

**TOWN OF EAST KINGSTON, NH  
SELECTMEN'S PUBLIC MEETING MINUTES  
MONDAY, APRIL 26, 2010**

7:00PM – Fire Chief Ed Warren

7:15PM – Jeff Bryan

**ATTENDING:** Selectmen Richard S. Poelaert, Matthew B. Dworman, & David R. Pendell, Jr.  
Others Attending: Ed Warren, Matt Gallant, Duncan MacLeod, Jeff Bryan, & Ray Donald.

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

**MINUTES:** The Board reviewed the Public Meeting Minutes dated 4/12/10.

Chairman Poelaert stated Building Inspector Ray Donald is in the audience and wants to speak about the last meeting.

Mr. Donald wanted to address how he left the last Selectmen's Meeting in an unprofessional manner, and wanted to apologize to the Chairman. Chairman Poelaert responded, "You are forgiven."

Mr. Donald added that he has met with School Board member Bob Nigrello and Ed Oddo regarding a building permit for the dugouts at the Elementary School. He stated a building permit is necessary, and inspections will be conducted. He noted any Town property when the repair/alteration is worth more than \$1,000 in value, it is required to have a permit. He (Mr. Nigrello) responded to Ray that he was told they didn't have to comply with Town regulations. He informed them that is not true. He also told them they would need a building permit for the solar panels, and again was told they were told they didn't need a building permit, and Mr. Donald said yes, they do need a building permit. He further stated he doesn't know who is telling them that they don't need a permit, but they do.

The fees are waived, but they need a permit for inspections to be performed, and noted on the property cards for assessing purposes.

Mr. Donald further stated there is a citizen in Town who has submitted a building permit application and listed materials for the work to be done, and he thinks they need a building permit, with the cost of labor & materials valued over \$1,000.

He has an appointment with the homeowner on Friday to inspect the property on North Road. He said state and building codes require him to inspect.

Mr. Pendell questioned the school being a commercial building on Town property. Mr. Donald responded there is a requirement for the dugouts to have hurricane straps, and with an inspection these things are looked at. He added there is a new rule effective 4/27/10 that with any buildings prior to 1978, there are now lead paint concerns. He gave an example of the house near Carmen's, that the property owner will need to be forthcoming with a building permit for renovating the home, as he may need to deal with lead paint.

Chairman Poelaert stated the law is the law, and he must be fair and equitable to everyone.

Mr. Donald addressed the Board's request of his response to Ms. Conant. Mr. Donald informed the Board he provided a draft to Deb tonight, and due to being out of state, he got behind the eight ball.

It was noted it is the Town's policy to waive building permit fees for town/school property, but building permits are required.

It was noted the solar panels will be on the ground, and not on the school's roof.

Mr. Pendell asked Building Inspector Ray Donald if he has issued other building permits for storm damaged homes in Town. Mr. Donald responded, i.e. if they are replacing a roof "in kind," they do not need a permit. If it is inside work, he wants to look at it to determine whether a building permit is needed or not. He needs to satisfy his conscience, and he left the meeting.

Mr. Dworman **MOTIONED** to approve and sign the public meeting minutes as presented. Mr. Pendell seconded. Motion carried 3-0.

**REGISTER:** The Board reviewed the check register and police special details. Mr. Pendell **MOTIONED** to approve and sign the check register dated 4/14-4/16/10 in the amount of \$57,094.92. Mr. Dworman seconded. Motion carried 3-0.

Mr. Pendell **MOTIONED** to approve and sign the detail listing for April. Mr. Poelaert seconded. Motion carried 3-0.

**ABATEMENT:** The Board reviewed an abatement request. Mr. Pendell **MOTIONED** to approve and sign the abatement, based on the recommendation of the assessors, for MBL #15-03-03, 1 Stumpfield Road, in the amount of \$1,711.60, including interest. Mr. Dworman seconded. Motion carried 3-0.

**INTENT TO CUT:** The Board reviewed an application for a Notice of Intent to Cut Wood or Timber, submitted by Walter Carter. Mr. Pendell **MOTIONED** to approve and sign the Form PA-7, acknowledging the Conservation Commission Chair has reviewed it, for MBL #13-02-01, 68 South Road. Mr. Poelaert seconded. Motion carried 3-0.

**CURRENT USE:** The Board reviewed an application for Current Use for MBL #11-04-05, 85 Burnt Swamp Road, noting a change to the acreage in current use from the current status. Mr. Poelaert **MOTIONED** to approve and sign the application Form A-10, as submitted. Mr. Dworman seconded. Motion carried 3-0. It was noted the form will be recorded with the Registry of Deeds.

**APPRECIATION LETTER:** The Board reviewed a letter of appreciation addressed to Patricia Mazur for her years serving as a Supervisor of the Checklist. Mr. Pendell **MOTIONED** to approve and sign the letter as written. Mr. Dworman seconded. Motion carried 3-0. It was noted she chose to not run for re-election.

**TC/TC REQUEST FOR DISBURSEMENT OF FUNDS:** The Board reviewed a request from the Town Clerk/Tax Collector to reimburse Bruce Gosselin for an overpayment on his vehicle registration. Mr. Pendell **MOTIONED** to approve and sign the request as submitted. Mr. Poelaert seconded. Motion carried 3-0.

**WINSLOW DRIVE:** The Board reviewed a deed transferring Winslow Drive to the Town of East Kingston, in accordance with the passage of WA #13 at Town Meeting March 2010, noting Town Counsel has reviewed the document.

Mr. Poelaert **MOTIONED** to approve and sign the deed as presented to accept Winslow Drive. Mr. Dworman seconded. Motion carried 3-0.

**SWRC:** Solid Waste & Recycling Committee member Duncan MacLeod met with the Board to say that WM did not receive the final approved copy of the WM Newsletter until Thursday, WM mailed it out first class, and it should have been delivered by Saturday. The new gray barrels were delivered by WM over the weekend, Friday, Saturday & Sunday. There was confusion by the residents today, Monday, for trash pick up, because the new program is not starting until May 3, 2010. Residents were not made aware of the upcoming changes prior to receiving the barrel, and were not sure whether or not they should start using the new barrel. The residents did receive the new flyer in the mail today, Monday.

It was noted WM was also supposed to put a sticker on the 96 gallon green barrel stating it is now for recycling, and drop off the new 64 gallon gray barrel, which will be for trash.

Due to the confusion, and what happened today, WM agreed to pick up all trash and recycling, whether it was in the gray or green barrels. The Board decided they should conduct a meeting with the Committee members, and WM together, to iron out the issues and concerns. It was noted the next meeting will be 5/10. It was also noted they need to straighten out issues with WM, and communication needs to be improved.

Mr. Pendell added he wanted to go back a step, that he saw all the emails (copied to Teresa), and noted they needed to do it within a timeframe. It was acknowledged that the flyer should have been delivered prior to the barrels being delivered (which were delivered from Friday 5:30PM through Sunday afternoon).

The Board commended the residents who did it properly this week.

Mr. MacLeod informed the Board, Country Hills was delivered recycling barrels and they should not have been, therefore, they need to be picked up from Autumn Lane. He added additional recycling stickers will be dropped off at the Town Offices for residents.

The first time the (green 96-gallon) recycling barrels will be picked up will be Monday, May 10<sup>th</sup>. On May 3<sup>rd</sup>, it is only a trash pick up from the new 64 gallon gray barrels.

Mr. Poelaert stated that Mr. Morales had called to say 2 barrels had been dropped off across the street from him. It was determined there is a 46 & 48 South Road.

Mr. MacLeod stated the Board of Selectmen are aware of the bagster program, whereby the bags are \$29.95 each, and they call WM for pick up at a cost of \$139.00, and for a second pick up \$119.00, paid directly to WM at the time of the pick up.

It was noted the bags can be purchased from CP Lumber & other stores, and Mr. Dworman stated he is not in favor of being in the selling business of the bags if they are available elsewhere to buy. The others agreed.

Mr. MacLeod informed the Board of Selectmen the good thing is, in March, the Town turned a profit for recyclables. 50% of the profit will be turned in to the Town. He added he would like the Board of Selectmen to look at taking the credit either quarterly or yearly.

Mike Perrella joined the meeting at 6:59PM.

Mr. Poelaert suggested taking the adjustment one time a year.

Mr. MacLeod stated there is no problem with providing an extra recycle bin to residents.

Mr. Pendell **MOTIONED** to have the Town provide a second green recycling barrel to anyone in Town who needs one at no charge, to be supplied by WM once a month.

**BIDS:** At 7:00PM, Mr. Poelaert stated they will open the bids received for a fire truck and the lowest responsible bidder will be picked, after review by the Fire Dept.

M & W Fire Apparatus/New England Fire Apparatus = \$279,997  
Valley Fire Equipment = \$160,000 + Cab & Chassis of \$110,967 = \$270,967  
Lakes Region Fire Apparatus = \$292,830 with prepayment options.

It was noted without any review, Valley Fire is the lowest bidder, but the Board of Selectmen asked the Fire Chief & Deputy Fire Chief to go through each bid and advise them of their recommendation.

It was agreed to meet on Tuesday at 4:00pm to discuss the bids.

**FIRE DEPT.:** Fire Chief Ed Warren submitted a letter dated 4/25/10 requesting the Board of Selectmen's approval to release \$14,108.56 from the Ambulance Revolving Fund to purchase an electric stretcher, which includes a warranty fee of \$1,300. It will fit in the ambulance with no retro fitting, and the company is reputable and reliable. He added he has checked with lots of surrounding towns. The electric stretcher has reduced back & other injuries to the responders. They will keep the one they have as a back-up.

Mr. Poelaert **MOTIONED** to release \$14,108.56 from the Ambulance Revolving Fund to purchase a Stryker stretcher, as recommended by the Fire Chief Warren. Mr. Pendell seconded. Motion carried 3-0.

It was noted it will have a life expectancy of at least 10 years. There is a manual back up.

The Board of Selectmen were informed the fund was created by Warrant Article #19 in 2007, and currently the account has \$33,940.98. It was also noted that the stretcher can be delivered within a week of purchase.

**BRYAN:** Jeff Bryan of Jeff Bryan Remodeling met with the Board to discuss his proposals to repair the Town Hall and Pound School from the damage sustained in February during the wind/rain storms.

He stated that he would strip the roof off of the Pound School all the way to the peak, to eliminate the leaking at the building. He noted right after the storm, he had nailed down the panels at the Pound School to prevent further damage.

It was noted no other bids were received for the repairs. One other bid was for the Library pergola only.

It was noted the Board of Selectmen preferred ice and water shield all the way with 1 ½" roofing nails.

In response to a question, Mr. Bryan informed the Board of Selectmen the job would take about a week to do with 3-4 guys.

It was acknowledged the decision about the library will be done through the Library Trustees.

Mr. Pendell stated that the Pound School had been leaking before the Library moved out of the Pound School, and that it needs flashing and the chimney sealed. Mr. Bryan stated he could revise his proposal to include that, and he will also fax a copy of his certificate of insurance to the Selectmen's Office.

Mr. Dworman stated that he has a problem with no other bids received. Mr. Poelaert responded they had tried to get other bids.

A guarantee to not exceed option was discussed. It was acknowledged that this company will provide a quality job, and has a good reputation.

Mr. Pendell **MOTIONED** to award the bid to repair the Town Hall roof and the Pound School roof to Jeff Bryan Remodeling, not to exceed \$14,712. Mr. Dworman seconded. Motion carried 3-0.

Mr. Pendell offered to oversee the projects.

Mr. Bryan said thank you gentlemen, and left the meeting at 7:35PM.

**NONPUBLIC SESSION:** Chairman Poelaert **MOTIONED** to go into a nonpublic session at 7:35PM 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: Richard S. Poelaert- Yes, Matthew B. Dworman – 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 April 26, 2010. The results of the poll were: Richard S. Poelaert–Yes, Matthew B. Dworman –Yes, & David R. Pendell, Jr. - Yes.

Chairman Poelaert **MOTIONED** to adjourn this Selectmen’s non-public meeting at 7:50PM. Mr. Pendell seconded. Motion carried 3-0.

**NONPUBLIC SESSION:** Chairman Poelaert **MOTIONED** to go into a nonpublic session at 7:51PM under RSA 91-A-3, II: para (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

Chairman Poelaert **MOTIONED** to adjourn this Non public meeting at 8:10PM. Mr. Dworman seconded. Motion carried 3-0.

**WM:** It was noted the Waste Management (WM) newsletter introducing the new program was received by residents today, Mon. April 26<sup>th</sup>, with the green 96 gallon barrels to be used for recycling starting on 5/10, and the new 64 gallon gray barrels will be used for “trash” starting on 5/3.

Due to the barrels being delivered over the weekend, before residents received the “flyer,” there was confusion and the Office received approximately 24 inquiries about what was going on.

Mr. Dworman noted he does not want to buy the bags (for the bagster program) and have them at the office, when they can buy them at nearby locations and people have to contact WM for pick up and pay them directly. The Town is not in the business of selling them. The Board agreed to hold off and wait to see if there is any demand for them. It was noted they come in bulk of 10 per order, with an additional freight charge.

**BUILDINGS:** It was noted a storm window was broken at the Town Offices Building and will be repaired, and chairs have been purchased for the Pound School. The Town Hall was closed during the winter months

and chairs were brought to the Pound School. Those chairs have been returned to the Town Hall and will remain there.

Ed Warren and Matt Gallant left the meeting at 8:10pm.

**SELECTMEN'S OFFICE:** The Adm. Asst. presented a quote of \$1,024.99 for a new duplex printer, including the installation and connection to the network, for approval noting the current printer is at least 15 years old.

The Board asked the Adm. Asst. to see if the Town could purchase the printer and have the IT person hook it up.

**CONANT LETTER:** It was noted the Building Inspector submitted a copy of a letter of response to Ms. Conant this evening.

**CONS. COMM.:** The Board acknowledged receipt of the Conservation Commission meeting minutes dated 3/8/10 for their review.

**LIBRARY:** The Board acknowledged receipt of the Library Trustees meeting minutes dated 2/18/10 for their review.

**PLANNING BOARD:** The Board acknowledged receipt of the Planning Board meeting minutes dated 4/15/10 for their review, along with a copy of the new brochure "Pheasant Run Wetland Study Area for the Town of East Kingston, NH."

**TREASURER:** The Adm. Asst. reported the Treasurer met with a rep. from Citizens Bank and was informed the current TAG Program expires 6/30/2010 and they are recommending the Town join the new Fraud Protection Program with a "sign up" fee of \$25. She is asking for the Board's approval to join.

The Board members agreed we should join. Mr. MacLeod offered that the Town should not have to pay any fee to join. The Board asked Ms. Gallant to see if the Treasurer could get the fee waived.

Mr. MacLeod also suggested that the Town look at what they have in their bank accounts. He encouraged them to watch where the money is, due to the recent closings of some banks. He added he is not aware of any problems with Citizens Bank.

**CALENDAR:** The following dates were noted: 5/5 EOC graded exercise, & 5/10 Selectmen's Meeting.

Mr. Poelaert informed the Board he will be unable to attend the 5/10 meeting. Due to scheduling conflicts, they were unable to change the date and will still meet on 5/10 with David and Matthew in attendance. It was noted they will be meeting tentatively with the SW & R Committee members and representatives from Waste Management.

**NOTES:** The Board acknowledged an unemployment appeal phone conference call scheduled for Thursday, April 29, 2010 has been cancelled.

**MRI:** It was noted MRI met on Friday, April 23, 2010, with all 14 employees to discuss the wage and salary classification study they will be conducting for the Town of East Kingston, and then met individually with 8 of the 14 following the general meeting. The remaining employees will be interviewed individually at another time. The plan is to have the report completed by 7/1/2010.

Chairman Poelaert asked for a motion to adjourn. Mr. Pendell responded he attended a library trustee meeting last week and noted there was an expression voiced for a handbook wanted for Town employees. He added that she wanted insurance information included.

Mr. Dworman **MOTIONED** to adjourn this Selectmen's Meeting at 8:35PM. Mr. Poelaert seconded. Motion carried 3-0.

Respectfully submitted,

Deborah G. Gallant  
Administrative Assistant

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Richard S. Poelaert

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Matthew B. Dworman

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David R. Pendell, Jr.