

**TOWN OF EAST KINGSTON, NH  
SELECTMEN'S PUBLIC MEETING MINUTES  
MONDAY, JUNE 7, 2010**

**7:00pm LGC – Tom Dunn**

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

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

**MINUTES:** The Board reviewed the Selectmen's Public & Non-public meeting minutes dated 5/24/10.

Mr. Dworman **MOTIONED** to approve and sign the Selectmen's Public Meeting Minutes dated 5/24/10 as written. Mr. Poelaert seconded. Motion carried 2-0.

Mr. Dworman **MOTIONED** to approve and sign the Selectmen's Non-Public Meeting Minutes A & B dated 5/24/10 as written. Mr. Poelaert seconded. Motion carried 2-0.

Mr. Pendell did not vote, as he did not attend the 5/24/10 meeting.

**REGISTER/DETAILS:** The Board reviewed the check register. Mr. Pendell **MOTIONED** to approve and sign the check register dated 05/26/10 – 6/07/10 in the amount of \$474,356.02. Mr. Poelaert seconded. Motion carried 3-0. Mr. Poelaert **MOTIONED** to approve and sign the special details totaling \$3,300 dated 4/29–5/25/10. Mr. Dworman seconded. Motion carried 3-0.

Mr. Dworman inquired about Police Chief Simpson's request for a town ordinance on speeding so that when a speeding ticket is issued, the money would be revenue to the town, versus to the state.

He added he would like to have the Chief keep a log to see how many tickets are issued. It would be a source of revenue. Mr. Pendell asked how many tickets have been issued for the last 6 months? He would want to review the log first. It was asked whether the Board could enact the ordinance or would it have to be a warrant article approved by a vote at Town Meeting? Mr. Poelaert also questioned whether it would be on all roads in town, whether town or state roads? They agreed to check into it.

**HOME OCCUPATIONS:** The Board reviewed home occupation renewal permits, effective 7/1/10 – 6/30/11, noting the fees have been paid and there have been no changes.

Mr. Poelaert **MOTIONED** to approve and sign the following home occupation renewal permits:

Daniel T. Bodwell, Dan Bodwell & Sons Biological Recycling Co., 79 North Rd., MBL #15-01-08, Permit 89-42.

Timothy & Judith Bodwell, Bodwell's Septic Service, 96 North Rd., MBL # 15-03-01, Permit #95-04,

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

Mr. Pendell seconded. Motion carried 3-0.

It was also noted the invisible businesses of Judy's Music School, at 2 Foxhollow Court, & Gary Hinz of Grounds for Living at 76 Main Street, continue to operate and have paid the appropriate fee, noting no changes.

Mr. Pendell **MOTIONED** to approve the invisible businesses for Judith Manning-Leonard for Judy's Music School, of 2 Foxhollow Court, and Gary Hinz, for Grounds for Living at 76 Main Street, effective 07/01/10 through 6/30/11. Mr. Dworman seconded. Motion carried 3-0.

**PLANNING BOARD:** The Board acknowledged receipt of the Planning Board meeting minutes dated 5/20/10, for their review.

**LIBRARY:** The Board acknowledged receipt of Library Trustee meeting minutes dated November – April, 2010 for their review, noting February's minutes had been received earlier.

**BUDGET:** The Board acknowledged receipt of the budget expenses through 5/31/10 for their review. It was noted 45% of the \$2,860,300 has been expended, to date.

**MAPLEVALE ROAD:** The Board acknowledged receipt of a deed conveying the remainder of Maplevale Road, from Holly Lane to Depot Road at Jewett's end, to the Town of East Kingston, per Warrant Article #11 passed at Town Meeting March 2010, noting Town Counsel has reviewed and approved it for recording at the Registry of Deeds. Upon recording, the remaining bond funds will be released. Mr. Pendell **MOTIONED** to accept the deed and the release of the funds. Mr. Dworman seconded. Motion carried 3-0.

**COVE ROAD:** Mr. Dworman noted he attended a meeting on 5/26/2010 regarding the Powwow River and noted a resident of Cove Road also attended, and he has been calling him all the time now to discuss upgrading Cove Road. It was noted that Cove Road, along with other private roads in Town, were declared "emergency lanes" a few years ago, which allows the Town to grade private roads for the purpose of the passage of emergency vehicles only.

Mr. Poelaert suggested when the Road Agent grinds Town roads, possibly he could stock pile the material near the salt shed and use it as fill to grade Cove Road. There would be no cost vs. the cost of gravel, when the Town dumps gravel on the road.

The Board members agreed they should review the highway budget each year and determine if there is money available to grade the roads or not.

**CASEY:** The Board acknowledged receipt of a request from State Rep. Kim Casey asking for a "children at play" sign on Sanborn Road. A copy of the request has also been provided to the Road Agent. The Board members agreed the response should be at this time, we cannot do one road without looking at every road in Town.

**EEE:** The State of NH has declared a public health threat for EEE in 2010, as they did in 2009. It was suggested that since the disease comes from horses, possibly they could ask State Rep. Kim Casey to look into enacting a state statute that would require all horses in NH be inoculated for EEE and West Nile Virus. The inoculation option is there, but it is not required at this time. Mr. Dworman agreed to contact Ms. Casey.

**INSURANCE:** The Board acknowledged receipt of a letter regarding the Town's claim for damages sustained during the Feb./Mar. 2010 wind/rain storm, along with checks to cover the damages for the Town Hall, Pound School, and Town Offices Building. The Library building is still outstanding.

The Board members discussed repairing the chimney of the Town Offices Building. Three options were discussed, and they will look into which option would be best.

**LIQUOR LICENSE:** It was noted Carmen's Restaurant has re-opened, and the state has issued the tenant a full liquor license. Mr. Pendell stated the Town has no jurisdiction over a state issued permit. It was noted Apple Hill Golf Course also has a full liquor license, and Jewett's Store sells beer & wine.

Mr. Poelaert stated he has no problem with a liquor license; he just expressed his concerns with someone staying all day long drinking.

It was noted that the state has rules and regulations that accompany the issuance of a license.

It was further noted, if there is an expansion or change of use, a site plan review might be needed.

The Board suggested that they advise the Planning Board to ask the owner of record meet with the Planning Board for discussion purposes only, to determine whether or not a site plan review is necessary, and to determine what has been approved for the operation of a restaurant at that site.

Mr. Dworman added he contacted Town Counsel and was informed there is nothing the Board of Selectmen can do, it is a state issued license. He discussed it as a land use change or an expansion of use.

Both Mr. Pendell and Mr. Dworman noted they had eaten at Carmen's over the weekend and thought the food was very good.

It was also noted the Building Inspector and Fire Chief had inspected the building prior to re-opening, finding no violations, and everything in good order.

**LEGAL:** The Board acknowledged an update on a legal case, with no action needed.

**DUNN:** It was acknowledged that Mr. Dunn did not show up for his scheduled meeting at 7:00PM.

**EXEMPTION:** It was noted a resident had requested an exemption for permanently and totally disabled to the Office on 4/1/10. He was asked to provide the necessary documentation to accompany the application required for the exemption, and was also reminded by phone to provide the required documentation. He came in on 6/1/10, and expressed his dissatisfaction that he is not getting the exemption. He did not provide the necessary documentation by the deadline of 4/15; therefore, he will not be receiving the exemption for 2010. To date, he has not provided the information for a 2011 exemption, either.

**CALENDAR:** The following dates were noted: 6/10 Planning Board work session, 6/17 Planning Board meeting, 6/20 Father's Day, 6/24 Accounts payable and payroll processing, & 6/30 Home Occupation renewal permits due.

**LEGAL** The Board acknowledged correspondence from Town Counsel, Atty. Mayer, with no action to be taken by the Town at this time.

**PROPERTY LIEN:** It was noted in response to Mr. Dworman's inquiry, in order to place a lien on a property located outside of NH, the Board of Selectmen do not have any jurisdiction, therefore, they would have to go through due process, they would have to hire an Attorney practicing in RI, and it would cost more than the money owed by a welfare candidate that rents. When a welfare applicant receives

assistance and owns property in NH, the Board of Selectmen has the authority to place a lien on the property without going through the court process.

**EKFA:** Mr. Pendell informed the Board of Selectmen that at the EKFA meeting held on Sunday, June 6<sup>th</sup>, they discussed putting in a new well at the Fire Station, noting the current one services the Town Hall, Emergency Operations Center, and the Fire Station.

They also discussed moving it to a better location, noting in the future where it is currently, could interfere with additions planned to the Fire Station or Town Hall, etc.

Mr. Pendell also noted there are repairs needed to the Town Hall. He said the building is not being used very much, and it is deteriorating. Mr. Pendell added the EKFA spent money on renovating the kitchen of the Fire Station, including a dishwasher.

Mr. Pendell noted the EKFA, in good faith, is offering to cover 50%, and asking the Town for the other 50% to put in a new well. Mr. Poelaert offered to assist with a pump.

Mr. Dworman inquired about fracing the well which would cost a lot less. He also added if you re-locate the well, you would have to extend the piping from the new well to the buildings.

Mr. Poelaert suggested putting in a 400-gallon storage tank, and then you would not run out of water. Mr. Dworman inquired what is the point, at this time, to drill a new well in a new location? Mr. Pendell responded the EKFA wants to upgrade the bathroom and install a shower stall at the fire station.

**LIBRARY:** Mr. Pendell noted the Library is hosting a concert on Sunday, June 13, 2010, and would like to request a mowing of the property by Friday and prior to set up for the outdoor activity.

**FIRE CHIEF:** The Board discussed posting the position for a part time Fire Chief.

**LIBRARY:** Mr. Pendell noted LGC has agreed to meet with the Library Trustees, the insurance adjuster, and others to discuss the damage to the library. Mr. Pendell noted he was okay with an engineer looking at it, because he says the building was built to code.

Mr. Dworman inquired about the bond for the project for building the library, and Mr. Pendell responded they are reviewing all of the invoices and will be finalizing the closing of the bond soon. It was further noted there is \$413.22 remaining unexpended of the bond.

At 8:00PM, Mr. Pendell **MOTIONED** to adjourn this Selectmen's Public Meeting. Mr. Dworman seconded. Motion carried 3-0.

Respectfully submitted,

Deborah G. Gallant,  
Administrative Assistant

