

**TOWN OF EAST KINGSTON, NH  
SELECTMEN'S PUBLIC MEETING MINUTES  
TUESDAY, JULY 6, 2010**

Attending: Selectmen Richard S. Poelaert, Matthew B. Dworman & David R. Pendell, Jr.  
Others Attending: Matt Gallant, Chris Gallant, and Kathy Bailey.

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

**MINUTES:** The Board reviewed the Selectmen's public meeting minutes dated June 21, 2010. Mr. Pendell **MOTIONED** to approve and sign the Selectmen's meeting minutes as written. Mr. Dworman seconded. Motion carried 3-0.

**REGISTER:** The Board reviewed the check register. Mr. Pendell **MOTIONED** to approve & sign the check register dated 6/23-6/30/2010 in the amount of \$721,659.89. Mr. Dworman seconded. Motion carried 3-0.

**SPECIAL DETAILS:** The Board reviewed the police special details performed 5/27/10 – 6/21/10 in the amount of \$6,565.00. Mr. Pendell **MOTIONED** to approve and sign the detail registers. Mr. Dworman seconded. Motion carried 3-0.

It was noted that some of the details reflected "no time listed," while others stated the actual hours worked. Mr. Dworman noted the officers should not be doing details during their regularly scheduled hours, and Mr. Pendell noted that on each submission the actual time worked should be listed. Even when it is paid for a 4-hour minimum, the time should be listed. The Board agreed to forward a memo to the Police Chief requesting all times be listed for accountability. They further noted they are performing details outside of East Kingston, and inquired about what agreement the Police Chief has with the other towns.

**HOME OCCUPATION PERMITS:** The Board reviewed home occupation renewal permits, noting the fees have been paid and there have been no changes from the prior year.

Mr. Pendell **MOTIONED** to approve and sign the renewal home occupation permits effective July 1, 2010 – June 30, 2011 for the following:

Matthew L. Gallant, Bob's Septic Service, 120 Sanborn Rd., Permit #04-03

Belinda D. Gindlesperger, Diann's Pampered Pooch, 136 Burnt Swamp Rd., Permit #89-36

Keith B. Moore, Atlantis Pool & Construction Co., Permit #98-02

Mr. Dworman seconded. Motion carried 3-0.

It was also noted the following invisible business has paid the fee for: Randall Skaal, Graphics Design/Web Designer, 101 Powwow River Rd. Mr. Pendell **MOTIONED** to approve the renewal of the invisible business for Randall Skaal. Mr. Dworman seconded. Motion carried 3-0.

**TREASURER:** The Board reviewed a request from the Treasurer to delegate authority to Deborah G. Gallant & Cheryl A. Hurteau to perform the function of depositing funds collected for the Town of East Kingston.

Mr. Dworman **MOTIONED** to grant the authority to Ms. Gallant & Ms. Hurteau to deposit funds as needed, as recommended by the Treasurer. Mr. Pendell seconded. Motion carried 3-0.

**ABATEMENTS:** The Board reviewed the final abatements for the tax year 2009. Mr. Pendell **MOTIONED** to approve the abatements, based on the recommendation of the assessors of \$1,125.28, including interest for Griggs Trust 2008 for MBL #04-02-4MHP and credit for the following: \$194.13 for MBL #04-02-4001, \$321.23 for MBL #04-02-4002, \$159.46 for MBL #04-02-4003, \$298.12 for MBL #04-02-4004, \$196.44 for MBL #04-04-4007, \$90.13 for MBL #04-02-4015, \$34.67 for MBL #04-02-4018, \$152.53 for MBL #04-02-4019, and \$104.00 for MBL #04-02-4105, for Griggs Trust 2008 for a total of \$2,675.99. Mr. Dworman seconded. Motion carried 3-0.

It was noted for the tax year 2009, a total of \$14,259.41 was abated, reflecting 34 granted, 9 credits, and 11 denied for a total of 54, of which 27 were filed for Autumn Lane, 10 for the mobile home park, & 17 misc.

**TC/TC:** The Board reviewed a TC/TC Request for Disbursement of Funds. Mr. Pendell **MOTIONED** to approve and sign the request to refund Julie Ostopchuk \$2,476.00 for an overpayment of property taxes for MBL #10-01-08, based on the recommendation of the TC/TC Barbara Clark, as the mortgage company paid, and the property owner also paid the taxes. Mr. Dworman seconded. Motion carried 3-0.

**POUND SCHOOL:** It was acknowledged that the Pound School roof has been redone and that the insurance covered most of the cost, as it was damaged by the Feb. wind/rain storm. The Board reviewed the bill, and Mr. Pendell **MOTIONED** to authorize the payment. Mr. Poelaert seconded. Motion carried 3-0.

The Town Hall and the Town Offices Building roofs have also been repaired from the storm damage and covered by the insurance claim.

**BUDGET:** The Board acknowledged receipt of the budget figures for the period ending 6/30/2010. It was noted of the \$2,860,300 budget, \$1,548,353 or 54% has been expended to date.

It was further noted the revenues to date received are \$480,484 or 60%.

Matt Gallant informed the Board he was supposed to bring in a letter from EOC Director Sarah Gallant, which stated how much they plan to get reimbursed from FEMA, based on the submission of invoices from the storm damage in Feb./Mar., but he has not been home, doesn't have it with him, and does not know the amount, but thought about \$52,000. It was noted most of this money would be returned to the Road Agent budget. The Board acknowledged that with that money being returned, the Road Agent should have enough funds to do Forest Drive, as he just completed Sanborn Road and that cost about \$105,000. Mr. Gallant further informed the Board he has enough material for the winter season for sanding/salting and plowing, therefore, he only needs the funds to cover the cost of labor for the Nov./Dec. 2010 timeframe. He added he is waiting to get three quotes to do Forest Drive. The Board agreed he should continue with the plan to do Forest Drive in 2010.

**TC/TC:** It was noted the tax lien this year requested from the Tax Collector was \$76,575.97. This figure compares to 2006 of \$77,000+, 2007 of \$144,000+, 2008 of \$123,000+ and now 2009 of \$76,000+. It was agreed that the Town is in good shape for collecting the taxes due.

**FIRE CHIEF:** The Board acknowledged one applicant applied to fill the vacant position of part-time Fire Chief, in accordance with the passage of Warrant Article #16 at Town Election March 2010.

The Board reviewed the letter of interest and resume and noted the applicant is currently the Interim Fire Chief.

Mr. Pendell **MOTIONED** to appoint Edward Warren to the position of part-time Fire Chief and sign an appointment effective through 12/31/2010. Mr. Dworman seconded. Motion carried 3-0.

**WELL:** It was noted a citizen expressed his concern about installing a well that will service the Town Hall, EOC & Fire Station. The Board members agreed to respond to his inquiry, that it is not a capital improvement item to be included in the capital improvement plan with the Planning Board, that it is a maintenance item that needs to be taken care of, as there have been water issues for the past several years with the current well.

It was noted that the State has looked at the plan and the proper documentation is being taken of. It was agreed with the Board members and Road Agent M. Gallant that it will be done as soon as possible. Mr. Gallant will relay the info. to the Fire Dept. at their Officers meeting this evening.

Mr. Pendell expressed Mr. Warren's concern with one person performing the work to have any warranty work covered. Mr. Poelaert responded the company will drill the well, the Road Agent will dig the hole, and he will help put in the pipe, etc.

**MIDDLEMISS:** The Board acknowledged receipt of a letter dated 6/28/2010 from L. Middlemiss, noting upon his inspection of the property at 27 North Rd., as requested by the Board of Selectmen, he determined a building permit was required. A building permit has been issued and completed.

**HOME OCCUPATION:** The Board acknowledged receipt of the Planning Board's meeting minutes reflecting approval of a home occupation permit for 58 North Rd. on 11/15/2007, for their review.

Mr. Poelaert expressed an interest in asking the property owner to meet with the Board, to discuss his trailer that is parked on his property with his logo on it, as being used as an oversized sign.

The Board read the minutes of the Planning Board meeting. Mr. Dworman expressed that he wants him to have his business and doesn't want to interfere with his business, but does question the signage on the trailer whether if it falls within the scope of his home occupation permit or not. He agreed to ask him to meet with the Board.

The Board also acknowledged receipt of the Planning Board meeting minutes dated 09/18/2008, granting approval of serving alcohol on the deck of the restaurant at 89 Main St. It was noted a letter has been sent to the State of NH Licensing Bureau, noting the Town has previously given its approval to serve alcohol on the deck area.

Mr. Poelaert inquired if he should inquire with Carmen's to see if they would be willing to bill the Town once a month, if they were to have the police department order lunch for the Trustee on a regular basis. It was acknowledged that the Police Chief usually has the Trustee up to five days a week, and the Town is only obligated to feed him lunch. Currently, the Chief has purchased food supplies from Sam's Club or Walmart, and uses the facilities at the police station.

Mr. Poelaert thought with the internal controls review, this would help for better record keeping.

The Board members also agreed that the Trustee should be used to perform needed repairs, etc., at all of the Town owned buildings, not just the Police Station.

**CHANGE OF TENANTS:** It was acknowledged that the Planning Board held a Public Hearing on 12/18/1997 adding verbiage "including change of tenants" to the site plan review regulations, that has been

determined to be illegal, therefore, the Planning Board will be conducting a public hearing to remove those words from the Town's regulations. It was noted the Town cannot be more restrictive than what the law allows. The law provides for a site plan review for a change of use or an expansion of use only. It will not be necessary to have it on the ballot for a vote at the town election. When a new ordinance book is printed, the changes will be reflected.

**TOWN ELECTION:** The Adm. Asst. inquired about dates for the upcoming election timeframe, starting with the budget hearing through Election day. The Board members agreed to review it at the next meeting.

**TOWN OFFICES BLDG.:** The Board reviewed the notice to bid for the Town Offices chimney to be repaired. They agreed to request bidding on three different options and they will determine which is best suited for the cost.

Again, it was noted the Town Hall, Town Offices, & Pound School roofs have been repaired from the damage sustained in the Feb. wind/rain storm. They are still waiting to hear from the insurance adjuster, regarding the claim on the library building.

**PLANNING BOARD:** The Board acknowledged receipt of the 6/17/2010 Planning Board meeting minutes for their review.

**LIBRARY:** The Board acknowledged receipt of the 5/19/2010 Library Trustee meeting minutes for their review.

**EKFA:** It was noted a letter was sent to the EKFA informing them of the installation of a new well to service the Town Hall, Fire Station, and EOC, and that the Town would accept any offer from them that they are willing to pay to offset the cost. Mr. Pendell, as a member of the EKFA, noted they will discuss the letter at the next Fire Assoc. meeting.

**COVE ROAD:** The Board acknowledged receipt of input requested from the town engineer regarding Cove Road. He noted it is a private road, therefore, the Town, as a declared emergency lane, should not do more than grading. He is recommending that the Board not do anything over and above grading.

Mr. Dworman acknowledged that the materials needed for Cove Road, exceed the Road Agent's budget, therefore, nothing else can be done this year. He thought they were going to put together a citizens' petition and put it to the Town for a vote. Mr. Dworman expressed that we have all acknowledged that it is a private road and that the town cannot do anything major to it.

Mr. Poelaert suggested inquiring with the owner of the grader (that is still on Cove Rd.), if they wanted to grade Cove Road up to four times a year, how much would it cost? He thought they could get a price on it.

Mr. Pendell expressed his concern with grading more than once or twice, that other private roads in Town would complain and want all their roads done, too. It could cost the Town a lot of money.

The Board acknowledged that Cove Rd. is the longest and the worst private road (that has been declared an emergency lane).

Mr. Pendell questioned how much money would we be getting into? Mr. Dworman responded he thought they should grade a private road only on the recommendation of the Police Chief, Fire Chief, and Road Agent as to make it passable for emergency vehicles. The Road Agent would be from a plowing perspective.

It was noted during the winter months, the potholes are actually not as bad. Mr. Poelaert encouraged the Board to keep thinking, and to go and inspect Cove Rd.

Mr. Dworman asked if the Road Agent would be stockpiling any reclaim from Forest Drive when he does Forest Drive?

**275<sup>th</sup>:** Mr. Poelaert noted that in three years, (2013), the Town will be celebrating its 275<sup>th</sup> anniversary, and asked if they should propose creating a committee at Town Meeting, to spend money on a celebration.

At the 250<sup>th</sup>, they had a parade, concert, cookout and fireworks. He added it is three years from now, but thought they should think about putting together a committee now.

Mr. Pendell thought about putting aside maybe \$5,000 each year for three years to cover the cost. They all agreed it would be a good idea, and thought a date should be picked first.

**FEMA:** It was noted the EOC Director Sarah Gallant has met with FEMA and will be applying for FEMA Assistance to reimburse the Town costs incurred during the wind/rain storms that were declared emergencies. She will report the dollar figures to the Board upon FEMA letting her know.

**FIRE TRUCK:** It was noted the performance bond has been received on June 22, 2010, and the \$285,000 check issued for the purchase of the new fire truck, as approved by Warrant Article #8, at Town Election March 2010.

**SANBORN RD.:** Based on a request that residents have complained about the new paving on Sanborn Rd., the Town Engineer inspected it and basically found nothing wrong with the job. It appeared to be no different from Willow Rd., and nothing was done wrong.

**E-MAIL ADDRESSES:** In response to the inquiry for residents to provide an email address as of 4/12, it was reported the Selectmen's Office had received 18, and with asking the TC/TC to ask when residents register vehicles, etc., as of 7/1, we have 23.

The Board determined that it would not be prudent to continue with this request.

**SCHOOL:** Mr. Poelaert reported it took him 45 minutes to sign all the documents for the grant for the solar panels for the Elementary School.

**EEE:** Mr. Dworman reported he called State Rep. Kim Casey about inoculating horses and she did not return his call, but he did speak with Doc Marston, who informed him that even if you inoculated all of the horses, you would not get rid of EEE, as it is passed from mosquitoes to birds.

**PAVING:** It was noted starting today; Continental Paving will be working in East Kingston on Rt. 107A from Rt.108 for 4.22 miles to the MA border.

**TRAINING:** It was noted the Town Clerk/Tax Collector is asking the Board of Selectmen to attend a State Election Law Training for the accessible voting system set up and operation, which will be held in Brentwood on Thu. Aug. 19<sup>th</sup> at 5:00PM. Mr. Poelaert offered to attend. Mr. Pendell attended last year.

**LEGAL:** The Town has been served, and a hearing has been scheduled for Wed., July 28, 2010. Mr. Poelaert will attend with the Town attorney.

**COMCAST:** It was noted the contract with Comcast expires 12/31/2010, and a rep. from Comcast will meet with the Board to discuss negotiations at the next meeting.

**CALENDAR:** 7/8 & 7/15 Planning Board meetings, 7/19 Selectmen's meeting, 7/21 Cemetery Trustees meeting, 7/29 Accounts payable and payroll processing.

**HEALTH OFFICER:** Mr. Pendell noted the Health Officer spoke with him this afternoon about a conference call he had with the State EOC, regarding the current heat wave. They are looking to open up places with air conditioning for people who need to get out of the heat, and he inquired about using the library building. Mr. Pendell told him he would have to check with the Library Trustees to get approval to use the building for residents to cool down.

**LEVINE:** It was noted there was no update to report from the State, nor the property owner regarding Bioteau Drive.

**SPECIAL DETAILS:** Mr. Pendell inquired about special details, as he witnessed a cruiser performing a detail near Kensington/Seabrook, and thought he almost got hit and wondered about liability. He suggested we check with LGC regarding liability concerns when performing details outside of Town.

Mr. Poelaert **MOTIONED** to adjourn at 7:45PM. Mr. Dworman 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.