**TOWN OF EAST KINGSTON BOARD OF SELECTMEN**

MEETING MINUTES

APRIL 17, 2023

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| Town Offices24 Depot RoadEast Kingston, New Hampshire6:30PM | Robert Caron, ChairJoseph Cacciatore, Vice Chair Robert Nigrello |

Board Members present: Robert Caron – Chair and Robert Nigrello. Absent: Joseph Cacciatore – Vice Chair.

Others Present: Town Administrator Grace Ruelle, Fire Chief Ed Warren, Road Agent Mark Brinkerhoff, Building Inspector Kip Kaiser, ZBA Chairman Tim Allen, Police Chief Michael LePage, Police Lieutenant Clayton Jervis, Maplevale Farms Association President Richard Pothier, Bruce Holloway and other members of the public who did not speak.

Chairman Caron called the meeting to order at 6:30pm with the roll call.

**APPROVAL AND SIGNING OF DOCUMENTS**

***Meeting Minutes***

The Board reviewed the April 3, 2023 public and nonpublic meeting minutes.

**MOTION: Mr. Nigrello motioned to approve the public and nonpublic meeting minutes of April 3, 2023; seconded by Chairman Caron. The motion passed 2-0-0.**

***Accounts Payable Check Registers***

Chairman Caron presented, for board review and questions, quarterly accounts payable checks: January - $689,231.50, February - $594,207.01, and March - $658,237.93.

**MOTION: Mr. Nigrello motioned to approve and sign the quarterly accounts payable check registers as presented; seconded by Chairman Caron.**

Discussion: Mr. Nigrello noted these payments included school (EKES and the Cooperative School District), NH Motor Vehicles, and bond payments.

**VOTE: The motion passed 2-0-0.**

Chairman Caron presented, for board review and questions, the April 7, 2023 accounts payable register in the amount of $18,523.75.

**MOTION: Mr. Nigrello motioned to approve and sign the accounts payable check register dated April 7, 2023 in the amount of $18,523.75; seconded by Chairman Caron. The motion passed 2-0-0.**

Chairman Caron presented, for board review and questions, the April 12, 2023 accounts payable register in the amount of $48,417.99.

**MOTION: Mr. Nigrello motioned to approve and sign the accounts payable check register dated April 12, 2023 in the amount of $48,417.99; seconded by Chairman Caron. The motion passed 2-0-0.**

Chairman Caron presented, for board review and questions, the April 13, 2023 accounts payable register in the amount of $8,258.40.

**MOTION: Mr. Nigrello motioned to approve and sign the accounts payable check register dated April 13, 2023 in the amount of $8,258.40; seconded by Chairman Caron. The motion passed 2-0-0.**

***Payroll Registers***

Chairman Caron presented, for board review and questions, the following payroll registers:

April 7, 2023 (Retro Pay) - $18,795.56

**MOTION: Mr. Nigrello motioned to approve and sign the payroll register of April 7, 2023 ($18,975.56); seconded by Chairman Caron. The motion passed 2-0-0.**

April 14, 2023 - $37,472.63

**MOTION: Mr. Nigrello motioned to approve and sign the payroll register of April 14, 2023 ($37,472.63); seconded by Chairman Caron. The motion passed 2-0-0.**

***Police Special Detail***

Chairman Caron presented, for board review and questions, the following police special detail payroll register dated April 6, 2023 in the amount of $1,210.00.

**MOTION: Mr. Nigrello motioned to approve and sign the police special detail payroll check register dated April 6, 2023 in the amount of $1,210.00; seconded by Chairman Caron. The motion passed 2-0-0.**

***Town Appointments***

Board members reviewed the appointment for J. Roby Day as Trustee of the Trust Funds Alternate for a 1-year term, noting his extensive experience as Trustee of the Trust Funds and knowledge of banking practices.

**MOTION: Mr. Nigrello motioned to appoint J. Roby Day as Trustee of the Trust Fund Alternate; seconded by Chairman Caron. The motion passed 2-0-0.**

***Employee Change Forms***

Chairman Caron presented an employee change form to increase the pay for Mike Morin due to Mr. Morin’s new certifications (inspector, instructor, CDL license). He stated he would like the form to include the current rate of pay and the percentage of change.

**MOTION: Mr. Nigrello motioned to approve the employee pay change for Mike Morin as presented; seconded by Chairman Caron. The motion passed 2-0-0.**

**CORRESPONDENCE**

***March Expense Report***

Board members reviewed the March Expense Report noting the Fire Department stipends should be added to the report for tracking purposes and that there is only one item under budget – Fire Department clothing and dues and subscriptions. Town Administrator Ruelle confirmed the pay increase for elected officials has been added to the budget. Chairman Caron noted the overall end of March budget is at 71%.

***March Town Vehicle Report***

The board reviewed the Mileage Report which was compiled at board request. No comments or action was taken.

***Maplevale Farms – Deck Permit Penalty Fees***

Building Inspector Kaiser reported that 66 decks at Maplevale Farms were demolished and rebuilt without a building permit. Inspections were conducted resulting in the discovery that the newly replaced decks were not code compliant. He has been working with a management company and the condominium association to remedy the matter. This remedy included employing an independent engineer to inspect the decks, who concurred the newly installed decks needed to be replaced and rebuilt to code. He stated he has extended the timeframe to bring all decks into compliance to late November, allowing the decks to be done in two phases. The East Kingston Building Code (Section 3. Violations, Penalties, Section 117.4) establishes a $10-$100 per day (max of $500 per day) penalty for failure to secure a building permit and it was now up to the Board of Selectmen to determine what the penalty should be. He stated the management company and the Association have been very cooperative, and that he recommends the penalty be low – no more than $25 per permit which amounts to $1,650.

Association President Richard Pothier stated they are replacing 10 to 11 decks per month with one to two crews working daily. Costs thus far are estimated up to $800k and that anything the Selectmen can do to keep total costs down is appreciated. Building Inspector Kaiser stated the code violations include the deck, flashing, attachment to the main dwellings, and footings. Mr. Pothier stated they are working with a different contractor now and have filed suit against the original contractor.

Mr. Nigrello suggested charging the original contractors $100 for each offense; however, Mr. Pothier noted the costs would be borne by the residents as they are the owners of the property. Mr. Nigrello amended his suggested amount to $10 for each offense.

**MOTION: Chairman Caron motioned to set the penalty for building code violations for Maplevale Farms Association at $10 per offense; seconded by Mr. Nigrello. The motion passed 2-0-0.**

Town Administrator Ruelle will send an invoice to the Association within the next couple of weeks.

**DISCUSSION ITEMS**

***Bruce Holloway – Casey Road***

Casey Road resident Bruce Holloway spoke to the board about the conditions of Casey Road, noting it has become an obstacle course with its potholes. He stated he has lived on Casey Road for the past seven years and the road has been graded by the town each of those years until now.

Mr. Nigrello responded that Casey Road is a private road, and the statutes dictate the town cannot maintain private roads unless the town takes ownership of those roads. Casey Road does not meet town road specifications and would need to do so in order to be considered for the town to take ownership. The only way the town can step in is if the road becomes unpassable for emergency vehicles; however, this has not been determined to be the case. With respect to the town maintaining the road in the past, the board cannot speak to that; they can only speak to what the law says today. He then encouraged Mr. Holloway to solicit the 10-12 homeowners on that road to pitch in and employ a contractor to grade the road. Road Agent Mark Brinkerhoff offered to provide a list of recommended contractors. Mr. Nigrello stated the board will send a letter to Casey Road residents informing them of the statute that prevents them from maintaining the road.

Though unhappy with the board’s response, Mr. Holloway thanked the board and left the meeting at 6:55pm.

***Elderly Exemption***

Town Administrator Ruelle stated the board is in receipt of an elderly exemption application along with the town assessor’s recommendation to deny the application based on the applicant exceeding the asset and income limitation. She noted further discussion on the matter would warrant a nonpublic session.

Both Mr. Nigrello and Chairman Caron indicated they had reviewed the request and had no questions or comments to add.

**MOTION: Chairman Caron motioned to accept the town assessor’s recommendation and deny the elderly exemption application; seconded by Mr. Nigrello. The motion passed 2-0-0.**

***Radar Speed Sign***

Board members agreed to relocate the Giles Road radar speed sign to South Road. Police Chief LePage stated the sign has been successful in reducing speeding drivers and suspects Giles Road residents may be unhappy when the sign is relocated. He further noted the device has been continually recording data. The board was pleased the radar sign is effective.

**FOLLOW UP ITEMS**

***Highway Block Grant Funds***

Chairman Caron stated the town is in receipt of highway block grant ($44k) and bridge grant ($39k) funds, noting the bridge money would need to be designated for bridge work only, while the highway block grant monies could be applied to road maintenance. Road Agent Brinkerhoff stated the paving of Willow Road is up next on the road maintenance schedule and that, apart from culvert, tree, or a small paving job, the $44k would not go very far. He added that the monies could be spent on a new salt shed as the town loses too much salt product with the current shed. Mr. Brinkerhoff will provide a road maintenance schedule for further consideration. Chairman Caron announced this discussion would be continued to the next meeting.

***Work Period Determination***

Chairman Caron announced this item would be tabled to the next board meeting as they are waiting to hear back from legal counsel – a new attorney has been employed to provide guidance.

***Emergency Management Structure***

Chairman Caron is currently drafting a new structure plan for the Emergency Management Department. The Board will review the plan once the draft has been finalized.

***Event Policy***

Town Administrator Ruelle reported Fire Department suggested changes have been incorporated into the newly proposed Event Policy. The board would now need to quantify the term “larger event.” Discussion ensued on the types of events held on private property, vehicles parking along roadways (acceptable as long as the road is passable), venues open to the public, the application process, setting the “larger event” number to 250, and setting the violation fee to $250 for second offense (first offense shall be a warning). Foss Wasson usage would be through the Fire Association.

**MOTION: Mr. Nigrello motioned to accept the changes to the Event Policy as presented; seconded by Chairman Caron. The motion passed 2-0-0.**

The board then agreed to a grace period before implementing this new policy.

***Fire Department Updates***

YMCA Camp: Fire Chief Warren provided the board with the Tricklin Falls YMCA Camp license noting the camp has been approved to operate with over 400 participants per day. He stated he spoke to the state about the camp and was informed the town cannot restrict the camp operations at all; they can only conduct their typical inspections. The state is responsible for inspections related to the camp operations. There are no firearms on the premises, only archery, and the climbing wall is not considered a structure subject to building code. The Fire Department oversees the fire and water safety drills which are conducted on an annual basis.

Police Chief LePage spoke to concerns on traffic back up on Route 108 two times a day due to bussing.

Discussion then ensued on the abandoned vehicles and equipment on the property that is owned by a camp tenant and on how best to address this. Chief LePage spoke to RSA 236:112 which defines a junk yard as a location where motor vehicles are no longer intended or in condition for legal use (must be inspectable). It was noted the town’s Zoning Ordinance also addresses junk yards. More information would be gathered on this for possible action.

Forestry Pump Truck: Chief Warren reported the forestry pump truck is now back in service.

Fire Department Signage: Chief Warren agreed to display the upcoming rabies clinic on the Fire Department sign which will be held this coming Saturday.

The board then announced they would be going into nonpublic session and called for other business before dismissing members of the public. ZBA Chairman Tim Allen expressed his support in splitting the Land Board Secretary position into two positions – one for the Planning Board and one for the ZBA should the board consider taking this action.

**NONPUBLIC SESSION I**

**MOTION: Chairman Caron motioned to go into nonpublic session under RSA 91-A:3, (a) the dismissal, promotion, or compensation of any public employee; seconded by Mr. Nigrello.**

**The board was polled: Chairman Caron – yes**

 **Mr. Nigrello – yes**

The board entered nonpublic session at 7:26pm.

The board re-entered public session at 7:44pm.

**NONPUBLIC SESSION II**

**MOTION: Chairman Caron motioned to go into nonpublic session under RSA 91-A:3,** **(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting; seconded by Mr. Nigrello.**

**The board was polled: Chairman Caron – yes**

 **Mr. Nigrello – yes**

The board entered nonpublic session at 7:45pm.

The board re-entered public session at 7:48pm.

**NONPUBLIC SESSION III**

**MOTION: Chairman Caron motioned to go into nonpublic session under RSA 91-A:3, (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting; seconded by Mr. Nigrello.**

**The board was polled: Chairman Caron – yes**

 **Mr. Nigrello – yes**

The board entered nonpublic session at 7:49pm.

The board re-entered public session at 7:54pm.

**MOTION: Mr. Nigrello motioned to seal nonpublic meeting minutes of nonpublic session III under RSA 91-A:3, on the basis that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself; seconded by Chairman Caron. The motion passed 2-0-0 (2/3 vote required).**

**OTHER BUSINESS**

*Ramp Project*

Mr. Nigrello reported the ramp at the Town Offices will be demoed the following day and replaced with a metal ramp system.

*Lighting*

Mr. Nigrello requested the Town Administrator contact Unitil regarding a possible rebate on the replacement of lighting in the office and basement areas at the Town Offices.

*Highway and Bridge Grant Monies*

Mr. Nigrello indicated both grant monies could be used to purchase a bucket loader as the equipment would be used for snow removal as well as culvert and bridge repair. He has spoken to several heavy equipment dealers and has obtained quotes for a brand-new bucket loader and a used CAT bucket loader with backhoe.

Discussion ensued on the practicality of purchasing the equipment versus renting one. It was noted the highway grant monies could be used for a salt shed or road repair, the bridge grant monies could be used for bridge repair only; however, both grants could be combined and applied towards the purchase of heavy equipment. No action was taken at this time.

With no other information before the board,

**MOTION: Mr. Nigrello motioned to adjourn, seconded by Chairman Caron. The motion passed 2-0-0 and the meeting ended at 8:00pm.**

Minutes prepared by Catherine Belcher. Approved on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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| Joseph Cacciatore |  | Robert A. Caron |  | Robert L. Nigrello |