

**TOWN OF EAST KINGSTON, NH  
SELECTMEN'S PUBLIC MEETING MINUTES  
MONDAY, MAY 11, 2009**

**7:00PM – Treasurer Kay Hankin  
7:15PM – Solid Waste & Recycling Committee  
7:45PM – Fire Chief Sam Richard & Adam Mazur**

**Attending:** Selectmen Matthew B. Dworman, & David R. Pendell, Jr. (Selectman Dick Poelaert arrived at 8:15PM).

**Others Attending:** Kay Hankin, Rob Caron, Duncan MacLeod, Ron Morales, Amy MacDonald, Teresa Pendell, Joanne Dworman, Fire Chief Sam Richard, Adam Mazur, Alan Mazur, Carol Freeman, Joey Freeman, Scott Urwick, and Mark Cook.

Chair Dworman called this Selectmen's Public Meeting to order at 6:30PM.

**MINUTES:** The Board reviewed the Selectmen's Public & Non-public Meeting Minutes dated 4/27/09.

Mr. Pendell **MOTIONED** to approve and sign the public meeting minutes dated 4/27/09. Chair Dworman questioned a line on page 7 stating "Adam stated he has had no training in the last 20 years, and someone threw out the folder." Chair Dworman thought Adam had stated his folder was missing with his training records in it. Mr. Pendell offered to strike the line. Chair Dworman agreed. Mr. Pendell **MOTIONED** to approve and sign the minutes as amended. Chair Dworman seconded. Motion carried 2-0.

Mr. Pendell **MOTIONED** to approve and sign the non-public meeting minutes dated 4/27/09. Chair Dworman seconded. Motion carried 2-0.

**REGISTER:** The Board reviewed the check register. Mr. Pendell **MOTIONED** to approve and sign the check register dated 4/29/09-5/06/09 in the amount of \$428,139.17. Chair Dworman seconded. Motion carried 2-0.

**HOME OCCUPATION:** The Board reviewed home occupation renewal permits. Mr. Pendell **MOTIONED** to approve and sign the following home occupation renewal permits for:  
Brink's Firewood, Mark F. Brinkerhoff, 32 Burnt Swamp Road, MBL #10-06-09, Permit #89-06  
James R. Keegan, Keegan Concrete, 59 North Road, MBL #15-01-05, Permit #89-46  
David Sullivan, Sullivan Logging, 42 Clement Lane, MBL #11-03-08, Permit #89-12  
A. Russell Hanscomb, Russ Hanscomb Auto Repair, 53 Willow Road, MBL #08-01-08, Permit #89-26  
Chair Dworman seconded, noting there have been no changes and the fee of \$50 has been paid. Motion carried 2-0.

**LHS:** The Board acknowledged receipt of the one-year maintenance agreement with LHS to cover the Accu-Vote vote tabulator from July 2009 – 2010 in the amount of \$175.00.

Mr. Pendell **MOTIONED** to approve and authorize the Chairman to sign the contract effective 7/1/09-6/30/2010 for \$175.00 to LHS to cover the Maintenance Agreement for the Town's Accu-vote machine. Chair Dworman seconded. Motion carried 2-0.

**APPOINTMENTS:** The Board signed appointments for the Solid Waste & Recycling Contract Committee members, as approved at the last meeting.

Mr. Rob Caron asked if the Board could also appoint Ray Marquis to the committee. Mr. Caron addressed Matthew Dworman and stated he had spoken with him back in March and discussed that Dennis Quintal, Dan Guilmette, and Ray Marquis had agreed to be on the committee. Chair Dworman responded he didn't remember that. Mr. Pendell stated letters of interest were requested. Mr. Caron stated to M. Dworman, you are the Chair, whatever. Mr. Pendell added there was a period of time the Board was accepting letters of interest. Chair Dworman stated he sees no need to have more than the 5 people on the committee. Mr. Pendell **MOTIONED** to sign the 5 appointments. Chair Dworman seconded. Motion carried 2-0. Mr. Caron stated he would tell them they will not be on the committee. Mr. Pendell offered to keep them in mind as alternates if someone on the committee can't do it. Chair Dworman added they can sit in on the public meetings and give their ideas.

**TAX WARRANT:** The Board reviewed the tax warrant for the first billing, noting this is the first time the Town has issued two tax bills for one year for property taxes. The first billing will be due July 2 and the second December 1<sup>st</sup>. It was noted the tax bills will go out at ½ the 2008 rate of \$22.88, which is \$11.44.

Chair Dworman **MOTIONED** to approve and sign the tax warrant in the amount of \$3,352,189. Mr. Pendell seconded. Motion carried 2-0.

**TAN NOTE:** The Board reviewed documents from the Treasurer, Kay Hankin, for a Tan Note to cover expenses (school payments & bond payments) until the property tax bill revenue is received. It was noted the rate is at 2.94%, due to mature 7/31/09.

Chair Dworman **MOTIONED** to approve and sign the TAN Note documentation as presented with Citizens Bank. Mr. Pendell seconded. Motion carried 2-0.

**BUDGET:** The Board acknowledged receipt of the year to date expenditures of the budget, noting 32% has been expended as of 4/30/09.

**LIBRARY:** The Board acknowledged receipt of the 3/17/09 Library Trustee meeting minutes for their review.

**ZBA:** The Board acknowledged receipt of the ZBA meeting minutes dated 4/23/2009 for their review.

**ABATEMENTS:** It was noted the total amount of abatements issued was \$9,806.39 based on 25 applications.

**DOT:** The Adm. Asst. informed the Board the Police Chief met representatives from the State DOT to discuss the Town's request to improve the intersection at Route 107A & Route 108. They discussed several options and will determine how best to handle the matter. Chair Dworman inquired about the options. Ms. Gallant reported the options included a yellow flashing light and stated she will keep the Board informed of the decisions they (DOT) make.

**POLICE DEPT.:** The Adm. Asst. informed the Board, the Selectmen's Office has received copies of two letters dated 4/30/09, addressed to the Police Chief, stating praise to the Town's Police Dept. from a resident and family regarding recent incidents. The Board members acknowledged receipt of copies of the letters.

On behalf of the Police Chief, the Adm. Asst. asked for authorization from the Board for the Chief to dispose of the 99 vehicle, as he sees fit, (as it has been taken out of service).

He would like to either sell it outright and the funds go to the general fund, or trade vehicle service like if a vehicle repair cost \$800, he would pay \$400 and the car parts would cover the remaining cost. Chair Dworman responded he thought that was a good idea. Mr. Pendell inquired about replacing the vehicle. Chair Dworman stated when the Police Dept. gets a new cruiser, the old one will be passed down to the Fire Dept.

It was noted the Fire Chief is being reimbursed .55 per mile (per Town policy) for using his own vehicle.

The Board members acknowledged he could use the forestry vehicle, if needed, but Mr. Pendell added he does not want him to use the ambulance, as it was a problem in the past with the former Fire Chief Mazur driving the ambulance. Chair Dworman responded he was ok with the Fire Chief using the ambulance. He added the Fire Chief is a licensed EMT and if he is out in the ambulance, he would be able to respond to a call.

Mr. Pendell stated it was a critical item to Alan's conduct for his use of the ambulance for running errands around Town. He doesn't want to be hypocritical.

Chair Dworman stated he does not feel it is necessary to have a cruiser.

Mr. Pendell **MOTIONED** to get what we can for the vehicle. Chair Dworman seconded. Motion carried 2-0.

Mr. Pendell added he would prefer the Fire Chief use the forestry truck versus the ambulance.

Joanne Dworman interjected wouldn't that be a problem since he already said he would use his own vehicle? Chair Dworman stated he was ok with him using the ambulance for around Town only. Mr. Pendell said okay.

Mr. Pendell stated, for the record, there was an issue (when the former Fire Chief used the ambulance).

Mr. Pendell inquired about the cost of reimbursing the Chief mileage. Ms. Gallant responded whether he puts gas in his own vehicle or uses a Town vehicle, the same cost will come out of his fuel budget.

**TREASURER:** Treasurer Kay Hankin arrived at 7:00pm for her appointment with the Board to discuss the TAN Note. It was noted the Board had approved and signed the documents earlier in the meeting and she signed where necessary. The Town Clerk had signed and the documents were notarized.

Ms. Hankin responded to the Chair's questions that the rate is at 2.94%, and the money market account receives less than that, at this time. She added she will pay off the note as soon as possible, therefore, saving money.

Ms. Hankin thanked the Board and left the meeting.

**HEALTH OFFICER:** It was noted Health Officer Scott Urwick has been in contact with the State throughout the swine flu situation via email and conference calls to keep himself updated & informed.

**CALENDAR:** It was noted the Deliberative Session was held on 5/4, and lasted about 5 minutes, and the minutes of the meeting were forwarded to DRA by the Town Clerk as required, 5/8 the Governor declared NH Law Enforcement Day and the flags were lowered to half staff by the Custodian, 5/15 Peace Officers Memorial Day, 5/18 Furniture Pick up day, whereby all Department Heads are asked to discard any furniture items, 5/21 Planning Board meeting, 5/25 Memorial Day observed, no trash pick up, 5/26 Selectmen's

Meeting, trash pick up, 5/28 accounts payable and payroll processing, 6/8 Selectmen's meeting and election set up at 8:00PM, & Tuesday, 6/9 Special Town Meeting vote, with the polls open 8AM – 7PM at the school.

At 7:05PM, Fire Chief Sam Richard, Amy MacDonald, Ron Morales, Rob Caron, Duncan MacLeod and Scott Urwick joined the meeting.

Chair Dworman asked if there were any questions from the public.

Mr. Pendell stated he has an application completed for a building permit for the EKFA to perform renovations to the kitchen area of the fire station.

Fire Chief Richard added the Building Inspector has discussed it with him, he has been shown the plan, and he is happy with the progress. Ray (Building Inspector) told him the permit would be issued.

Mr. Pendell noted Ray had indicated that the fee could be waived, as the Town leases the building owned by the EK Fire Association.

Mr. Pendell **MOTIONED** to waive the fee for a building permit to renovate the kitchen. Chair Dworman seconded. Motion carried 2-0.

Chair Dworman asked about the timeframe for the renovations. Mr. Pendell responded the next rainy Saturday we want to get started, but right now we are busy with baseball. We need to look at it and do the demolition as soon as possible. The EKFA is looking at replacing the counters and cabinets.

Fire Chief Richard added he will make sure there is room to move everything.

**COMCAST:** Mr. Pendell stated he has put Jay Somers of Comcast on the agenda for 5/26 at 7:00PM. He added he will be arriving late after a baseball game and will arrive for the 7:00pm appointment.

**BUDGET:** Mr. Pendell inquired about the 42% to date for the Selectmen's budget. Ms. Gallant responded the Town Meeting expenses are included and the one time costs have already been expended, therefore, it will level out for the year's expenses.

Mr. Pendell also inquired about the 59% expended from the misc. accounts. Ms. Gallant responded it is again one time expenses that have been spent for bond payments and personnel administration like federal withholding, social security, FICA, insurances, like the Town's insurance coverage payment of once a year has already been paid.

**SOLID WASTE & RECYCLING COMMITTEE:** At 7:15PM, Amy MacDonald, Teresa Pendell, Duncan MacLeod, Ron Morales and Rob Caron, as the Solid Waste & Recycling Committee, met with the Board to discuss the parameters of the committee with the Board members.

Chair Dworman welcomed the members of the committee and stated he had asked them to meet with the Board to discuss guidelines for the committee and to hear their thoughts.

In response to Mr. Pendell's question, Ms. Gallant stated the school has a separate contract from the Town, with Waste Management.

Chair Dworman stated essentially the committee is to get 2-3 bids, with RFQ for cost savings to the Town for solid waste and recycling, as the current contract with Waste Management expires 12/31/09.

He added they should incorporate the elderly housing developments, noting they have a different need with using dumpsters, not curbside. They have a separate need.

Mr. Pendell added they could meet with the elderly communities and see what they think. He thought they might get 7 proposals.

They will need to evaluate whether or not to use dumpsters or curbside pick-up, should the communities agree to move forward and ask to change their documents.

Mr. Pendell stated the committee should bring forward 3 recommendations to the Board of Selectmen, after reviewing all options and the Board will make the final decision.

Chair Dworman asked if there were any questions from the committee members.

In response to a question, it was noted we currently have a 3-year contract with 2 one-year riders (2004-2007 and renewed for 2008 and again for 2009) with Waste Management.

Mr. Morales stated usually you want to go with several years and to find out at this time if the “better deal” is short term or long term.

He added with a deflation environment, he would suggest a long-term contract would be better for the Town. He added that when the last contract was negotiated, they did a good job and locked in good rates.

Mr. Morales stated we need to educate residents and drive up the recycling and reduce the solid waste.

Mr. Morales added he worked with Mr. Caron to get back money for the Town with the recycling.

Chair Dworman added it is also important to increase recycling and decrease solid waste. He suggested recycling every week vs. every other. Mr. Morales agreed the committee would look into that. Mr. Morales added last time, it cost more than it was worth.

At 7:25PM, Mr. Mark Cook joined the meeting.

Mr. Pendell stated his wife Teresa has been looking into a program on line about recycling. Teresa Pendell explained that the individual homeowner can get incentives to recycle more. The program consists of weighing the recycling and by percentage you get points and the points are added to your individual account and then you can spend the points at local stores. She added Everett, MA does it.

Teresa Pendell stated Everett, MA has seen a definite decrease in their solid waste.

Mr. Morales explained mandatory recycling, which he did in New Jersey about 20 years ago. He added that they can look at a lot of different things.

Mr. Morales noted you can look around Town and see who is recycling and who isn't.

He noted people will resist changes at first, but over time, do accept it.

Teresa Pendell added the weighing is monitored by a smart chip in the bucket, and there is no need to separate, everything goes in one bucket.

Chair Dworman stated #1 is the budget, to stay within the current or reduce and what the impact is environmentally; #2 to increase recycling and decrease solid waste, & #3 convenience, do what is best for the Town.

Mr. Morales also suggested meeting with the residents, getting their feedback, and then giving the Board a final proposal with the best choice.

Mr. Pendell suggested they meet at the Pound School, post their meetings, and take some sort of minutes.

Amy MacDonald asked if they could have a copy of the current contract. Mr. Morales stated he had one. He added he has trash data for the past ten years.

They discussed a target date, and agreed with 8/31/09 to meet with the Board of Selectmen with a final proposal, with bids in July, and negotiate July & August.

Ms. Gallant stated the normal procedure is to have the specs available at the Town Offices so that everyone is bidding on the same thing, "apples to apples," advertise for sealed bids, and review the bids with a final recommendation to the Board of Selectmen.

The committee members agreed to look at everything. Mr. Morales stated they need to be all on the same page, and he agreed with Deb as to the process to follow.

Mr. MacLeod inquired about the cost involved like ads, and Mr. Pendell responded it would come out of the Selectmen's budget.

The committee members agreed to conduct their first meeting at the Pound School on Tuesday, May 19, 2009 at 6:30PM, and a key to the building will be issued.

Chair Dworman thanked them for their volunteerism and for doing this for the Town.

Mr. Rob Caron and Mr. Ron Morales left the meeting at 7:40PM.

**GENERATOR:** Mr. Pendell inquired about the generator at the EOC to Director Mark Cook. Mr. Cook responded the generator was given to the Town from Seabrook, and it is 30 kilowatt. The intent was to power the EOC during emergencies. He noted it is tied into the fire station. They got it last year; it is brand new.

Mr. Pendell stated they want to put the kitchen (of the fire station) on a separate system. They want to wire it differently. It was further noted the fire department has 2-kilowatt generators, which are little ones.

Mr. Pendell stated he was going to contact electrician Joe Thompson and have him do a load service at the fire station.

Scott Urwick added that he would want him to find out the load, before agreeing with David (Pendell) to wire it differently.

Mr. Cook informed the Board, that for the Police Station, for the bare essentials, you would need a 10-kilowatt generator. To buy a generator to cover everything at the Police Station would cost \$30-\$40,000.

Dave Pendell stated he spent \$750 at Lowe's to cover his own home.

It was agreed they need a simple back up to the upstairs kitchen to plug in a generator to utilize during an emergency, like they experienced in Dec. of 2008 with the ice storm.

Mr. Cook stated the EOC has a \$40,000 commercial generator.

**FIRE DEPT.:** Adam Mazur and Fire Chief Sam Richard met at 7:45PM, to discuss Mr. Mazur's level of participation on the fire department.

Chair Dworman stated at the last meeting the Board members discussed going into a non-public session under RSA 91-A-3, II: para. (a) or (c) noting both have a clause stating the person can request the meeting to be open, and he asked if Mr. Mazur desired this to be public or nonpublic meeting. Mr. Adam Mazur requested the meeting be open, and the Board members agreed.

Chairman Dworman noted they had a copy of the procedural guidelines from the Fire Dept., which was discussed at the last meeting.

The question is the last time the Chief asked for the termination of Adam for not meeting the guidelines of participation, and that Adam had not accepted and signed the policies in effect.

Adam stated he read the letter again, along with others, there is a lot of mumble jumble, and it depends on how you read it, it boils down to there is nothing there to harm him, so he will sign it. After he has read it over, he decided he will sign it.

Fire Chief Sam Richard stated he would love to have Adam participate. With his knowledge and experience, he could be of tremendous value to the department. It would be great to have him back to participate.

Mr. Pendell asked Adam if his intentions are to participate. Adam responded he will participate as much as he can.

Chair Dworman stated he understands the importance of the level of membership of the volunteer department. He added he is also a volunteer fire dept. member, and he learned #1 is God and Country, #2 family, #3 work, & then the department.

He added some people can make all the calls and training, and some can't. He doesn't like the idea of being listed as a poor performer if you can't participate. He added if you are accepted as a member, you should be recognized for making an effort.

Mr. Pendell stated it may be the terminology. He's not saying it sounds better or not, but he likes to argue, and doesn't want it to be subjective. There needs to be a standard. He supported the need for training. He stated you can't go to a call without some participation (in training).

You need to make sure you know the equipment and the other firefighters. A standard is needed. You need to have trust in your members that they have had the proper training to respond to calls.

The Board of Selectmen were presented the policies, and they agreed with Sam on the policies. You need to set a standard.

Chair Dworman stated he thinks that they are on the right track, and everyone needs to follow the rules. It was noted the only outcry against the policy has been Adam.

Mr. Pendell stated he would say that Adam has been on a leave of absence, and he is now back participating.

Adam responded the policy is within the Fire Dept., and it doesn't matter what you come up with, you can beat your head against the wall. He was in Newton for 9 years in the forestry division, also on the EK dept., and the 3<sup>rd</sup> Tuesday of the month he didn't go to training, (when he was in Newton).

Fire Chief Sam Richard stated that is not correct. The database he has tracks all outside training to the Dept. They can get credit for the training they do elsewhere. When the Dep. Forest Fire Wardens met on 4/30, it went in the training records. All outside training is being credited.

Adam responded, he is just saying prior to this it, hadn't happened.

Fire Chief Richard stated he is tracking incidents, meetings, training and maintenance of vehicles at the station.

Mr. Pendell stated the Board of Selectmen had asked Sam to put together the guidelines, it has been a few months now that he has been working with the department, and maybe now he can review them and change or update them. He can now add, create, or delete to what is working for the department.

Mr. Pendell asked Sam if he would be willing to start to review and see if anything needs to be changed. Fire Chief Richard agreed to review them.

Joanne Dworman asked if the standard is too rigid, will it discourage volunteers? Fire Chief Richard noted there is a level of liability, and it is equal among all towns, whether it is a small town like South Hampton or a bigger one like Manchester. The level of liability is the same.

Fire Chief Richard stated with a full time fire department the law requires a physical agility test, but not for part time/on call/volunteer. The level of liability, danger and responsibilities nowadays are the same for a small town or a big town. It is their job to meet the challenge.

Joanne Dworman stated there is still and always will be liability.

Mr. Pendell added we need to minimize it as much as possible.

Adam Mazur stated 82% out of permanent vs. volunteers, a 2-1 margin get injured.

Mr. Cook noted full time firefighters work more; they have a higher level of participation vs. volunteer/part time firefighters.

Adam added we, as volunteers must take the same classes as full time firefighters.

Fire Chief Richard stated they need training for required updates with changes. You can't miss training; you need to keep up with it.

Adam Mazur stated he agrees with the Chief, but there are times you can't make it.

Fire Chief Richard added that looking at the past year of trainings, he acknowledged everyone couldn't make the training on blood pathogens, and so he offered the availability to make it up, as he understands no one can participate 100%. He stated for a minimum, he asks for 1 call per week and 1 – 2 trainings per month; that is all that he is asking for.

Mr. Pendell asked Fire Chief Richard, other than Adam, how are they doing for participation? Fire Chief Richard responded most are in the middle, high to fair, which is good. He said participation is about 50% drills, and 50% for meetings, including outside participation.

Fire Chief Richard added a bonus was suggested for the level of participation as an incentive. It was not designed to be a punishment; it was to be a motivational tool. It was a thank you to volunteer, a motivational tool, not a punishment. It was a way to work towards the goal.

Adam responded he disagreed with having money as the bonus incentive. He prefers a gift certificate, not money.

Mr. Pendell stated he agreed with Sam for the incentive part. Mr. Pendell added when he was on the other side (not as a Selectman), there was the same discussion about people's participation. When Sam came on board, they all wanted more participation.

Chair Dworman added it comes in waves. When he started on the department he was extremely active, with attending 90% training and 50% of calls, which was 5 years ago, and his participation level has decreased. He added Gallant (Matthew) used to attend one call, and one training (back 5 years ago). He added he thinks everyone's personal life affects the participation level. It depends on what is going on in your life at the time.

Adam added it is not a full time job.

Mr. Mark Cook stated, as a resident, a full time firefighter elsewhere, he used to be a volunteer on call firefighter in East Kingston, and is currently the EOC Director, he reinforced that training is huge. He gave an example of when he was in Amesbury, MA, Scott Urwick had to show him how to use the new air pack. He exclaimed that training is huge. Whether you are full time or part time or volunteer, the commitment is the same to the town and to the taxpayers, your family, and fellow firefighters. You need to be professional. You need to keep up with it, training is very important. You need to take it seriously, not as a hobby. He would want that level of service as a taxpayer.

Mark Cook added, on a side note, the Town and the Fire Association need to move on. What's happened, happened. Move forward, we need to progress forward. Thank you.

Mr. Poelaert joined the meeting at 8:15PM.

Fire Chief Richard stated he is looking forward to having him (Adam) back.

Chair Dworman thanked Adam and Sam for coming in.

Adam Mazur, Alan Mazur, & Fire Chief Richard left the meeting.

**CONTRACT:** Mr. Pendell reviewed Fire Chief Richard's contract, and noted he will be up for a 6-month review in July 2009. Mr. Pendell stated he wanted to bring up the idea of a questionnaire for the firefighters

to give their feedback regarding improvements, and way they are being treated. It is a suggestion he wanted to make, as he is not a firefighter, but acknowledged that Matthew Dworman is.

The Board members agreed to get together with the Chief in July to see how he is doing.

**SIGN:** Mark Cook offered to put out the sign again to notify residents of the upcoming special town vote on June 9th. The Board members thanked him for putting out the sign notifying them of the Deliberative Session held on May 4<sup>th</sup>. Mr. Poelaert asked about the sign, and Mr. Cook responded it is a 12-volt sign, which can hold up to 3 sentences, and it was purchased for the Emergency Operations Center.

Mr. Pendell **MOTIONED** to adjourn this Selectmen's Public Meeting at 8:15PM. Mr. Poelaert seconded. Motion carried 3-0.

Respectfully submitted,

Deborah G. Gallant  
Administrative Assistant

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Matthew B. Dworman

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Richard S. Poelaert

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David R. Pendell, Jr.