

**TOWN OF EAST KINGSTON, NH
SELECTMEN'S PUBLIC MEETING MINUTES
MONDAY, AUGUST 31, 2009**

**6:45PM -Public Hearing-Conservation Easement-Clinton & Kimberly Furnald
7:00PM – 2010 Maintenance of Grounds Bids**

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

OTHERS: Dennis Quintal, Scott Urwick, Kristen Ruggerio, William McDonald, Brendan Bisbee, David McDonald, Bob Nigrello, and Peter Freeman.

Chairman Dworman called this Selectmen's Public Meeting to order at 6:30PM.

MINUTES: The Board reviewed the Selectmen's Public & Nonpublic meeting minutes of Aug. 17, 2009.

Mr. Pendell **MOTIONED** to approve and sign the public meeting minutes dated 8/17/09 as written. Mr. Poelaert seconded. Motion carried 2-0. (Mr. Dworman abstained, as he did not attend the 8/17 meeting).

Mr. Pendell **MOTIONED** to approve and sign the non-public meeting minutes dated 8/17/09 as written. Mr. Poelaert seconded. Motion carried 2-0. (Mr. Dworman abstained, as he did not attend the 8/17 meeting).

REGISTER: The Board reviewed the check register. Mr. Pendell **MOTIONED** to approve and sign the check register dated 8/19-8/28/2009 in the amount of \$469,447.79. Mr. Poelaert seconded. Motion carried 3-0.

TC/TC: The Board reviewed a Request for Disbursement of Funds submitted by the Town Clerk/Tax Collector. Mr. Pendell **MOTIONED** to approve and sign the request to refund the overpayment of \$180 to Susan Veroneau. Mr. Poelaert seconded. Motion carried 3-0.

HOME OCCUPATION: The Board acknowledged receipt of a letter dated 8/21/09 from the Planning Board Secretary, regarding a recommendation to approve an invisible home occupation permit for Mark Cook, at 73 Burnt Swamp Rd.

Chairman Dworman **MOTIONED** to approve an invisible home occupation business located at 73 Burnt Swamp Rd. for Mark Cook, based on the recommendation of the Planning Board. Mr. Poelaert seconded. Mr. Pendell stated he would abstain because he doesn't like guns. Chairman Dworman explained that he could only abstain if it was a conflict of interest. Mr. Pendell voted in favor to approve. Motion carried 3-0.

PLANNING BOARD: The Board acknowledged receipt of a letter dated 8/21/09 from the Planning Board Secretary, based on a request made by David Pendell at the 8/20th meeting, to request funds for refreshments for the Mini-Charette. It was further noted the Planning Board Chairman David Sullivan reviewed the expenditures, to date, and has determined that there are funds available from the Planning Board budget. It was noted of the \$38,000 budget, only \$24,662 has been expended, to date, with a remaining balance of \$13,340. The Board members agreed the cost of refreshments for the event on Nov. 7th would be covered by the Planning Board budget.

PLANNING BOARD: The Board also acknowledged from the Planning Board, the Minutes of the 8/17th meeting, along with the Notices of Decision from their last meeting, regarding the approval of the elderly housing developments amendments to provide town trash & recycling pick up instead of private, and also a

memo forwarded to the associations clarifying the process of approval, noting the Town will provide trash & recycling removal beginning 1/1/2010, with the 2010 contract.

It was further noted the Planning Board approved Cricket Hill, Maplevale Farms & Woods, and Cornerstone. Country Hills is on the agenda for the September Planning Board meeting.

SAFETY COMMITTEE: The Board acknowledged receipt of the Safety Committee meeting minutes for their review. It was noted there are two old air conditioners located at the Pound School that should be discarded. They are taking up a lot of room in an area that could be used for storage.

The Board members agreed to the removal of the air conditioners to the Newton Transfer station. Mr. Poelaert added Mr. LeClair has offered to remove the new air conditioners from the windows at the Pound School for the winter months.

RCCD: The Board acknowledged the Chairman co-signed a letter with the Rockingham County Conservation District dated 8/24/09, regarding the FRPP Agreement as previously discussed with the Board.

INTERSECTION: Mr. Poelaert inquired about any update on the intersection of Routes 108 & 107A. Adm. Asst. Deb Gallant offered to follow up and report at the next meeting.

RR DEPOT: It was noted Peter Gilligan of the Historical Committee recently met with a representative from LCHIP, and noted the Railroad Depot building is at status quo.

EEE: It was noted the first positive case of EEE has been found in an alpaca from Candia during week #32.

QUOTE: It was noted an estimate/quote for the EOC performed on 7/31 was written 8/17, mailed 8/19, received by the Fire Dept., and delivered immediately to the Selectmen's Office on 8/24. It was further noted the Adm. Asst. contacted the company and informed them the Board of Selectmen had approved the job to be performed by another company at their 8/17 meeting, with further explanation of when the quote was received.

SOLID WASTE & RECYCLING COMMITTEE: The Adm. Asst. informed the Board she had received a copy of the notification to the Solid Waste & Recycling Committee that Amy MacDonald, as of 8/23/09, will be unable to attend any future meetings of the committee, but has offered to continue to assist them.

It was noted that, from the beginning, the committee was charged with reviewing the bids and meet with the Board of Selectmen with their final recommendations for a solid waste and recycling contract, as the current contract with Waste Management expires 12/31/2009.

6:45PM-PUBLIC HEARING: Mr. Clint Furnald, along with Conservation Commission Chairman Dennis Quintal, met with the Board to discuss his proposal for a conservation easement.

Chairman Matthew Dworman called the Public Hearing to order at 6:30PM. Mr. Quintal asked Mr. Furnald to explain his project and application to the Board, as they have met several times with him for discussions.

Mr. Furnald stated a summary of what he is doing is applying to place property located between South Road and Stagecoach Road of approximately 20+/- acres, into a conservation easement with a value of \$475,000. He is asking East Kingston for 25% or \$118,000, and the USDA Farm & Ranchlands Protection Program grant would cover 50%, with the remaining 25% forgiven. He is applying for this in conjunction with 50 acres in South Hampton.

He provided the Board members with documentation, including a tax map of the properties, the application, and the appraisal. He further noted the 22-acre parcel has a house on it, and he would subdivide off the 2-acre house lot.

In response to Mr. Pendell, it was noted 25% or the \$118,000 is only on the value of the East Kingston property, not South Hampton.

Mr. Furnald explained that he is working to put one application together for East Kingston and South Hampton, as it would be more attractive to receive a grant on 70 acres, vs. just 20 in East Kingston or just 50 in South Hampton. He added it would be more of an incentive for them to accept his application if filed jointly.

Chairman Dworman asked if Cons. Comm. Chairman Quintal had any input. Mr. Quintal responded the Conservation Commission has met with him over the past 4-5 months and they decided to support the 25%. He added he does not know what South Hampton is doing. He added he would like to know what timeframe we are talking about. We would need to know when he plans to close in order to plan for filing an application with the bond bank. They only have a spring and fall bond sale. The fall bond sale deadline is October, only a few weeks away.

Mr. Furnald responded he still needs to do a survey and a full appraisal, and it has not yet been accepted.

In response to Mr. Poelaert, it was noted Stagecoach Road does not meet Town specifications, and Mr. Furnald added that South Hampton closed their section back in the 1940's, about 300+ feet. It was agreed by everyone that it is an inactive road.

Mr. Quintal added it is the game plan to establish wildlife corridors in Town, and by taking this parcel on with an easement it would help to build that corridor.

It was noted of the 4 million dollar bond approved, \$330,000 remains unexpended and Mr. Furnald is seeking approx. \$120,000. Mr. Quintal added he is meeting with another applicant later this week to discuss another easement that would utilize the remaining funds.

Mr. Pendell inquired to Mr. Furnald as to South Hampton plans, and Mr. Furnald responded they are considering doing the same funding for him. He added he has not yet met with the Board of Selectmen in South Hampton. The conservation commission in South Hampton has voted to allocate money. Mr. Furnald stated it would take at least 6-9+ months to get final approvals.

Mr. Poelaert stated he meets all the criteria. Chairman Dworman asked if there were any further questions.

Chairman Dworman **MOTIONED**, based on the Conservation Commissions' recommendation, to accept the application for Clinton Furnald for conservation easement on MBL #12-02-01, 195 South Rd., #12-02-02, 18 Stagecoach Rd & #12-02-05, 185 South Rd., listed under Whippoorwill Realty Trust. Mr. Poelaert seconded. Motion carried 3-0.

It was acknowledged at this time with the closing months away, it will not be necessary to submit an application for the fall bond sale.

Mr. Furnald thanked the Board and left the meeting at 7:00PM.

BIDS: At 7:00PM, the 2010 maintenance of grounds sealed bids were opened. The following bids were received:

Acre Shaper Landscaper: \$54,640, w/\$40 per hour additional
Great Horizons Property Services & Landscaping: \$25, 825, w/\$45 per hour additional
Blue Willow Landscapes, LLC: \$19,890, w/\$23 per hour additional
Majestic Landscapes, LLC \$26,920, w/\$58 per hour additional
Yankee Clipper Yard Maintenance, LLC \$25,845, w\$40 per hour, noting they hold the current contract
Great Cove Landscaping: \$18,050, w/\$45 per hour additional

Mr. Poelaert noted the lowest responsible bidder should receive the contract.

Mr. Poelaert noted Peter Freeman was in attendance, and asked what Great Cove Landscaping has for equipment. He responded he is a worker, and they have 3-4 guys, 3 mowers, 2 trucks, and can provide references.

Mr. Poelaert explained about keeping the cemetery trustees happy for the three town cemeteries, and to keep the ball fields trimmed during baseball season.

Mr. Pendell **MOTIONED** to accept the bid and award it to the lowest responsible bidder, Great Cove Landscaping for \$18,050, pending a couple of good references. Mr. Poelaert seconded. Motion carried 3-0.

TRUSTEES OF THE TRUST FUND: The Board acknowledged receipt of letters from the Trustees of the Trust Funds dated 7/14 & 8/24/2009, both received at the Selectmen's Office on 8/24/09.

Mr. Pendell asked Dennis Quintal of the Salary Review Committee, what they are doing about the Trustees of the Trust Fund. Mr. Quintal stated he received an email from Roby Day, has discussed it with the other two trustees, and the committee is looking into the situation. They have not made a decision yet. It was noted the warrant at 2007 Town Meeting specified the \$700 compensation with no fees. They may possibly add #3, which would allow for the reimbursement of actual expenses. He further noted the former Bookkeeper of the Trust Funds, Chuck Walker, who is also on the committee, stated he never asked for anything from the Salary Review Committee.

Mr. Pendell **MOTIONED** to approve and sign the letter of response as presented. Mr. Poelaert seconded. Motion carried 3-0.

ROAD AGENT: The Adm. Asst. reported the Road Agent plans to grade Cove Road next week, with the notation that the Town is not obligated to do anything as it is a privately owned road, but being declared an emergency lane, has the authority to do so, so emergency vehicles can pass. He will also plan to patch Forest Drive, repair two culvert depressions on Andrews Lane, and pave a section of Sanborn Road.

Chair Dworman informed the Board members he received today at least 6 calls from residents on Cove Road complaining about the condition of the road. The Road Agent informed him that he had someone to grade the road that became a no show, so he plans to have Adam Mazur grade it later this week.

BUDGET: The Board acknowledged the budget report as of 8/31/09, noting 62% of the budget has been expended, leaving a remaining balance unexpended of \$939,195.

Chairman Dworman reported the Police Chief had contacted him regarding two cruisers recently broke down. One needed a fuel pump, which was replaced, and the other needed an alternator. He added his

maintenance of vehicles line item in the budget has been expended. It was noted as long as he stays under budget of the bottom line of the Police Dept. budget, the repairs could be made.

Ms. Gallant noted Mr. Pendell plans to attend the next EK School Board meeting, and wants to discuss the costs of the voting machine and for the school to cover their portion. It was noted the 2009 expenses totaled approximately \$800 for the school portion. By state statute, the Town covers payment of elected officials, (Moderator, Supr. of Checklist, election workers, and meals, etc.) School Board member Bob Nigrello stated the school is happy to continue to let the Town use the multi purpose room for elections. Mr. Nigrello added Principal Eaves is concerned about safety, and would like to have a special police detail during the election hours when the school is open.

It was agreed that the school board members would discuss the cost of the voting machine (school is ¼ and Town is ¾ of cost for coding/ballots/shipping & handling), and a special police detail at their next meeting.

The Board thanked Mr. Nigrello at 7:35PM for discussing the matter with them.

ALLEN: The Board acknowledged receipt of a letter from Bruce Allen dated 8/19/09. The Board reviewed a letter of response. Mr. Poelaert **MOTIONED** to approve and sign the letter of response as written. Mr. Pendell seconded. Motion carried 3-0.

CALENDAR: 8/31 first day back to school, 9/7 Labor Day holiday observed, Town Offices closed, 9/14 Dept. Head meeting in conference room. The Board also determined the 2010 budget hearing will be held on Monday, 1/4/2010, the deliberative first session on Tues. 2/2/2010 and Election Day on Tues. 3/09/2010.

NONPUBLIC SESSION: Chairman Dworman **MOTIONED** to go into a nonpublic session at 7:40PM under RSA 91-A-3, II: para. (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. 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 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 August 31, 2009. The results of the poll were: Matthew B. Dworman – Yes, Richard S. Poelaert – Yes, & David R. Pendell, Jr. – Yes.

At 7:53PM, Mr. Pendell **MOTIONED** to adjourn this Selectmen’s Non public meeting. Mr. Poelaert seconded. Motion carried 3-0.

NONPUBLIC SESSION: Chairman Dworman **MOTIONED** to go into a nonpublic session at 7:55PM under RSA 91-A-3, II: para. (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. 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 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 August 31, 2009. The results of the poll were: Matthew B. Dworman – Yes, Richard S. Poelaert – Yes, & David R. Pendell, Jr. – Yes.

At 8:07PM, Mr. Pendell **MOTIONED** to adjourn this Selectmen's Non public meeting. Mr. Poelaert seconded. Motion carried 3-0.

NONPUBLIC SESSION: Chairman Dworman **MOTIONED** to go into a nonpublic session at 8:08PM under RSA 91-A-3, II: para. (b) The hiring of any person as a public employee. The Board was polled and the results of the poll were: Matthew B. Dworman – Yes, Richard S. Poelaert – Yes, & David R. Pendell, Jr. – Yes.

At 8:15PM, Mr. Pendell **MOTIONED** to adjourn this Selectmen's Non public meeting. Mr. Poelaert seconded. Motion carried 3-0.

Mr. Poelaert **MOTIONED** to adjourn this Selectmen's Public Meeting at 8:15PM. Mr. Pendell seconded. Motion carried 3-0.

Respectfully submitted,

Deborah G. Gallant
Administrative Assistant

Matthew B. Dworman

Richard S. Poelaert

David R. Pendell, Jr.