

TOWN OF EAST KINGSTON
First Session of the 2010 Annual Meeting
Deliberative Session - February 2, 2010

Selectmen

Matthew B. Dworman, Chairman
David R. Pendell, Jr.
Richard S. Poelaert

Barton L. Mayer, Town Counsel
Keri J. Marshall, Moderator
Phillip Marshall, Official Timer
Barbara A. Clark, Town Clerk

The Moderator, Keri Marshall, called the meeting to order at 7:03PM with 127 residents in attendance.

2. Shall the Town of East Kingston raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$2,575,000. Should this article be defeated, the default budget shall be \$2,557,000, which is the same as last year, with certain adjustments required by previous action of the Town of East Kingston or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

Motion made by: Matthew Dworman

Seconded: David Pendell

Discussion:

Roby Day offered his perspective with regard to the budget. He spoke of his prior experience as a Selectman and that he felt his primary responsibility was to oversee and execute the budget. He said that the board he served on was directly involved with the budget formulation and presentation, and the board knew where every penny was and could explain why it was necessary to spend it. He said that he was sorry to say, that today, he was not convinced that the present board had such confidence or that they played any significant role in the budget's development.

He said he attended the budget hearing on January 11, 2010, and the board provided attendees with a budget outline that was distinguished by its lack of information and transparencies. He said when asked pointed questions, the board was unable to answer, deferring to office staff who did not produce the information requested.

Roby Day said the voters said no to the budget last year yet the proposed budget today

is \$18,000 greater than last year's. He said despite today's constraining economic environment the board proposed a 3% budget increase that included pay raises for town employees. Mr. Day said the impression he is left with is that the board does not understand that its duty first and foremost is to the voter and taxpayer. He said the board appears to be unwilling or unable to contain costs in light of the towns reduced ability to pay in difficult times or they don't fully understand their responsibilities.

Roby Day made a motion to amend the proposed budget, totally revised to \$2,557,000 (the figure presented as the default budget).

Seconded: Henry Lewandowski

Discussion on amendment:

Matthew Dworman spoke of these last two years being a slightly different budgeting process under SB2. He said when they had the budget hearing one month ago, they didn't have all of the information of what the town had expended in 2009 because not all the books had been closed.

Matthew Dworman went over what the increases are for 2010, essentially looking at an \$18,000 difference between the default budget and the proposed budget.

Matthew Dworman said that they certainly recognize the importance of monitoring the budget. He said in 2009, the default budget was \$2,496,000 and through some hard work of specific individuals throughout the town, they under spent the budget by \$344,000. He said that that money would be going back into the fund to offset the tax rate for the next year.

Matthew Dworman said that this year they were going to make an effort to increase their attention to detail and to revamping the budget process as far as redoing some of the budget worksheets that were created 20 years ago.

Roby Day said that he supported Mr. Dworman in his efforts, 100%. Mr. Day said as Mr. Dworman indicated, the budget process is antiquated and when questions can't be answered properly and in a timely fashion, one can't help but suspect that something is being hidden or that perhaps the body concerned doesn't know his job.

The amendment was voted on by a show of cards: **Failed**

Cathy Belcher said she has been working on the Salary Review Committee. She said she heard allegations that salaries within the town offices have not been following typical protocol of the compensation and benefits package and that some people have been paid an incredible increase without justification that would require such raises and that you wouldn't want the public to really know about them. She said her questions have nothing to do with the competency of the people in office.

She asked if the Board of Selectmen had knowledge that the compensation and benefits

package that was adopted hasn't been followed for the past 5-6 years.

Matthew Dworman said that several people have brought this topic to the board's attention. He said they are looking into it. He said that this, unfortunately, is not the venue to discuss employees.

Cathy Belcher said this isn't an employee issue but a budget issue.

Matthew Dworman said that Cathy Belcher serves on the Salary Review Committee providing recommendations for salaries and benefits for elected officials. He said no such review committee exists for town employees. Mr. Dworman said that the board is in discussion about whether to hire an outside source to review salaries and benefits of town employees.

Cathy Belcher questioned why they are considering hiring an outside source. She said it would cost the present Salary Review Committee nothing to do that.

Cathy Belcher said after looking through the budget, she couldn't tell what the break down of salaries are for town employees. She asked for a verification of what salaries are in the office and what benefit packages are being offered to them.

Matthew Dworman said the benefits packages that are offered to all town employees are the ones that are used through the Local Government Center.

He said that he had a list of all of the wages of every employee in town and proceeded to read the list of salaries.

Cathy Belcher said that it looks like you have office staff making more money than the police chief, who is full-time, and she asked for an explanation.

Matthew Dworman said she was correct and that their administrative assistant does have a higher salary than the police chief. He said he was not going to get into what people's skill sets are and the justifications of salaries at this point. He said he recognized the importance of looking into this. Mr. Dworman said that as far as what the administrative assistant is earning, it is within the range of what other administrative assistants and town administrators are making in similar towns.

Robert Furfari said that all of this information is available to the public on the website, NH Local Government Center. He said they do comparables and if you look at towns with comparable size to East Kingston, similar full-time administrative assistant positions, the average wage is \$18.00 per hour. He said our average range is \$37.00 per hour. He asked how they justify that and that they do not need to hire an outside agency. He said he finds it incomprehensible that an administrative assistant makes more money than the chief of police of this town or the town clerk/tax collector who

have greater responsibility and greater workload than those people.

Matthew Dworman said the purpose of this meeting is not to discuss individual personnel matters and skill sets. Mr. Dworman said other towns have full-time administrators, full-time administrative assistants, and a full-time welfare agent, and a full support staff.

Mark Cook wanted to clarify a point, and he said that this is the venue for town residents and taxpayers to go over this budget, line by line if they want to, to have anything clarified if they want to, and to amend any of these line items, to zero it out, if they want to.

Mark Cook questioned two particular line items. He said that he was informed the salaries for the two administrative assistants comes out of 4130 executive with actual expenditures of \$95,295. He said when adding this up, the two salaries that were mentioned earlier, are quite a bit more than \$95,295. He asked where the rest of the money is coming from.

Matthew Dworman said for those specific employees there are three separate line items. He said these two employees also serve as the welfare agents in town so part of their salaries come out of the welfare budget and part of their salary comes out of the financial administration budget, 4150.

Barbara Williams said she doesn't understand the first six line items on the budget and asked if someone could walk through them.

Matthew Dworman proceeded to explain the line items and how they are broken up.

Barbara Williams questioned legal expenses. She said there was such a variation of what was spent this year and what is budgeted.

Matthew Dworman said last year there was the threat of several lawsuits so the budget was increased. He said many of these were dissolved so the budget was under spent. The budget was \$80,000 and \$15,604 was spent. He said this year, when they created the budget, several of these lawsuits were looming so that the budget was increased by \$5,000. He said he would feel comfortable by reducing that line item.

Matthew Dworman made a motion to reduce line item 4153 (legal expense) from \$85,000 to \$50,000.

Seconded: Nancy Reiss

Voted: **Passed**

Roby Day said he had in his hand the handout that was provided to the attendees at the budget hearing, and it is as skeletal as the handout that was given this evening. He said we did not have the details in hand to understand, let alone know what to ask.

Matthew Dworman moved to accept Article 2 as previously read with the change being that the new budget is \$2,540,000 (to be reduced by \$35,000).

Seconded: David Pendell

Vote on Article 2 to be amended to \$2,540,000: **Passed**

Nancy Reiss asked if the default number would change now that the original number was changed. The Moderator said it would not.

Motion to not reconsider Article 2: David Pendell

Seconded: Delores Scandurra

Voted: **Passed**

3. To see if the Town of East Kingston will vote to raise and appropriate the sum of twenty-five thousand three hundred dollars (\$25,300), to accept the report of the Salary Review Committee and approve the following recommendations: changing the Bookkeeper of the Trust Funds from no fees to actual expenses as included in the town budget, and to change the Town Clerk/Tax Collector office from part-time to full-time, resulting in an increase of twenty-five thousand three hundred dollars (\$25,300) for full-time benefits:

Supervisor of the Checklist	\$125.00 per election
(1) (2)	
(No change)	\$125.00 per purge of the Checklist

Moderator	\$225.00 per election
(1)	
(No change)	

Election Officers	\$8.00 per hour
(1)	
(No change)	

Bookkeeper of the Trust Funds	\$700.00 per year	
(Increase of actual expenses)		Actual Expenses
(3)		

Treasurer	\$1,700.00 per year	
(No change)		Actual Expenses
(3)		

First Selectman	\$3,000 per year	
(No change)		Actual Expenses
(3)		

Second and Third Selectmen (No change) (3)	\$2,500.00 per year	Actual Expenses
Town Clerk/Tax Collector (4) (Change to full time, and (3) Increase \$25,300 for benefits)	\$40,000.00 per year	Actual Expenses

Explanations:

- (1) Election pay includes any associated meeting until adjournment thereof.
- (2) Supervisors of the Checklist shall be paid \$8.00 per hour or the applicable minimum hourly wage; whichever is greater, for hours outside of election meeting hours. Such hours for registration & checklist verification, with the exception of a required purge of the checklist.
- (3) Expenses are for actual expenses incurred. Mileage shall be at the current IRS coded amount at the time of requested reimbursement.
- (4) Salary is based on the Town Clerk/Tax Collector working a minimum of 35 hours per week, which shall qualify the incumbent as full-time, effective April 1, 2010, for the purposes of New Hampshire Retirement and insurance benefits. Public office hours shall be available 5 days per week, with a minimum of 30 hours/week, including at least one evening session of two hours minimum. The evening session shall be at the decision of the Town Clerk as to which night. These total hours shall include two week's paid vacation per year.
- (5) The following provisions shall also apply:
The changes are to be retroactive to January 1, 2010.
The Town shall retain all fees collected by any elected official.

A Salary Review Committee shall be appointed by the Moderator in 2012 to bring recommendations to the 2013 Annual Election of the Town.

Motion made by: Richard Poelaert

Seconded: Henry Lewandowski

Discussion:

Nancy Parker asked why we need a full-time position now. She said the population hasn't increased and she doesn't know why the workload has increased. She also asked why the Salary Review Committee isn't meeting again until 2012.

Matthew Dworman said the Salary Review Committee meets every 3 years.

Cathy Belcher, Salary Review Committee, said she has served on the committee this time as well as three years ago along with Duncan McLeod, Dennis Quintal, Ted Lloyd, and Chuck Walker. She said three years ago they increased the town clerk/tax collector's salary from \$22,000 to \$40,000 after doing research, comparing rates of surrounding towns. She said that at the time they thought, based on the amount of hours they were giving her, that she had already qualified for full-time. Cathy Belcher said it really is a full-time job. She said the Salary Review Committee want to fix what they thought they took care of three years ago.

Richard Poelaert said that in regard to the workload in the town clerk/tax collector's office, it actually has expanded significantly. He said the office is now collecting taxes twice a year when they were only doing it once a year, which is a tremendous savings to the town.

No further discussion

Vote on Article 3 to be placed on ballot as written: **Passed**

4. To see if the Town will vote to appoint the Board of Selectmen as agents to expend from the Building Preservation Expendable Trust Fund previously established at the 1994 Town Meeting.

Motion made by: David Pendell

Seconded: Richard Poelaert

Discussion:

David Pendell said what this warrant article will do is it will put the Board of Selectmen in charge of taking out the preservation trust fund to fix the buildings instead of going out to vote every time they need to take money out of this.

Vote on Article 4 to be placed on ballot as written: **Passed**

Motion made to not reconsider Article 3 and Article 4: Matthew Dworman

Seconded: Richard Poelaert

Voted: **Passed**

5. To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the existing Revaluation Capital Reserve Fund established at Town Meeting 1991 for the purpose of the next revaluation of the Town, as required every five years by NH RSA75:8-a.

Motion made by: Matthew Dworman

Seconded: Richard Poelaert

No discussion.

Vote on Article 5 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 5: Matthew Dworman

Seconded: David Pendell

Voted: **Passed**

6. To see if the town will vote to establish a Recreational Improvements Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of recreational improvements, and to raise and appropriate the sum of thirty-five thousand dollars (\$35,000) to be placed in this fund, and vote to appoint the Board of Selectmen as agents to expend from this account and no further approval is required by the legislative body to expend.

Motion made by: Richard Poelaert

Seconded: David Pendell

Discussion:

Richard Urwick asked how the \$35,000 for the recreation improvements capital reserve fund relates to the increased budget for the Recreation Department as a line item in the budget.

David Pendell said that the Recreation Department has, in the past, raised all of their funds and carried them from April through the end of the year. He said they have a \$4,000 budget every year. He said they have made an effort to fix the drainage problem down at Foss Wasson Field. He said through their fund raising efforts, they raised money to start Phase 1 of the project, and they have asked us to put this article on the ballot. He said this would complete the drainage work at Foss Wasson Field, which would enable them to get on the field earlier and get baseball season started earlier.

He said the difference is that with the budget they would be getting that money every year to expand their programs where as this money here would specifically be earmarked to help them with the drainage project at the Foss Wasson Field.

Todd Gibbons, Recreation Committee Chairman, said that they provide recreational activities to over 200 baseball/softball players. He said that Foss Wasson Field hasn't been touched in probably over 20-25 years. He said that East Kingston works off of a \$4,000 budget and Kensington's Recreation Department, for example, works off of a budget of \$25,000 every single year. He said that they have been severely under budgeted for years. He said that they have never asked for an increase. He said they fund themselves basically. He said for the 200+ kids, they are asking for this Foss Wasson Field renovation project.

Richard Poelaert said the recreation budget hasn't increased since he was involved 20 or so years ago.

Vote on Article 6 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 6: David Pendell

Seconded: Richard Poelaert
Voted: Passed

7. To see if the Town will vote to appoint the Board of Selectmen as agents to expend from the Fire Apparatus Capital Reserve Fund previously established in 1999.

Motion made by: David Pendell

Seconded: Richard Poelaert

Discussion:

Cathy Belcher asked why the Selectmen need approval to expend the funds.

Matthew Dworman said that in the way that almost all of the capital reserve funds were created were such that they needed to be voted on in a town meeting for approval to expend. He said now that we don't have town meeting, it is not as easy to explain to the general public. He said even though the money is already in the capital reserve fund, they still have to request permission to raise and appropriate it. He said at last year's town voting there was an article requesting permission to expend from the capital reserve fund for the revaluation of the town. He said that that article failed even though the money was already there. He said people didn't understand that they simply were asking to expend the money. He said this simplifies the process and that the funds are specific to what they can be spent for.

Matthew Dworman said the revaluation article was discussed at the deliberative session last year and passed unanimously but then on voting day, it was not understood and they had to have a special town meeting which cost the town thousands of dollars.

Cathy Belcher said it is the Selectmen's obligation to educate us. She said they can put the information on their website, send out mailings, or post it.

Philip Romando said that maybe there should be a cap where the Board of Selectmen can't appropriate funds over a certain limit.

Peter Gilligan said it is usually customary that items like this are brought to the town body for discussion. He said it gives the department head the opportunity to explain why they need the piece of equipment. He said if you were to give this to the Board of Selectmen, we lose a lot of control and transparency that we should have.

Mark Cook motioned to amend Article 7 to add the following wording "to see if the town will vote to appoint the Board of Selectmen as agents to expend from the Fire Apparatus Capital Reserve Fund, previously established in 1999, upon the passing of Article 8, for the sole purpose of the replacement of the 1986 F8000 tanker for the Fire Department.

Mark Cook said if Article 8 should pass, it would allow the Selectmen to expend the money for the sole purpose of replacing the tanker. He said any further expenditures for the Fire Apparatus Capital Reserve Fund would have to go before the voters.

Seconded: Julie Ostopchuk

Discussion on amendment:

David Pendell said it is just an attempt for all of the Capital Reserve Funds to not get voted down over a series of years. He said all the money could be in the fund for the tanker truck, but it could get voted down six years in a row.

If you change Article 7 to that, then it would be redundant with Article 8.

Mark Cook said his intent was to clarify that control, where it is not left open-ended.

Douglas Sanville said if you expend all of the capital reserve, there would be nothing left. He asked what would happen next year.

David Pendell said that there would be a warrant article next year asking for a sum to go into the capital reserve fund for fire apparatus.

Matthew Dworman said up until last year, every year the town has put \$60,000-\$65,000 in the capital reserve fund for the Fire Department with the plan to replace specific pieces of apparatus.

Vote on amendment: **Failed**

Scott Szuba asked to move the question.

Voted: **Passed**

Vote on Article 7 to be placed on ballot as written: **Passed**

8. To see if the Town will vote to raise and appropriate the sum of two hundred eighty-five thousand dollars (\$285,000) for the purpose of purchasing a tanker truck to replace the 1986 F8000 tanker for the Fire Department and to authorize the withdrawal of one hundred ninety-one thousand dollars (\$191,000) from the Fire Apparatus Capital Reserve Fund created for that purpose. The balance of ninety-four thousand dollars (\$94,000) is to come from general taxation.

Motion made by: Matthew Dworman

Seconded: David Pendell

Discussion:

Richard Pothier asked what the impact on the tax rate would be.

Matthew Dworman said it would be approximately 27 cents on the tax rate.

Edward Warren, acting Fire Chief, said that the truck is a 1986 truck that is 24+ years

old. He said it was on its last leg. He said it is their primary source of water and he referred voters to reference the handout, which explains what the Fire Department would like to do.

No further discussion:

Vote on Article 8 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 7 or Article 8: Matthew Dworman

Seconded: Gerald Hankin

Voted: **Passed**

9. To see if the Town will vote to authorize the Board of Selectmen to enter into a three-year lease/purchase agreement for twenty-six thousand dollars (\$26,000) for the purpose of lease/purchasing a fully equipped police vehicle for the Police Department and to raise and appropriate the sum of eleven thousand dollars (\$11,000) for the first year's payment of seven thousand five hundred dollars (\$7,500) plus three thousand five hundred dollars (\$3,500) for the installation of all related equipment. This lease agreement contains an escape clause.

Motion made by: Richard Poelaert

Seconded: David Pendell

Discussion: None

Vote on Article 9 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 9: David Pendell

Seconded: Richard Poelaert

Voted: **Passed**

10. To see if the Town will vote to establish a Police Outside Special Detail Revolving Fund pursuant to RSA 31:95-h, for the purpose of purchasing equipment and vehicles for the Police Department. All revenues received for police outside special details will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the Town's general fund unreserved fund balance. The Town Treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the Board of Selectmen and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose of purchasing equipment and vehicles for the police department for which this fund is created.

Motion made by: David Pendell

Seconded: Richard Poelaert

Discussion:

David Pendell made a motion to amend warrant Article 10 to leave as written but to change the second to last line, "expended only for the purpose of paying for police special details."

Seconded: Richard Poelaert

Discussion on amendment:

David Pendell said that currently the police department does special details for the telephone company, Comcast, and Unitil and they put a detail officer out on the road. He said these companies pay the town for the detail. He said that money goes into the general fund. He said they would like to set up a special revolving account to deposit the money into so that the special details in the future will pay for the vehicle replacements, and taxes will not be raised to purchase new police cruisers.

David Pendell said that when they wrote the article they neglected to put in there for paying for details out of this fund. The money going into the fund will pay the officer and then the rest of the money will sit there.

Barbara Williams asked how much was collected last year.

Matthew Dworman said approximately \$21,000.

Bart Mayer, Town Counsel, clarified that the money that is paid by the private companies is then used to pay the officers, so it doesn't come out of tax dollars. The excess, for administrative expenses and the use of the cruiser, stays in the account. Bart said the use of the funds was at the Board of Selectmen's discretion.

Nancy Parker asked if the police budget would decrease because of that budget line item and Matthew Dworman said that that was correct.

Matthew Dworman said that the Selectmen are not going to go out and buy a new cruiser just for the sake of buying a new cruiser. He said we vote to have the Selectmen make some of these decisions. Matthew Dworman emphasized that residents should come to the Selectmen meetings, which are held every other Monday night.

Richard Poelaert gave out the following information on the present cruisers:

- 2001 cruiser has 158,000 miles
- 2004 Chevy has 62,000 miles
- 2005 Ford has 130,000 miles
- 2007 cruiser has 46,000 miles

The Moderator asked that we vote on the amendment to warrant Article 10 to insert in the last sentence "such funds may be expended only for the purpose of paying for special details, purchasing equipment and vehicles for the Police Department, for which this fund is created."

Vote on amendment: **Passed**

Peter Gilligan said that the Board of Selectmen could, at some point in the future, just

decide we are going to buy this cruiser and they don't have any recommendation from the Police Chief. He thinks that after the wording of the Board of Selectmen there should be "upon the recommendation of the Police Chief to enter into a 3 year purchase, etc. He thinks the Police Chief should have the input.

The Moderator said we have a second amendment for Article 10 to insert the words "upon recommendation of the Police Chief on the second to the last sentence.

Vote on amendment: **Passed**

The Moderator said we now have two amendments to warrant Article 10, inserting the words "upon recommendation of the Police Chief" and also the last sentence, "paying for special details.

No further discussion

Vote on approving Article 10 as amended: **Passed**

Motion to not reconsider Article 10: Matthew Dworman

Seconded: Richard Poelaert

Vote: **Passed**

11. To see if the Town will vote to accept Maplevale Road, from Holly Lane to Depot Road at Jewett's General Store, as a town-owned road as recommended by the Town Engineer.

Motion: Matthew Dworman

Seconded: Richard Poelaert

Discussion: None

Vote on Article 11 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 11: Richard Poelaert

Seconded: David Pendell

Voted: **Passed**

12. To see if the Town will vote to accept Squire Way as a town-owned road as recommended by the Town Engineer.

Motion: Richard Poelaert

Seconded: Matthew Dworman

Discussion: None

Vote on Article 12 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 12: Richard Poelaert

Seconded: Kim Gallant

Voted: **Passed**

13. To see if the Town will vote to accept Winslow Drive as a town-owned road as recommended by the Town Engineer.

Motion made by: David Pendell

Seconded: Richard Poelaert

Discussion: None

Vote on Article 13 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 13: Richard Poelaert

Seconded: Matthew Dworman

Voted: **Passed**

14. To see if the Town will vote to create an expendable trust fund under the provisions of NH RSA 31:19-a I, to be known as the "library building maintenance fund" for the purpose of funding long-term maintenance for the library building and to name the Trustees of the Library as agents for this fund.

Motion made by: Matthew Dworman

Seconded: David Pendell

Discussion:

Peter Gilligan asked if they are going to come to the community if there are any major repairs that have to be made and make a presentation so that we know what is happening or are things just going to happen and there are no transparencies.

Conrad Moses, Library Trustee, said that we could put money in the capital reserve fund and take it out for repairs. He said, for example, if one of the heating units were to go down, in order to repair it they would have to have a special town meeting, which would cost the town more money. He said this fund is set up just for maintenance.

David Pendell said that the Library Trustees decided not to rely on the town's maintenance account to replace items when they have reached the end of their life cycle. They would like to set up the account and they are not asking for any money this year. He said it would be the same as a capital reserve fund for fire apparatus or a police cruiser. He said maybe next year they would ask for \$10,000 to put into this fund.

Peter Gilligan said that his only concern is that these funds, that we are establishing, have the potential of taking on a life of their own and when people see the money in the account, they will spend it.

Vote on Article 14 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 14: David Pendell

Seconded: Richard Poelaert

Voted: **Passed**

15. Shall the Town adopt the provisions of RSA 202-A:4-D authorizing indefinitely, until specific rescission of such authority, the East Kingston Public Library Trustees to accept gifts of personal property, other than money, which may be offered to the library for any public purpose. No acceptance of any personal property under the authority of this article shall be deemed to bind the Town or the library trustees to raise, appropriate, or expend any public funds for the operation, maintenance, repair, or replacement of such personal property. Prior to the acceptance of any gift valued at over \$5,000, the Library Trustees shall hold a public hearing on the proposed acceptance.

Motion made by Richard Poelaert

Seconded: Barbara Williams

Discussion:

Conrad Moses said that this article was already voted on in 1986 and that it was overlooked. He made a motion to withdraw the article.

Bart Mayer, Town Counsel, said that the law states that every article on the board has to go on the ballot either as written or amended. He said you could amend it to read, "Shall the town." He said this would essentially make this irrelevant.

David Pendell made a motion to amend the article to read, "Shall the town."

Seconded: Roby Day

David Pendell said he recently read all the town reports from 1991 - present. He called Ted Lloyd, who is the Chairman of the Library Trustees, as they were under the impression that this didn't exist. He said the town voted in favor of this in 1996. He said they would like to take it off because they don't want the town to vote against it and take away the privilege that they already have.

David Pendell said they could hopefully change their insert that goes in the town report in time to explain this but that an explanation can't go on the ballot.

Vote on amendment of Article 15 to read "shall the town." **Passed**

Vote on approving Article 15 as amended "shall the town." **Passed**

Motion to not reconsider Article 15: David Pendell

Seconded: Richard Poelaert

Voted: **Passed**

16. On the petition of David Pendell and 24 other registered voters, of the Town of East Kingston, we the undersigned registered voters of East Kingston present the following petition of the Selectmen to have the following question placed on the 2010 warrant "Are you in favor of eliminating the position of full time fire chief under RSA 154:1 Organization, and return to a part time fire chief."

Motion made by David Pendell

Seconded: Richard Poelaert

Discussion:

David Pendell said that it was his opinion that the full-time fire chief position is not a warranted position for the town. He said he wrote the petition as a citizen and not as a selectman in hopes of saving some money on our taxes. He said they have parted ways with the former fire chief and over the last couple of weeks have been manning the station with an EMT. He said that if we man the station with an EMT, the cost to the town would be \$20,000 a year and the savings would be \$50,000 a year.

Phil Romando asked for an explanation of what the daily routine of a full time fire chief was but no one responded.

David Pendell said that the concern from the Selectmen side was that the town did vote in a full-time position so that somebody would be in the firehouse if there was a call. He said that in the Selectmen's minds, it did not specifically need to be somebody with the title of "fire chief". He said it needed to be somebody that could respond to a call. He said because EMT's aren't full-time, we save on benefit packages.

Cathy Belcher asked if there was a cost with severing ties and negating a contract.

David Pendell said, at this time, there is no cost.

He said that this was a very long, drawn out process as they were affecting somebody's life, affecting the town, and the possibility of being sued. He said that he spoke to the Town Attorney back in August and asked if this was put forward what the implications would for the town would be. He said because the contract was written by the Board of Selectmen and it was never voted on by the legislative body, there should be no repercussions from that based on what we believe would be our position.

Diana Mazur asked if an EMT was staffing the firehouse right now. She asked what would happen if there was a fire call. She said an EMT has no fire experience at all. She said that the town is paying for an EMT and paying for a part-time fire chief. She said that the town is going to be paying double and that the fire chief does more than paperwork.

Edward Warren, acting Fire Chief, agreed with Diana Mazur that an EMT doesn't really fit the bill and couldn't agree with her more. He said that the people that are filling the station right now are fire fighter II levels and higher. He said there is no question that there is any liability for the town. He said they have coverage for whatever comes up.

Susan Mazur said we went from a part-time fire chief to a full-time fire chief and we had ambulance coverage. She said that when we went to a full-time fire chief that the

ambulance service was dropped. She said that we now want to go back to a part-time fire chief having no knowledge, as Mr. Pendell said, of what a fire chief does with no ambulance coverage. She said that they are leaving this town with a huge liability. She said that they are not looking out for the good of the community. She said that going backwards is not going to help because then we are going to be part-time and not going to have an ambulance service and that we don't have people that have all the years of experience.

Larry Bean asked Edward Warren how he felt about this article. Mr. Warren said that he didn't sign the petition. He said that there are no calls being missed and that nobody gets left out and that there is no risk of liability. He said that they are extremely diligent with everything they do. He said they turned back more than \$37,000 to the town from last year's budget.

He said he does support this warrant article and the officers in the department support this warrant article.

Matthew Dworman said that Edward Warren was appointed as our interim Fire Chief as our former full-time fire chief's employment was terminated as of the beginning of this year. He said that Matthew Gallant is our deputy fire chief. He said that they have been working very diligently on the day-to-day operations of the Fire Department. He said regardless of the outcome of this vote, they will be going through the process of hiring a new chief in March.

No further discussion.

Vote on Article 16 to be placed on ballot as written: **Passed**

Motion to not reconsider Article 16: David Pendell

Seconded: Richard Poelaert

Voted: **Passed**

17. On the petition of Wyman E. Shuler and 26 other registered voters, of the Town of East Kingston, New Hampshire, we the undersigned registered voters of East Kingston hereby petition the Board of Selectmen to include as a Warrant Article at the 2010 Annual Town Meeting the following: "To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President. Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage."

Motion made by David Pendell

Seconded: Dolores Scandurra

Discussion:

David Pendell said he didn't know Mr. Shuler and his position on defining marriage.

Vytautas Kasinskas said that he didn't think these kinds of precedents should be

established here.

Cathy Belcher said that the argument is if you don't make the decisions about some of the social issues then the court does or the governor does. She said it is giving the power back to the people.

Mark Cook motioned to amend Article 17 to read, "On the petition"

Seconded: Vytautas Kasinskas

Vote on amendment: **Passed**

Vote on warrant Article 17 so that it will read "On the petition"

Voted: **Passed**

Motion to adjourn: Mark Cook

Seconded: Phillip Marshall

Meeting adjourned at 9:22PM.

Respectfully submitted,

Barbara A. Clark, Town Clerk

***The following Articles were amended at the Deliberative Session: Article 2, Article 10, Article 15, and Article 17.**