

**TOWN OF EAST KINGSTON, NH  
SELECTMEN'S PUBLIC MEETING MINUTES  
MONDAY, JULY 19, 2010**

**6:30PM – Open Bids- Town Offices Building**

**7:00PM – Jay Somers, Comcast**

**7:15PM – Eric Varney**

**7:30PM – Ed Warren, Fire Chief**

**8:00PM – Library Trustees**

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

**Others Attending:** Jay Somers, Eric Varney, Ed Warren, Library Trustees Ted Lloyd, Amy Robbins, Conrad Moses, Barbara Williams, Library Director, Tracy Waldron, & Attorney Russ Hilliard.

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

**NONPUBLIC SESSION:** Chairman Poelaert **MOTIONED** to go into a nonpublic session at 6:30PM 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. 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 July 19, 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 6:40PM. Mr. Pendell seconded. Motion carried 3-0.

**MINUTES:** The Board reviewed the Selectmen's Public Meeting Minutes dated 7/06/2010. Mr. Pendell **MOTIONED** to approve & sign the meeting minutes as written. Mr. Dworman seconded. Motion carried 3-0.

**REGISTER/DETAILS:** The Board reviewed the check register. Mr. Pendell **MOTIONED** to approve & sign the check register dated 7/08-15/10 in the amount of \$280,763.48. Mr. Dworman seconded. Motion carried 3-0.

The Board reviewed the Police Special Details list, and inquired if the office had received a response from the memo forwarded to Police Chief Simpson following their last Selectmen's meeting held on Tuesday, July 6, 2010, regarding the Board's request that on each submission, the actual time worked should be listed for the purpose of accountability, as well as providing agreements the Police Chief has for performing details outside of East Kingston. It was noted that the office has not received a response, to date.

Following discussion, Chairman Poelaert **MOTIONED** to approve and sign the detail register. Mr. Dworman seconded. Motion carried 3-0.

**HOME OCCUPATIONS:** The Board reviewed home occupation renewal permits. Mr. Dworman **MOTIONED** to approve and sign the renewal of a home occupation permit for Peter Ridabock, Ridabock Glass, 65 Depot Road, Permit #07-01, and James Davis, Captain's Catch, 23 Depot Road, MBL #09-03-07, Permit #89-10, effective through 6/30/11. Mr. Pendell seconded. Motion carried 3-0.

**TC/TC:** The Board reviewed a request for disbursement of funds from the Town Clerk/Tax Collector.

Chairman Poelaert **MOTIONED** to approve and sign the request to reimburse, Signature Title for \$7.70 for the overpayment of property taxes on MBL #17-04-05. Mr. Pendell seconded. Motion carried 3-0.

**RPC:** The Board acknowledged receipt of a renewal contract with Rockingham Planning Commission for the circuit rider for July 1, 2010 - June 30, 2011 in the amount of \$10,890; noting an increase of \$1,590 from the previous year's of \$9,300 for 2007 & 2008. It was noted the Planning Board met on Thu. 7/15/10 and forwarded a letter of recommendation dated 7/16/10 to the Board of Selectmen, recommending renewal of the contract for the circuit rider.

Following discussion, the Board determined they would postpone the signing of the contract until further clarification is received from RPC explaining the sizeable increase in price for their services.

**FEMA:** The Board acknowledged receipt of documentation from FEMA for the February/March 2010 wind/rain storms.

Mr. Pendell **MOTIONED** to authorize the Chairman of the Board to sign the documentation for \$6,105.00 & \$20,281.28, reflecting a total of \$26,386.28 to be reimbursed to the Town for expenses paid, noting the EOC Director Sarah Gallant has also signed off, stating all of the projects have been completed.

It was further noted the Selectmen's Office received the checks from the State today in the proper amounts of \$6,105.00 & \$20,281.28.

Mr. Pendell **MOTIONED** to return the funds received to the Road Agent's budget. Mr. Dworman seconded. Motion carried 3-0.

**COMCAST:** Jay Somers of Comcast met with the Board to discuss the renewal of a contract. The current contract expires 12/31/2010.

Mr. Pendell noted that the current contract between the Town of East Kingston and Comcast will be coming to a close, and looked to Mr. Somers for direction.

Mr. Somers stated the procedure dictates that the Board of Selectmen will advertise and conduct a public hearing to ascertain what the residents of Town would like to see included in the new contract. He added that many times, it centers around the library and school.

Mr. Somers stated that Comcast would take minutes of the public hearing and provide them to the Town. Comcast would provide the contract, and the Selectmen would determine what they would like to see in the contract, and how they would like to negotiate items with the franchise fee.

Chairman Poelaert requested that Mr. Somers provide a "vanilla" contract, advise them of their options, and offer suggestions. Mr. Somers responded that he would provide a boilerplate contract, and that the non-negotiable items would be price and license. They could, for example, request new equipment for the school, a dedicated line for live access, etc. Mr. Somers reiterated that he would provide the Board with a draft copy of a new contract, so the Board may take a look at it.

Mr. Pendell offered they may request new equipment to be located in the basement of the Town Offices building, a camera, a recorder, etc. Mr. Somers replied those items would be considered an FRC (franchise related cost) that could amount to \$25,000 - \$35,000, and the cost could potentially be spread out over 10 years, and would be passed on to the subscribers. He added it would be his responsibility to negotiate reasonable costs, and to try to satisfy everybody.

Mr. Pendell noted, and Mr. Somers clarified that the cost of everything requested would affect the rate, and would appear as a separate line item on the bill.

Mr. Dworman inquired with the technology, what is the point of the equipment? Mr. Somers replied that the Town may wish to broadcast their meetings live, and Comcast can upgrade towns and their equipment. Comcast could assist with a web page.

Mr. Pendell offered that they would like new equipment, but also want to keep the rates down. He added they would like to look into switching the Town Offices building from FairPoint Communications to Comcast for their internet service. Mr. Somers replied that they offer business class services, and the Board could decide to draft a warrant article asking the voters if they are in favor of placing a percentage of the franchise fee into a technology fund.

Chairman Poelaert stated he would like to be provided with a copy of the Town's last contract, and Mr. Somers agreed to provide it for the Board's information, as the Town's needs may have expanded over the years, and he will contact them later to follow-up and listen to what they would like to see in the contract.

Mr. Pendell requested that Mr. Somers put together a timeline, provide the Board with a copy of the "vanilla" contract, and return to meet with them. Mr. Somers replied that he would be able to pull together the information requested within the next several weeks, and potentially schedule public hearings for September, that should take about 45 minutes.

Mr. Somers stated that the costs negotiated would be a fixed cost to the subscribers and account for approximately 3% of their gross video bill.

Mr. Dworman inquired as to the amount of revenue the Town would receive from the franchise fee, and Mr. Somers agreed to research his question and get back to him. He added that the average contract is for 10 years, and he would be back in approximately three weeks with the requested information.

Mr. Pendell offered that he would like to see Comcast include an NFL package.

The Board thanked Mr. Somers for meeting with them, and he left the meeting at 7:12PM.

**VARNEY:** Mr. Eric Varney of North Road, following their request, met with the Board to discuss his home occupation permit at 7:15PM.

Chairman Poelaert offered that the Board was seeking his help regarding his trailer located on the front lawn of his home, as when people travel North Road, it provides a blunt, in your face sign, and the Board would like to request he move it to an alternate location.

Mr. Varney replied he would absolutely be willing to move his trailer, but his neighbors may not like it. He added if he moves it to his backyard, his neighbors overlooking the pond, or from the Stumpfield Road location, might not like it.

Mr. Poelaert stated that people have complained about the trailer, it represents a big sign, and asked if Mr. Varney can help them.

Mr. Varney replied he will certainly be willing to move the trailer out back, if the Town would be willing to help him out with any complaints he receives, as a result of its new location.

Mr. Dworman added that other residents with home occupations are only allowed small signs, and the trailer appears to be a big sign.

Mr. Varney stated he will move the trailer to the back of his property this coming Saturday. He added when he originally applied for his home occupation, Mrs. Belcher was forthcoming about signage and inquired about identifying marks on his truck. He added, at the time, there were no marks on his truck. He stated he does not want to push the envelope, and has no problem with relocating the trailer. Mr. Pendell added he does not wish to open a can of worms about signs.

Mr. Varney offered that he might have to move it a couple of times to please everybody. Mr. Dworman asked Mr. Varney how his business was going, and he replied it is going well. It is a side business that is providing a college fund for his four kids.

Chairman Poelaert thanked Mr. Varney for meeting with them, and he left the meeting at 7:25PM.

**AVITAR:** It was noted a "List Letter" will be sent from Avitar today, notifying homeowners to contact Avitar to schedule an appointment with them to inspect the interior of the homes, for the 25% data verification.

It was also noted Avitar forwarded a letter of response directly to Ms. Caulk dated 7/2/10 regarding her recent complaint. Mr. Dworman requested a photocopy of Avitar's letter of response.

**DRAGON MOSQUITO:** The Board acknowledged receipt of the June progress report from Dragon Mosquito, reflecting no positive findings of EEE or West Nile Virus. The Board agreed this was certainly good news.

**AGRICULTURAL COMMISSION:** The Board acknowledged that the Planning Board plans to have a letter to residents delivered to them, asking for interest in creating an agricultural commission. They are conducting a meeting at the Town Hall on Thu. Aug. 12, 2010 at 7:00PM.

It was noted members of the Fire Department would deliver the letter to each resident. Mr. Warren was asked if there would be any cost involved in delivering this letter, and he replied no, it was to be delivered on a Saturday morning by volunteers at no charge.

**PLANNING BOARD:** The Board acknowledged receipt of the Planning Board meeting minutes dated 7/8/2010, for their review.

**COVE ROAD:** It was noted a resident of Cove Road had expressed that she owns a portion of Cove Road in front of her home, and in researching her deed, it states she has a ROW (right of way) only.

**WM:** The Solid Waste & Recycling Committee met last week with Waste Management and we have received notification of an increase for a rate adjustment for diesel fuel effective 7/1/10 from \$31.28 to \$140.91 per month.

**POUND SCHOOL:** It was noted a shade had been installed in a window at the Pound School to block the sun from coming in for Planning Board meetings. Shades will also be provided for the remaining windows.

**LGC:** It was noted that upon contacting LGC, legal services, they informed us that there is no statute that allows the Town to keep speeding ticket fines. The funds go directly to the State. LGC has offered to speak with the Police Chief about this matter, and Ms. Gallant informed Chief Simpson.

It was further noted the LGC Annual Conference will be held from 11/17-19/2010 in Manchester.

**250<sup>th</sup> ANNIVERSARY:** The Board acknowledged the 250th anniversary was celebrated on Sat. July 23, 1988 at a cost of \$18,099.79; with expenses paid for fireworks, a parade, field day, flag pole, safety and supplies.

**BIOTEAU DRIVE:** The Board acknowledged the Selectmen's Office has not received any further information from Mr. Levine or the State on Bioteau Drive. It was noted the Conservation Commission has received correspondence from the State of NH, DES, asking for them to file an official complaint, and the Conservation Chairman is asking for the Board's input whether they agree to wait to see if Mr. Levine provides the state with a plan or not.

Mr. Dworman stated he thought the plan should be filed before winter, and Chairman Poelaert suggested Mr. Levine should be given until September 1, 2010 to come up with a plan, and that a letter be composed to Mr. Levine informing him of their decision.

Chairman Poelaert **MOTIONED** to send Mr. Levine a letter informing him that he has until September 1, 2010 to file a plan, or the Conservation Commission will file an official complaint with the State. Mr. Dworman seconded. Motion carried 3-0.

**CALENDAR:** The next Selectmen's Meeting will be held on Aug. 2<sup>nd</sup>. The Board was provided a timeline for the 2011 Town Election for their review. The Board determined they would review the timeline and offer their suggestions.

**WELL:** Fire Chief Ed Warren met with the Board to discuss replacing the well located between the Town Hall and the Fire Station, which services both buildings, along with the Emergency Operations Center. It was noted EKVFA has not responded to the letter dated 6/23/10 from the Board of Selectmen, regarding the payment of a well.

Chief Warren stated that replacing the well was more involved than he originally expected. He added that Dennis Quintal, Chairman of the Conservation Commission, gave him the regulations governing community wells, and he spoke to DES (Department of Environmental Services). He said the bottom line is, he spoke to the State first, and according to them, it is a non-conforming well. The property lines are non-conforming.

Chief Warren stated he received three bids for a new well, and the lowest bid was submitted from Young from Salem, at \$5,500, and \$8/foot for drilling. He added DES told him he must add an additional \$500 for a special grout casing. He stated he recommends one company do the job "from soup to nuts, because he doesn't want problems down the road."

Chief Warren reiterated this is a non-conforming well, and he does not want problems down the road with too many people involved. Chairman Poelaert inquired as to what type of pump was quoted, and explained the pump he would recommend, which normally costs about \$15,000, and he would be willing to provide at a large discount, would be a VFD pump. Chief Warren responded he believed it was a regular well pump quoted.

Chief Warren stated the Fire Association is willing to pay one half of the cost for the new well, up to \$5,500. He asked if Chairman Poelaert would be willing to write the specs for the pump, and he responded the pump he recommended (VFD) would provide variable pump speed, and provide consistent pressure. He added if you set it at 70 lbs. pressure, it would consistently provide 70 lbs. of water pressure. It is a more expensive pump. Chief Warren replied the VFD pump sounded like a fantastic idea.

The Board members reviewed the bids from McDonald Well & Pump Inc. of Kingston, NH reflecting total of \$6,540; McKinney Artesian Well & Pump Supply Co., Inc. of Plaistow, NH at \$9,700 and Young Bros. Well & Pump Co. at \$5,500.

Chief Warren stated he recommends Young, as his bid is all-inclusive. He added McKinney's bid was higher. He added it would cost approximately \$1,500 to decommission the old well. Mr. Dworman asked if the old well must be decommissioned, and Chief Warren responded, no. Chairman Poelaert stated the bid did not indicate what type of pump they would use, and the specs should have set what type of pump.

Mr. Dworman asked if a company could be hired just to drill the well. Chairman Poelaert offered he was just trying to save the Town money, by providing a better pump, at a greatly reduced cost. Chief Warren stated McDonald was the cheapest for drilling. Mr. Dworman asked if the well must be 300' deep, and Chief Warren responded, yes. He added that a non-conforming well must have paperwork filed and certified with the State.

Mr. Dworman asked Chief Warren to remind him again, why a new well was needed, and he replied that the current well supplies less than ½ gallon per minute, and many times, they get a fire truck half washed, and the well starts pumping mud. He added the well has been hydrofrac'd twice now, and they need a new well.

Mr. Dworman inquired why they couldn't relocate the well, and Chief Warren stated it would then be too close to the septic. Mr. Poelaert stated the well itself dictates what goes in the hole for a pump, and Chief Warren responded he had no problem with him (Mr. Poelaert) writing the specs for the pump.

Chairman Poelaert said the project could be done in two phases, drill the well; then pick the pump. Mr. Dworman added, if they could get a good deal on a better pump, he was all for it. He recommended that Chief Warren ask the quoters to just drill and certify the well. Chief Warren added the upper casing would need to be a grout casing.

Chairman Poelaert **MOTIONED** to award the bid to McDonald Well & Pump, Inc. to drill the well, as specified. Mr. Dworman seconded. Motion carried 3-0.

Chief Warren stated he is toying with expanding coverage at the Fire Station to two people at a time, as he must have two people to send out the ambulance. He would like to have one person work until 1:00PM, and one person work until 6:00PM for coverage. Mr. Dworman and Mr. Pendell agreed the Board would need to consider his request and get back to him.

Mr. Pendell added the ambulance cannot leave the station without a second person aboard, and they have to wait until they show-up. Chief Warren clarified that there had been one instance of that situation.

Chief Warren stated that 80% of calls come at night. Chairman Poelaert added that statistically, heart attacks occur in the morning. Mr. Dworman added that if they need a second person to respond, couldn't they have the Police certified as EMT's, as they are on duty, as well? Chief Warren responded they must be an EMT Basic, they need two licensed EMT's on the ambulance, and one can be the driver. He added so far, the Fire Department has responded to every call without incident.

Mr. Dworman added that a dollar value cannot be placed on human life, and the Board will consider this information.

At 8:00PM, Chairman Poelaert **MOTIONED** to recess the meeting for a consultation with Town Counsel. Mr. Pendell seconded. Motion carried 3-0.

The Board thanked Attorney Hilliard and the Trustees of the Library for meeting with them, and the consultation with Town Counsel concluded at 8:45PM.

**CHIMNEY:** The Board opened bids submitted for repairs to the chimney located at the Town Offices Building. Mr. Dworman read from the bids as follows:

SRS Masonry Cont., Inc. – Option #1 – Erect scaffolding for work, demo existing chimney and flashing and remove from site, purchase and install new water struck brick and lead flashing, replace broken slate, purchase and install stainless steel cap = \$9,550. Option #2 – Erect scaffolding for work, demo existing chimney below roof line, cap off both roof areas = \$5,900, Option #3, Erect scaffolding for work, cut out and re-point 100% of chimney, waterproof chimney, purchase and install stainless steel cap = \$6,400.

Bob Hanscomb – Option #1 – Tear down existing chimney and rebuild with new materials, materials and labor = \$7,000, Option #2 – Re-point chimney = \$4,500, Option #3 – Tear down chimney and cap it off = \$3,500.

Following discussion, Chairman Poelaert **MOTIONED** to award the bid to Bob Hanscomb for Option #1 for the total amount of \$7,000. Mr. Pendell seconded. Motion carried 3-0.

Mr. Pendell noted a current certificate of insurance must be provided by Mr. Hanscomb, prior to commencement of the project.

**NEWTON:** Chairman Poelaert asked that the Town of Newton be contacted to schedule a brief appointment with their Board of Selectmen to discuss use of the Newton Transfer Station.

**NONPUBLIC SESSION:** Chairman Poelaert **MOTIONED** to go into a nonpublic session at 9:00PM 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. 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 July 19, 2010. The results of the poll were: Richard S. Poelaert–Yes, Matthew B. Dworman –Yes & David R. Pendell, Jr. - Yes.

Mr. Pendell **MOTIONED** to adjourn this Selectmen’s non-public meeting at 9:20PM. Mr. Pendell seconded. Motion carried 3-0.

Mr. Pendell **MOTIONED** to adjourn this Selectmen’s Public Meeting at 9:20PM. Chairman Poelaert seconded. Motion carried 3-0.

Respectfully submitted,

Cheryll A. Hurteau  
Administrative Assistant II

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Richard S. Poelaert

Matthew B. Dworman

David R. Pendell, Jr.

