**TOWN OF EAST KINGSTON BOARD OF SELECTMEN**

MEETING MINUTES

June 12, 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, Joseph Cacciatore – Vice Chair, and Robert Nigrello.

Others Present: Town Administrator Grace Ruelle, Police Chief Michael LePage, Fire Chief Ed Warren, Fire Department Administrator Heather Desmond, Building Inspector Kip Kaiser, Road Agent Mark Brinkerhoff, Library Trustee Robert Minicucci, George Whiteman, Jill Whiteman, Atty. William Warren, Paula Pratt, Jeff Brown, and Peter Brown.

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 May 15, 2023 public meeting minutes.

**MOTION: Mr. Nigrello motioned to approve the public meeting minutes of May 15, 2023; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

The Board reviewed the May 15, 2023 nonpublic meeting minutes.

**MOTION: Mr. Nigrello motioned to approve the nonpublic meeting minutes of May 15, 2023; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

The Board reviewed the June 1, 2023 Site Visit minutes and Code Enforcement Addendum.

**MOTION: Chairman Caron motioned to approve the June 1, 2023 site visit minutes and code enforcement addendum; seconded by Mr. Nigrello. The motion passed 3-0-0.**

***Accounts Payable Check Registers***

Chairman Caron presented, for board review and questions, accounts payable check register dated May 4, 2023 in the amount of $40,518.76.

**MOTION: Mr. Nigrello motioned to approve and sign the accounts payable check register dated May 4, 2023 in the amount of $40,518.76; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

Chairman Caron presented, for board review and questions, accounts payable check register dated May 18, 2023 in the amount of $13,039.51.

**MOTION: Mr. Nigrello motioned to approve and sign the accounts payable check register dated May 18, 2023 in the amount of $13,039.51; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

Chairman Caron presented, for board review and questions, accounts payable check register dated May 25, 2023 in the amount of $5,845.29.

**MOTION: Mr. Nigrello motioned to approve and sign the accounts payable check register dated May 25, 2023 in the amount of $5,845.29; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

Chairman Caron presented, for board review and questions, accounts payable check register dated June 6, 2023 in the amount of $16,110.97.

**MOTION: Mr. Nigrello motioned to approve and sign the accounts payable check register dated June 6, 2023 in the amount of $16,110.97; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

***Payroll Registers***

Chairman Caron presented, for board review and questions, payroll register dated May 26, 2023 in the amount of $56,498.48.

**MOTION: Mr. Nigrello motioned to approve and sign the payroll register of May 26, 2023 in the amount of $56,498.48; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

Chairman Caron presented, for board review and questions, payroll register dated June 9, 2023 in the amount of $40,316.37.

**MOTION: Mr. Nigrello motioned to approve and sign the payroll register of June 9, 2023 in the amount of $40,316.37; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

***Police Special Detail***

Chairman Caron presented, for board review and questions, police special detail payroll register for the period of May 10-16, 2023 in the amount of $3,795.00.

**MOTION: Mr. Nigrello motioned to approve and sign the police special detail payroll check register dated May 10-16, 2023 in the amount of $3,795.00; seconded by Vice Chairman Cacciatore. The motion passed 3-0-0.**

Chairman Caron presented, for board review and questions, police special detail payroll register for the period of May 23 - June 3, 2023 in the amount of $2,960.00.

**MOTION: Mr. Nigrello motioned to approve and sign the police special detail payroll check register dated May 23 -June 3, 2023 in the amount of $2,960.00; seconded by Vice Chairman Cacciatore. The motion passed 3-0-0.**

***Burial Lot Deed; Hillside Cemetery Marston Lot I-3***

Board members reviewed the burial lot deed which was donated by the town for Dr. Robert Marston, longtime East Kingston public servant, who passed away earlier this year.

**MOTION: Mr. Nigrello motioned to approve and sign the burial deed lot for Dr. Marston; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

**DISCUSSION ITEMS**

The board modified the order of discussion items to accommodate meeting attendees.

**#3. HOME OCCUPATION – G&J TRANSPORTATION LLC**

Board members reviewed the home occupation proposal of George Whiteman who proposed to operate a trucking/transportation business from his residence of 18 Rowell Road. Mr. Whiteman’s application for an invisible home occupation (business office only) proposal was presented to the Planning Board on May 18th at which time the Planning Board voted to recommend the Selectmen not approve the home occupation based on a number of findings set forth in the meeting minutes, notice of decision, and findings of fact.

Board members spoke to accepting the Planning Board’s recommendation and denying the application, which would allow the applicants to appeal to the Zoning Board of Adjustment (ZBA).

Attorney William Warren speaking for the applicants, stated he is assisting the Whiteman’s with the process and only just spoke with his clients for the first time earlier today. He stated he has reviewed the Planning Board’s decision and noted there may be issues associated with RSA 674:21 with respect to categorizing the home occupation as an innovative land use tool which would allow his clients to appeal directly to the courts versus going through the ZBA. His plan, upon further review, would be to appeal to both the ZBA and the courts simultaneously.

**MOTION: Mr. Nigrello motioned to deny the Whiteman’s home occupation proposal for G&J Transportation LLC, based on the recommendation of the Planning Board and its findings; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

**#5. LIBRARY TRUSTEES – SUMMER FARMER’S MARKET**

Library Trustee Chairman Robert Minicucci reported the Trustees are finalizing the process to host a Farmer’s Market at the Library on June 18, 2023 and was informed they needed to secure police detail for the event which they had not budgeted (traffic control volunteers are not permitted); however they have since found the funds. He was looking for guidance as to whether the library needs an event permit as well.

Police Chief LePage noted that town-sanctioned events are prohibited from serving alcohol (Jones General Store will be holding a wine and beer tasting activity during the Farmer’s Market). Mr. Minicucci stated Jones hosted the event last year; but the library is hosting this year and that the Jones’ event is independent of the Farmer’s Market. It was noted Facebook advertisements for the farmer’s market also included promotions for the wine and beer tasting event.

Discussion ensued on the provisions for serving alcohol – inside sales with no open containers outside unless contained in a roped off area, that there would be no alcohol on town property, and that Jones has secured a permit from the state to hold the wine/beer tasting event. Board members took some time to review the event policy and concluded the town-sponsored event would be required to have police detail and, at the library’s option, could share that detail with the Jones’ event, the library would not be required to obtain an event permit, but Jones would. Noting they would not meet again until July 10th, the Board agreed to take action to approve an anticipated event permit from Jones to hold a public event that could exceed the 50-person threshold.

**MOTION: Vice Chair Cacciatore motioned to approve an event permit for Jones General Store to hold a public event on June 18, 2023; seconded by Mr. Nigrello. The motion passed 3-0-0.**

**#1. CROSSWALK AT TERRACE LANE**

Paula Pratt of 11 Terrace Lane spoke to the safety issue she and her children experience when crossing South Road from Terrace Lane to the East Kingston Elementary School – vehicles are not stopping for or yielding to pedestrians. When the Chief monitors the location from his cruiser, vehicles will slow down and stop; however, when there is no police presence, vehicles do not stop. She noted occasions when her children’s safety was jeopardized.

Mr. Nigrello spoke to crosswalk design options, both permanent and temporary (signage, painted lines, etc.) and noted the importance of ensuring the safety of students who need to cross the street to attend school.

Discussion ensued on the problems posed during winter months (snowbanks and snow-covered roads), narrowness of the property on the Terrace Lane side of the road, how Terrace Lane sits opposite of a school driveway, the use of this driveway (parent pickup and drop off), placing temporary signage in the road on a daily basis, and getting feedback from the school.

Chief LePage noted that the absence of road markings will affect their ability to enforce the crosswalk from a prosecutorial position – the crosswalk needs to be a legitimate crosswalk for enforcement purposes.

Board members agreed more information, including feedback from the school, is needed to formulate a plan. Noting school is out for summer vacation within the week, they placed this item on the July agenda so that they could get something in place in time for the start of school in the fall.

**#2 ABATEMENT: 8 TERRACE LACE MBL# 14-01-05**

Ms. Pratt, also owner of 8 Terrace Lane, had applied for a tax abatement as the mobile home has been removed from the property. Town Administrator Ruelle stated the assessors have confirmed the change in assessment value and recommend the abatement be approved.

**MOTION: Chairman Caron motioned to accept the recommendation of Avitar (assessors) to approve the abatement request for 8 Terrace Lane, MBL# 14-01-05; seconded by Mr. Nigrello. The motion passed 3-0-0.**

**#4. INTENT TO CUT – 9 BOWLEY ROAD MBL# 11-02-11**

Chairman Caron noted they are in receipt of an Intent To Cut permit request from Jeff and Peter Brown to harvest timber at 9 Bowley Road, MBL# 11-02-11 as well as a road bond estimate ($11,653) from Midnight Leasing to ensure repairs to Bowley Road will be funded should the road fall into disrepair due to the heavy trucking traffic associated with the timber harvesting. The funds would go to the town in bond with any unspent funds returned to the applicant.

Town Administrator Ruelle provided an overview of the process (Intent To Cut is signed, bond is approved and signed, the road is inspected by the Town Engineer, monies are held in escrow, road is inspected after the timber is harvested, road repair costs are determined, remaining monies are released). Both Peter and Jeff Brown verbally agreed to the terms of the Intent To Cut.

Chief LePage noted the parcel will need to be renumbered to comply with E-911. Peter Brown stated he would like to name the site roadway Mulch Lane. Town Administrator Ruelle noted both the E-911 renumbering and the road name would fall under the purview of the Planning Board’s site plan review.

**MOTION: Vice Chair Cacciatore motioned to approve the Intent To Cut request and associated road bond in the amount of $11,653 for 9 Bowley Road, MBL# 11-02-11; seconded by Mr. Nigrello. The motion passed 3-0-0.**

**#6. WILLOW ROAD PAVING PROPOSALS**

Chairman Caron reported the town is in receipt of two quotes to pave Willow Road: Pike Industries - $197,300 and Bell & Flynn - $179,900. He stated the town’s purchase policy requires obtaining three quotes; however, they will not be waiting for a third quote as they had inquired with eight to ten companies to do the work with only two responding.

**MOTION: Chairman Caron motioned to award the Willow Road paving bid to Bell & Flynn; seconded by Vice Chair Cacciatore.**

Discussion: Clarification was made that the quote was for the second coat on Willow Road, and that the Board, by awarding this bid, would be waiving the purchase policy that requires three quotes for the reason previously stated.

 **VOTE: The motion passed 3-0-0.**

**#9. LAWN MOWING ON TOWN OWNED PROPERTY**

Mr. Nigrello spoke to a request made from abutter (Steve Morrison – 1 Main Street) to mow town property (3 Main Street) and that the Board wanted to look into the liabilities associated with allowing this as well as the potential for an eminent domain situation whereby the abutter could claim ownership of the property for maintaining it for a period of time. Research has concluded this does not apply to town-owned land; thus the Board is willing to consent to let the abutter mow the lawn.

**MOTION: Chairman Caron motioned to allow Steve Morrison to mow town-owned property at 3 Main Street; seconded by Vice Chair Cacciatore. The motion passed 3-0-0.**

Noting the attendance of Building Inspector Kip Kaiser, the Board, once again, modified the order of the agenda.

**CORRESPONDENCE**

***Notification of Complaint: Rowell Road***

20 Rowell Road – Building Inspector Kaiser provided an update on a complaint regarding a camper (RV) in the driveway at 20 Rowell Road. Stating he wants to review the zoning one more time, he has a letter in draft form which he will finalize stating the town does allow the storage of a camper (RV); however, it cannot serve as a second dwelling unit, or to be rented out like a campground. He stated this matter is being addressed. By general consent, the Board approved the action to be taken (written communication to the property owners).

17 Rowell Road – Building Inspector Kaiser provided an update on a complaint of 17 Rowell Road whereby he has issued a Notice of Violation in which 14 days were given to move forward with a cure. This property has a history of notices being issued and movement has been incredibly slow. A verbal communication will be extended within the next couple of weeks to determine if greater progress could be made. If no improvements are made, then the Board may wish to take legal action. The hope is to garner good movement and good will to remedy the situation before litigation is required. He will report his findings after the verbal communication. The Board consented to this plan.

***Notification of Complaint: Freeman Street***

Chairman Caron recused himself from participating in this discussion.

Building Inspector Kaiser provided an update on a complaint regarding Freeman Street whereby he attempted to speak with the property owner of the large farm at the end of the street on June 9th. Because he could not get permission to inspect the property from the owner at that time, he observed from offsite a large pile of fill, a large hole, a pump and hose running to the brook (approximately 150-200 feet long). The complaint is that a dug well’s water level on an adjacent property has gone down six inches.

Vice Chair Cacciatore stated he went to the property and spoke to the owner informing him the town had installed a drainage system years ago. The property owner stated he installed a drain to mitigate the water in his polo field.

Building Inspector Kaiser stated he advised the complainant to file a complaint with the NHDES. If the NHDES is okay with the transference of water from one point to another, then the issue is no longer a town issue as the town cannot prevent a property owner from building a swale; this would become a civil matter between property owners.

Discussion ensued on the culvert system on the property, the moving water from one point to another, the easement on the property, the clay foundation, and that the Board will wait to hear what becomes of the NHDES complaint. Building Inspector Kaiser will await the NHDES response, research what is on the town books and report his findings back to the Board.

***Notification of Complaint: Giles Road***

Chief LePage spoke to complaints from Autumn Lane that cars coming from north down North Road are overshooting the Giles Road entrance and turning around at Autumn Lane. He stated the state sign for Giles Road is covered by tree foliage; he has spoken to the state supervisor about this.

Road Agent Brinkerhoff offered to clean up the signage along Route 108 and noted the road sign is very small.

Discussion ensued on increasing the signage for Giles Road and trimming the state sign – this may not eliminate the issue, but it should improve it. Road Agent Brinkerhoff will order a new sign in the morning.

Town Administrator Ruelle will notify the complainant of the actions to be taken.

**DISCUSSION**

**#7. POLICE DEPARTMENT CRUISER**

Chief LePage spoke to the challenge of acquiring police vehicles due to supply and demand and noted Dodge is discontinuing the Challenger and the Charger. The 2023 cruiser that was ordered to replace the 2015 is in transit and is expected to arrive any day. Foss (dealership used to purchase cruisers) purchased as many police vehicles as they could and would like to offer East Kingston a second Dodge Charger at the 2023 price ($38k). He stated they could wait until October to order a Ford Explorer that won’t be delivered until 2024 at $10-$12k more than the Charger, plus the cost to outfit it as the Charger equipment does not transfer to the SUV. He noted the Durango is a gas hog and the Tahoe is too large for the town’s little roads. Additionally, the cost to outfit the larger SUV’s is too expensive as the current equipment doesn’t transfer. The department could order the second Charger using $25k for downpayment from the 2023 budget (funds designated for the 2024 vehicle purchase). The best option would be to purchase a second Charger (next year’s model) at this year’s price and get the vehicle a few months earlier (August 2023). He is looking for authorization to move forward to put down a downpayment.

Discussion ensued on this option saving money in the long run, the value in the dealership honoring this year’s price, possibly rebuilding the Chargers moving forward, and that no additional funds would be needed.

**MOTION: Chairman Caron motioned to allow Chief LePage to move forward and purchase the second vehicle at this year’s price and authorize the expenditure of $25k for the downpayment; seconded by Mr. Nigrello. The motion passed 3-0-0.**

**#8. POLICE DEPARTMENT HVAC SYSTEM**

Chief LePage provided an historical account of the HVAC system at the Police Department (PD built in 2006 with two propane furnaces, admin was told to shut one of the systems down to save money, the overload caused the first system to fail, the second system was used to part out the repairs to the first system, both ended up failing. The system was eliminated and replaced with mini-splits (conference room and three offices) which bypassed some of the vents. The new system was not properly sized. Because some of the ductwork was shut off, pipes froze during the winter flooding the PD. Last year the mini-split in the conference room failed and others are needing repair (projected cost of $10k). He stated he has contacted three companies for quotes to address the building’s HVAC needs (MacKenzie, Diamond, and APH) with two of the three not returning phone calls so he obtained the names of three other companies. Two are not taking on any jobs at this time and one will not call them back. The existing system must all come out and be re-installed correctly. They are experiencing air quality issues and safety mechanisms have been bypassed. APH out of Fremont provided a quote of $62k.

Discussion ensued on fuel types, the fact they reached out to six vendors and only got one quote which means they may need to waive the purchasing policy in order to get the system fixed before winter, the capital reserve fund balance being well below the needed $62k, contacting vendors to ascertain the best fuel source, and placing this item back on the July 10th meeting agenda.

**CORRESPONDENCE**

***May Expense Report***

The Board reviewed the May expense report and requested Fire Chief Warren provide greater detail on the line item for ambulance labor.

**NONPUBLIC SESSION I**

**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 Vice Chair Cacciatore.**

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

 **Vice Chair Cacciatore – yes**

 **Mr. Nigrello – yes**

The board entered nonpublic session at 8:00pm.

The board re-entered public session at 8:10pm.

**MOTION: Mr. Nigrello motioned to seal nonpublic meeting minutes 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 Vice Chair Cacciatore. The motion passed 3-0-0 (2/3 vote required).**

Discussion then ensued on grant options available to the Fire Department for the purchase of a repeater, a drone, and six iPads as well as to inquire about any ARPA funds that may not have been spent. State funds may be available for the repeater, matching funds for the iPads, but none that seemed applicable to the drone. The town’s ARPA funds have already been earmarked for other projects.

Noting outages in the overhead lighting in the Selectmen’s meeting area as well as in the town clerk’s hallway, Chief Warren offered to send over Fire Department personnel to look at the balusters and replace the lightbulbs. The Board accepted the offer with gratitude.

**NONPUBLIC SESSION II**

**MOTION: Chairman Caron motioned to go into nonpublic session under RSA 91-A:3, (e) Consideration or negotiation of pending claims and (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present; seconded by Vice Chair Cacciatore.**

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

 **Vice Chair Cacciatore – yes**

 **Mr. Nigrello – yes**

The board entered nonpublic session at 8:21pm.

The board re-entered public session at 8:25pm.

**MOTION: Mr. Nigrello motioned to seal nonpublic meeting minutes under RSA 91-A:3, on the basis that divulgence of the information would render the proposed action ineffective; seconded by Vice Chair Cacciatore. The motion passed 3-0-0 (2/3 vote required).**

**FOLLOW UP ITEMS**

Chairman Caron directed items #2 (Emergency Management Structure) and #3 (Work Period Determination) be tabled to the July 10th meeting.

***Use of Highway Grant Funds (Block and Bridge)***

Mr. Nigrello reported that both the Town Engineer and Road Agent have recommended a structural engineer be consulted to look at the Giles Road bridge as this could be funded through the grant. The last time the bridge was inspected was in 2003. The Board then reviewed the official report from that inspection and recommended a copy be provided to the Town Engineer and that a structural engineer be contacted to inspect the bridge.

With no other business before the board,

**MOTION: Vice Chair Cacciatore motioned to adjourn; seconded by Mr. Nigrello. The motion passed 3-0-0 and the meeting ended at 8:37pm.**

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

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