Board members. Mr. Poelaert seconded. Motion carried 3-0.

They decided to "hold" the nonpublic meeting minutes until later in the meeting.

**REGISTER:** The Board reviewed the check register. Mr. Pendell **MOTIONED** to approve and sign the check register dated 7/9-7/16/09 in the amount of \$68,409.89. Mr. Poelaert seconded. Motion carried 3-0.

**HOME OCCUPATIONS:** The Board acknowledged receipt of a home occupation renewal permit for Peter Ridabock, and an invisible business renewal permit for Randall Skaal.

Mr. Poelaert **MOTIONED** to approve and sign the home occupation renewal permit for Peter Ridabock, Ridabock Glass, 65 Depot Rd., MBL #09-04-08, Permit #07-01, and Randall Skaal, Graphics Design/Web Designer, 101 Powwow River Rd, an invisible business permit, both effective through 6/30/2010. Mr. Poelaert seconded. Motion carried 3-0.

It was noted we have 27 approved home occupation permits, and 7 approved invisible businesses in effect, totaling 34.

**APPOINTMENT:** The Board acknowledged receipt of a letter of recommendation from the Library Trustees dated 7/09/09, recommending the appointment of Barbara Williams as an Alternate Library Trustee. The Board acknowledged receipt of a recommendation from the (Solid Waste Recycling Contract Committee) SWRCC to appoint Daniel Guilmette from an alternate member to a regular member of the Committee.

In response to why they wanted to make him a regular member vs. the current alternate member, Mr. Morales responded, he needs to be a full member for the work load that they have, they want to add a sixth full member.

Mr. Pendell stated it is not like the library. He added he received no letter of interest from Dan. He added they only have a month and a half left to make a recommendation to the Selectmen. He questioned the workload, and noted six would make the committee an even number of members vs. an odd number for any tie votes.

Mr. Morales explained that we are lucky that we have people who are interested in volunteering, and we should not impede them to do so.

Mr. Pendell stated a letter of interest was not received.

Mr. Caron interjected, when the Board of Selectmen appointed Dan Guilmette an alternate to the committee, they did not ask for a letter of interest at that time.

He added when he and Matt Dworman had discussed, ahead of time, creating the committee, they discussed a five-member committee. Mr. Dworman noted adding one would make it an even number of members.

The committee members stated they are not a board; they are just a research committee charged with giving the Board of Selectmen a recommendation.

Mr. Morales stated they are a research committee to come up with the best solution for the Town.

Mr. Dworman stated he doesn't think it is a problem.

Mr. Pendell stated he has a problem, because it was not talked about at a meeting. Mr. Caron responded the committee meets once a week, and they do a lot via email, as all kinds of information crops up.

Mr. Pendell stated they are making decisions outside of a meeting.

Mr. Caron noted all of the committee members are included in the emails, and actually you (Mr. Pendell), probably see the emails before Theresa does. Mr. Pendell responded, yes, he does. Mr. Pendell noted Teresa voted nay, and Amy changed her yea to a nay, therefore, there are 2 nays. Mr. Caron noted Ron and himself have voted yea, and are waiting to hear from Duncan. Mr. Caron inquired if it could be approved pending tomorrow night's meeting when Duncan responds.

Mr. Guilmette stated it boggles his mind that we are a research committee, and I am really disenfranchised about it all. I was asked to help out on a committee. Mr. Guilmette asked if Mr. Pendell was checking his background for credentials? Mr. Guilmette stated he was responding to the Selectmen's meeting minutes. Mr. Guilmette stated he doesn't understand it. A guy comes forward who is asked to help, and is willing to help, and you need credentials. Mr. Pendell responded not at all.

Mr. Poelaert interjected that Dan is a great guy, and would not accept anything bad said about him.

Mr. Pendell stated he wants to know why Rob does stuff outside the meeting. He questioned the opening of the bids by Mr. Caron. Mr. Caron responded it was agreed at a meeting that the Chair and Vice Chair would open the bids and make copies for distribution at their meeting for each member. He (Chairman) opened the bids in the Selectmen's Office, along with Mr. MacLeod (Vice Chairman) and made the copies. Deb Gallant was also present.

Mr. Pendell questioned the creditability of the research committee. It is a \$90,000 contract, and the bids were opened outside of a meeting.

Mr. Guilmette stated this is a volunteer committee, and he should not be micromanaging the committee. Mr. Poelaert noted there is no reason to go against Dan as a volunteer, or to be on the committee.

Chairman Dworman stated, originally, they had set the board for five members, but if we need more, he has no problem with that. Mr. Caron added he doesn't think you will find anyone else wanting to join.

Mr. Morales added they had wanted Dan as a regular member to begin with, and it was the Selectmen that made him and Ray Marquis as alternates.

It was noted Ray Marquis chose not to get involved. Mr. Dworman stated he had no problem with adding additional members to the board. He added it should be an odd number of members.

Mr. Caron offered to contact Mr. Marquis and ask him if he would like to be a full member.

Mr. Poelaert **MOTIONED** to add two full members to the committee as recommended, Dan Guilmette and Ray Marquis (through 12/31/2009). Chairman Dworman seconded. Motion carried 2-1, with Mr. Pendell voting no.

Mr. Poelaert **MOTIONED** to appoint Barbara J. Williams, Alternate Trustee of the Library, effective through 3/31/10, based on the Library Trustees recommendation. Mr. Pendell seconded. Motion carried 3-0.

**FOREST LAND:** The Board acknowledged receipt of the NH DRA Federal and State Land Form, acknowledging the state forest land at 180 South Road, MBL #12-01-04, assessed at \$217,600.

Mr. Pendell **MOTIONED** to approve submitting the form as completed by the Adm. Asst., noting the Town receives approx. \$50 per year. Mr. Poelaert seconded. Motion carried 3-0.

**TC/TC REQUEST FOR DISBURSEMENT OF FUNDS:** The Board reviewed two requests for disbursement of funds submitted by the Town Clerk/Tax Collector.

Mr. Pendell **MOTIONED** to approve and sign the request for \$4,170.00 to TD Bank for MBL #10-06-11 and BAC Tax Services, for MBL #07-03-42, in the amount of \$4,785.00. Mr. Poelaert seconded. Motion carried 3-0.

**LETTER OF COMMENDATION:** The Board reviewed a letter of commendation addressed to Police Chief Simpson for his recent investigation, which resulted in 12 felonies and one misdemeanor count against an East Kingston resident. Mr. Pendell questioned why we were sending the Chief this letter, as she has only been indicted and not convicted at this point. Chairman Dworman responded it is because of all the extra work he did on the case. Mr. Poelaert **MOTIONED** to approve and sign the letter as written. Chairman Dworman seconded. Motion carried 3-0.

**SW& RCC:** Members of the Solid Waste & Recycling Contract Committee, Rob Caron, Ron Morales and Dan Guilmette met with the Board of Selectmen to discuss other items.

Mr. Caron stated they would like to put together a link to the Town's website, and wanted approval from the Board of Selectmen.

They would like to post their minutes and information relating to the recycling. They are looking for a green light from the Board of Selectmen to move forward.

Chairman Dworman responded he thought it was a good idea to educate the people. Mr. Morales noted they are looking into a single stream process. Mr. Caron offered to contact the web person about putting on the information.

He also noted it was Amy MacDonald's idea, and that all of them have talked about it.

Mr. Poelaert **MOTIONED** to approve the website for the Committee. Mr. Pendell seconded. Motion carried 3-0.

Mr. Caron noted that they are investigating the possibility of joining a regional co-op recycling program. They have a draft contract to review. He further noted Kensington and Hampton have similar contracts.

The regional co-op currently has 27 communities owning it, and they want to build a recycling center in Boscowen on a 43-acre parcel. They would be looking for a 10-15 year contract to send recycling there. The cost would be only to get it there. Casella will be operating the site. Hampton is willing to take the material for free, and transport it to the center. The only cost would be to transport it from East Kingston to Hampton.

Mr. Morales noted they are commingling recycling at this time, and no one is getting anything for recycled materials. He added they are looking into all options; they may have one hauler for trash and another for recycling.

It was also noted Waste Management uses the Rochester site and they commingle, they do not single stream.

Mr. Guilmette added the beauty is all recycled material would go in one bin. They may pick up every week or every other week.

Mr. Poelaert inquired as to when the committee will be able to answer questions from the Board of Selectmen. Mr. Caron responded they are currently scheduling each player to discuss their bids. They are at least a month and a half out. They need to sort out and compare the options.

Chairman Dworman reminded them of the elderly housing developments, and assuming they approve Town trash pick up, (and the Planning Board approves the changes), are they considering them in the contract negotiations?

Mr. Caron responded Mr. MacLeod is the facilitator for that, and will be in contact with the elderly housing developments.

Mr. Guilmette added they are being careful about the recycling with the elderly housing, as they may fence in the areas. The individual associations are addressing it.

It was acknowledged that there will be a place holder in the contract for those communities. The situation has been made clear to all of the suppliers who bid. Mr. Caron added it depends on the cost; they may join in on the recycling, or may not.

Mr. Caron summarized in order to move forward could they have town counsel review the contract?

Chairman Dworman stated he did not want it to interfere with joining the co-op, usually there are more benefits than potential issues to the Town for multi-year contracts.

Mr. Guilmette stated currently there are 27 communities in it right now.

Mr. Poelaert stated four years ago no one was into recycling in Town, and now pretty much everyone is on board.

Mr. Morales noted it is a long arduous trail, they have lots of questions, and to really research all the options it is too much for the Board to spend the time to do this.

Mr. Caron informed the Board of Selectmen both Hampton Falls and Exeter recently left Waste Management and went to Northside Carting. They need to get more information from each supplier; they need a template to move forward. They need to spend lots of hours reviewing it.

Chairman Dworman thanked them for the update, and Dan Guilmette, Ron Morales and Rob Caron left the meeting at 7:13PM.

**NONPUBLIC SESSION:** Chairman Dworman **MOTIONED** to go into a nonpublic session at 7:20PM 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: Matthew B. Dworman – Yes, Richard S. Poelaert – Yes & David R. Pendell, Jr. - Yes.

The Board was polled & determined the divulgence of the information would render the proposed action ineffective & the information will be withheld from the public during the public meeting Minutes of July 20, 2009. The results of the poll were: Matthew B. Dworman –Yes, Richard S. Poelaert–Yes & David R. Pendell, Jr. - Yes.

Mr. Poelaert **MOTIONED** to adjourn this Selectmen’s non-public meeting at 7:30PM. Mr. Pendell seconded. Motion carried 3-0.

Mary Currier and Len Lord thanked the Board of Selectmen and left the meeting.

Carol Freeman and Pat Mazur returned to the meeting.

**MINUTES:** Mr. Poelaert **MOTIONED** to approve and sign the nonpublic meeting minutes of 7/06/09 as written. Mr. Pendell seconded. Motion carried 3-0.

**POUND SCHOOL:** The Board acknowledged receipt of the original deed to the Pound School as authorized by a vote on the school ballot (Article #S-4) and the Town (Article #23) to accept the elimination of some verbiage restricting the usage of the Pound School to a clear deed from the School to the Town.

Chairman Dworman **MOTIONED** to accept the deed as written, in accordance with WA #23, approved at Town Election, March 2009. Mr. Poelaert seconded. Motion carried 3-0.

It was acknowledged the School Board members accepted and signed the deed. The deed will now be recorded at the Registry of Deeds.

**BUDGET:** The Board acknowledged receipt of the 2<sup>nd</sup> quarter report from the Adm. Asst., noting we have received 55% of the anticipated revenues for 2009, and have expended 44% of the appropriations as of 6/30/09.

**DRAGON MOSQUITO:** Dragon Mosquito has provided us with the monthly report for June noting, to date, there have been no positive findings.

**POWWOW POND:** It was noted the weeds (aquatic vegetation) at Powwow Pond were treated on June 30<sup>th</sup> by Lycott Environmental, Inc., in accordance with a Special Permit from the State of NH.

**RECREATION COMMITTEE:** It was noted the Recreation Committee will hold a softball fundraiser on Sat. Aug.22<sup>nd</sup> at Foss Wasson Field.

**TOWN COUNSEL:** The Adm. Asst. informed the Board of Selectmen Town Counsel has reviewed amended documents for Maplevale Farms & Woods and Cricket Hill Condominiums, regarding a change from private to Town trash pick up.

**TAXES:** The Tax Collector has reported 90% of the property taxes of the semi annual billing (due 7/2/09) have been received, noting approximately \$90,000 is outstanding.

It was further noted the State of NH has increased all of their registration fees for vehicles & boats, etc., effective 8/1/2009.

**RPC:** The Rockingham Planning Commission is seeking volunteers for the TAC (Technical Advisory Committee). The Planning Board Secretary is contacting our Rockingham Planning Commissioners to see if they would be interested.

**EOC:** The Adm. Asst. inquired about the update on the installation of the air conditioning at the EOC. Chairman Dworman responded he had contacted Andy Conti and was informed that he is not licensed, but offered names of others, and Chairman Dworman stated he has not had a chance to follow up, but will.

**SEPTIC ISSUE:** It was acknowledged repairs would be conducted on a failed septic system on Andrews Lane by late August.

**TOWN HALL:** The Adm. Asst. reported the pipe should be repaired at the Town Hall later this week.

**CALENDAR:** No dates noted.

**POLICIES:** The Adm. Asst. inquired about the policies the Board has been reviewing, based upon the recommendation of the auditors, and noting no changes from any Board member, asked if they are ready to accept, and sign them this evening? Each member responded they had no changes.

Chairman Dworman **MOTIONED** to approve and sign the policies presented for the Town for: accounting & payroll procedures, computer use policy, ethics policy & cash receipts/deposit policy. Mr. Pendell seconded. Motion carried 3-0. (A Fraud policy was adopted in Feb. 2009).

Mr. Poelaert **MOTIONED** to adjourn this Selectmen's Public meeting at 7:30PM.

**COVE ROAD:** Chairman Dworman stated he received a phone call from a resident inquiring about the condition of Cove Road. He contacted the Road Agent who informed him he had planned to grade it earlier in the season, but due to the constant rain, he will probably not be able to grade it a bit until August.

Chairman Dworman explained that several years ago he did a lot of research on the road, and it is a private road, not a Town road. It has been declared an emergency lane for the passage of emergency vehicles, but the Town is not obligated to do anything.

He added, for safety purposes, he thinks it makes sense to do it.

Even if the Town wanted to take it over they can't, because the road cannot meet the required Town specifications. They need to re-form an association, and collect funds to improve the road.

Chairman Dworman suggested a betterment fee be added to the property owners' taxes. He suggested paving it and have them pay for it. The road needs a foundation, and they need to form an association to maintain the private road.

Mr. Pendell stated he had received the same question from a resident on Cove Road, he contacted the Road Agent, and was also informed he may be able to grade it in August.

Mr. Poelaert added the road has no subsurface, does not have a solid foundation, and thought the cost to grade is about \$1,500. It was further noted they do not have an active association.

The Adm. Asst. stated that a warrant article was passed by the voters a few years ago, authorizing the Town to grade the private roads listed in the article that year. It was noted since then, when capital improvements are made, some of the remaining materials are used to help grade the private roads, including Cove Road.

The Adm. Asst. also stated the private roads were declared emergency lanes back in 2000 at Town Meeting.

Mr. Poelaert **MOTIONED** to adjourn this Selectmen's Public Meeting at 7:50PM. Chairman Dworman seconded. Motion carried 3-0.

Respectfully submitted,

Deborah G. Gallant  
Administrative Assistant

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Matthew B. Dworman

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Richard S. Poelaert

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David R. Pendell, Jr.