

**TOWN OF EAST KINGSTON, NH  
SELECTMEN'S PUBLIC MEETING MINUTES  
MONDAY, JULY 6, 2009**

**6:30pm - Fire Department**

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

**Others Attending: Fire Chief Sam Richard, Sarah Gallant, Matthew Gallant, Joanne Dworman, Ray Donald, Keith Bertogli, Michelle Cotton-Miller, Bruce Gosselin, Rick Daniels, Ed Decatur, Austin Carter, Carol Freeman, Adam Mazur, Julie & Scott Urwick, Mark Brinkerhoff, Tim Conti & Terry Liebfried.**

Chairman Dworman called this Selectmen's Public Meeting to order at 6:30pm, taping it. He thanked the fire department for showing up tonight for this meeting.

**FIRE DEPT.:** At 6:30pm, Chairman Dworman stated he met with the Fire Chief after the last Selectmen's Meeting and called this meeting to discuss the best way to address concerns with the fire department as a whole. He continued with, he would like to start off by saying the Board of Selectmen express full support for the Chief. He noted the Chief has modernized the computer system and we have seen a vast improvement of the department. They think he is doing a great job. He added he sees there are some small personnel issues, and is looking for a healthy way to get to the end of it, without this being a complaint session.

We have our Chief, that's not going to change; he is doing a good job. Any other issues need to be ironed out together, he wants no more back & forth bickering going on, he doesn't know how else to put it.

Ray Donald asked if he could speak. He stated that there is a lot of pride in this Town for the fire department. When Alan was having difficulty, he supported him, and said he worked well with the people and with him. He further stated that he owes this Chief the same amount of support. They work well together doing inspections, they share information and knowledge, and he works well with the Town's people.

He added he misses being a resident of Town but suggested they all work together as a unit and support the Chief. There are too many talented and good citizens to turn it upside down. He would like to thank the Chief, and Sam (Fire Chief Richard) responded thank you.

Mr. Donald added you are all here because you want to be. You enjoy the brotherhood with the department, and you know when you get the job done, you feel good.

Chairman Dworman stated there will always be some bickering; the politics will always be there. It is a tiered structure with firefighters, officers, and then the Chief. You may not always agree, but the levels are there, and you must follow the rules for that reason. There is a certain level of trust and respect, even if you don't agree. You need to get beyond the bickering.

Mr. Pendell stated he agreed with Chairman Dworman. He added respect is earned by both the firefighters and the Chief. You gain respect by doing and jumping in to help.

Keith Bertogli stated he has been doing this for over 18 years. I respect the gold shield, but not who wears it. I have lost all respect for him. He can't go into a building if he is in command. He has burned a lot of bridges.

He stated he came over after Alan had left (the department). He is on the Newton Fire Dept., and when they were short (after Alan left) he offered to Matt Gallant and Andy Conti to help out East Kingston.

Chairman Dworman stated they want this to be a constructive meeting, to rebuild a level of trust. He added to improve upon ideas with quality improvement.

If you come to me with a problem, without a solution, I have two. I need a solution. Talk to me about a solution, not just the problems.

Keith Bertogli stated he has a trust issue. He can't trust anyone in the department. People keep stabbing each other, and there are a lot of moles in the department.

Chairman Dworman asked for any comments or suggestions.

Mr. Urwick stated he has heard a lot of stuff. One issue that is apparent to him, is that we, as a Town, decided on a full time fire chief, and now we have a full time fire chief, but apparently he is not around full time. He has given him the benefit of the doubt, but a lot of times the Chief is not around when he is supposed to be on the clock. Sarah Gallant stated she can vouch for the Chief not being available.

Keith Bertogli asked what his hours are.

Chairman Dworman replied 40 hours a week. Keith Bertogli responded that's crap. He hasn't seen him at any calls at night. He added he is the Chief, he needs to be around. He is not dedicated to fire service.

Fire Chief Sam Richard interjected, Mr. Chairman, if we are going to allow the negative comments, should we go into a closed session?

Chairman Dworman responded they want it to be a constructive meeting, and for them to keep it constructive.

Tim Conti added he doesn't know why this meeting was called, to make the department better?

Chairman Dworman stated he met with the Fire Chief and he had expressed his concerns. The Board of Selectmen want to show their support for the Chief and address the concerns. He wants to rebuild the level of trust and respect.

Fire Chief Richard stated, yes, he is a different kind of Chief; he thought that was part of the reason why he was chosen. He thinks the department is doing a great job. He has been here for 14 months, and has accomplished a lot. They now have new SCBA's, 2/3 of the way to replacing them all, have tightened up documenting calls, and can build reports for statistics. They have made great progress. We have responded to 100 calls at the end of June, which is a record for the department. He added we may hit 200 by year-end.

He further added, we are doing a good job. They call us. We have mutual training, and have sat in and participated in training. Fire Chief Richard explained that three different towns participated in a water shuttle drill.

Keith Bertogoli stated the Chief did not attend a training that he should have, and it was explained that it was a Fire Fighter I course offered by South Hampton, they asked to use our facility, and the Fire Chief agreed to allow South Hampton to use our facility. Keith Bertogoli insisted that the Chief should also have attended.

Fire Chief Richard added we have made great progress. He has been accused of moving too fast, so he has slowed down, he does listen to that. He has put other items also on hold (boots, policies and procedures). Many projects are on hold. He has slowed down.

He still does all the paperwork, and the trainings are excellent. He is looking at long-term goals, and he understands it is a new concept of an administrative chief vs. an authoritarian Chief, and went on to explain the difference.

He is a matter of fact Fire Chief, not a warm and a fuzzy Chief. He has been doing it a long time, and does recognize dedication. He can be very analytical, but remembers hard work, and wants to move the department forward.

There are some immediate actions that needed to be worked on. Issues needed to be resolved. He never intended to be an old style chief. A good leader surrounds himself with good people. Train to make officers better, and they, in turn, can train the firefighters. That way, it is not only the Chief that knows, but everyone knows what to do. If you do this, they know what to do, vs. waiting for the Chief to tell them what to do. That is hard for some people to understand. He thought he was hired for those attributes.

He thinks they are doing a good job, as a whole, for the department, but there are huge areas of growing pains.

He would like to see them finish the leap of faith to continue down the path. They have one foot in, and need to put the other foot in. If they don't want to, then he would thank them for their service.

David Pendell responded he sat in on the interviews. He stated he wanted to hire Sam because he was the best guy to rebuild the department, which came from the fire fighters at the station. They told him Sam is the one to hire, and he wanted to hire him based on the fire fighters' recommendation. It didn't matter to him whether he was the opposite of Alan, or the same as Alan, I hired you because the fire fighters said your personality was best suited for the fire department to fix the problem.

He went through the list of items the Chief had mentioned, he agreed with Sam on everything, and acknowledged that he is better on the computer than Alan could have done. There is respect between firefighters & Fire Chief, and some stuff still needs to be done on both parts. He added that he does not think the department has ever had a bad reputation. He further added that if there was trouble at his house, he would want to trust that they would get his son out. He does not care if you are pissed off with each other. I don't care. He would hope they would all follow in with the Chief. Mr. Pendell added his concerns about the mutual distrust between the firefighters & between the firefighters and Fire Chief. He said solve the distrust. I don't care if he likes me, I just want to work with them to solve the problem. I don't care if you don't like each other. He just wants to know who is coming to my house if it is burning. I would want to know they would get my son out.

It was noted East Kingston answers their own calls.

Adam Mazur stated he has one problem. He stated before they brought up who should be Fire Chief, and he added the Board of Selectmen approved who is the Fire Chief.

The Board of Selectmen work with the Fire Chief. His biggest problem is the communication. He is always playing on the computer. He needs to work with the boys behind him for fire and rescue, he needs their confidence.

The gentleman has to sit down and communicate. He thinks they are jumping the gun. He is doing the paperwork, but not thinking about the personnel. He needs to communicate with them.

He added he does not think it should be up to the Board of Selectmen to appoint him, it should be the fire department that hires him (the Chief), but we have to continue with what we have now.

He needs to get the confidence of his department. Mr. Adam Mazur added he has been through Chiefs in East Kingston and in Newton, and it can be great, but you have to work with the boys behind you, and girls, too.

Chairman Dworman questioned what can we do? Matt Gallant responded implement a quality improvement program. We need to know what can be improved on.

Sarah Gallant added there are weaknesses in the department, we should come up with a survey to turn them into strengths, and then maintain those strengths. She asked where is the respect, confidence and trust?

Keith Bertogli stated the Fire Chief should take over the administrative duties, and the Captains run the department. Sam responded he appreciated his comments, but noted we already work under that (procedure).

Fire Chief Richard added there are RSA's that state a Fire Chief's responsibilities. He noted for the last five months they have been working under the Fire Chief conducting the administrative functions, and the two Captains conducting the operating functions.

Fire Chief Richard added, if it has been taken (by the dept. members) that he is not involved he apologizes, because that was not the intent. He thought it was working. Matt Gallant responded it is not working. Fire Chief Richard replied he has no problem with changing it if it is not working.

Mr. Pendell gave an example of when he was at the station, and when the Chief left as he arrived, and he inquired about the Chief. Matt told him he didn't know where the Chief was going, or when he was coming back.

Chairman Dworman interjected we are not here to discuss that tonight.

Adam Mazur added it is not working, he needs to slow himself down; he needs to slow down a little bit. They need to iron out any problems to make themselves better.

They agreed they wanted to see more communication between them, that's all. In response to a question, Adam stated, yes, he thinks Sam can do it.

Julie Urwick stated we need a Chief that knows, not a glorified secretary. He is supposed to be there. Come on.

Austin said the problem is getting paid every week, but the Town voted to hire a full time fire chief. They need to solve their problems, they can get close knit, and you have to do that.

Austin added it boils down to the Board of Selectmen will go to the calls.

Chairman Dworman acknowledged the concerns heard tonight. What can the Chief be doing to make the department more cohesive, and what can the Board of Selectmen do to help?

Sarah Gallant expressed that she thinks the Chief should show up for training and participate. She wants him to learn the equipment and how to use it. She suggested a quality improvement survey for trust.

Keith Bertogli stated he (Chief) needs to communicate, and let everyone know where he is. He wants him to get more involved. At first he was great, then a light switch went off and it changed.

Adam Mazur added the Chief needs to communicate with the people. He has to listen and communicate with them. He further added he needs to work with them.

Keith Bertogli stated he needs to know when the Chief is leaving (the station).

Scott Urwick agreed that areas of improvement would be participation and communication. It was agreed that this will go a long way to rebuild the department.

Sarah Gallant interjected he should work on positive communication.

Adam Mazur said it is all about communication, we are all one, whether we like it or not.

Chairman Dworman asked if there were any other questions or comments.

Tim Conti stated he is just baffled why we are here.

Matt Gallant asked if the Board has stated that they are in full support of the Fire Chief, does the fire department have the support of the Board of Selectmen? Chairman Dworman responded the Board of Selectmen are not taking resignations from the fire chief or firefighters.

Chairman Dworman acknowledged the rift, but added the fire department is more important as a whole department, and not just an individual.

Keith Bertogli inquired if Matthew Dworman, as the liaison, could be a mutual person to attend a meeting for a bitch session.

Chairman Dworman responded, within the department, if you have an issue, a firefighter takes it to the Lieutenant, the Lieutenant to the Captain, the Captain to the Chief, and the Chief to the Board of Selectmen.

Chairman Dworman stated the meeting (Keith referred to) would not solve anything. A.) Support your Chief, B.) Support the department as a whole, and C.) Find a solution.

Adam Mazur stated that 99.9% of the solutions should be solved with the Fire Chief. There is one chief, and a lot of department members.

David Pendell stated there must be a compromise, most of the time it is 50/50, but it can be 60/40 or 70/30, that's what it is. The Chief is in charge, and it's not 100% either way.

Adam Mazur stated they need to work with the Chief. The Chief has to take care of it, and then he'll get the respect.

Chairman Dworman stated the main issues are more hands on, more communication, and he thinks a quality improvement system within the department is a good idea quarterly or annually. The department members can express their concerns.

Julie Urwick stated Kingston does it. She stated they ask 4 or 5 things on it, and offered to get copies for them to look at it.

In response to an inquiry, Fire Chief Sam Richard stated the Board of Engineers was the Fire Chief, Deputy and Asst. Fire Chief, and they were an advisory committee to work on the budget. He realized that there was not enough time last year to do that, and he prepared the budget for the Board of Selectmen.

He does use the officers (Captains and Lieutenants) for a tanker committee, and he does discuss the budget information with them. Instead of creating a Board of Engineers, he gets the officers involved.

Adam Mazur added that was not the original way it was set up. He said anyone with knowledge could be on the Board of Engineers; it didn't have to be an officer. Adam said they did do the budget, and Austin Carter disagreed and said they did not.

Chairman Dworman stated he liked the idea of a quality improvement survey within the department with the Fire Chief, and for the members of the department as a whole to get along.

Austin Carter stated for years that was not how it was run. He explained how it was in the 50's on, and noted it ran differently until recent years.

Austin Carter stated it is important for the firefighters to go to the Lieutenant first, and go through the chain of command. You need to enforce the chain of command.

Chairman Dworman asked if there were any further questions or comments? He continued by saying the department is on track with a record number of calls that they have still managed to answer, and that a phenomenal job is being done by the department. He added you all deserve a pat on the back. We will get through this.

Ed Warren said he wasn't going to say a word tonight, but just had to add that he thinks we all need to keep in mind why we are on this department. People need to know that we have trained people, and to put their personal differences aside. He fully admits there are issues.

Ed Warren added they call on us because they need us, and we need to be there. Thank you.

Chairman Dworman thanked the fire department for coming in, and some people left the meeting.

A short break was taken, and the Board of Selectmen reviewed the nonpublic meeting minutes of June 22, 2009.

At 7:30PM, Adam Mazur, Joanne Dworman, Carol Freeman, Austin Carter, Ed Warren, and Julie & Scott Urwick returned to the meeting.

**MINUTES:** The Board reviewed the Selectmen's Public & Nonpublic meeting minutes dated 6/22/2009.

Mr. Pendell **MOTIONED** to approve and sign the public meeting minutes as written. Mr. Poelaert seconded. Motion carried 3-0.

The Board members agreed to “hold” the nonpublic meeting minutes until the end of the meeting.

**REGISTER:** The Board reviewed the check register dated 6/24-7/5/2009. Mr. Pendell **MOTIONED** to approve and sign the register in the amount of \$423,483.85. Mr. Poelaert seconded. Motion carried 3-0.

**HOME OCCUPATION:** The Board reviewed the home occupation renewal permits effective from July 1, 2009 – June 30, 2010, noting the fee of \$50 has been paid, and there have been no changes to:

Keith B. Moore, Atlantis Pool & Construction Co., 11 Ashlie Rd., MBL #11-02-35, Permit #98-02  
James C. Davis, Captain’s Catch, 23 Depot Rd., MBL #09-03-07, Permit #89-10.

It was also noted David Ruocco, David Ruocco Electric & Plumbing has paid his \$25 invisible business fee for the renewal permit through June 30, 2010.

Chairman Dworman **MOTIONED** to approve and sign the permits as presented. Mr. Poelaert seconded. Motion carried 3-0.

**RPC:** The Board acknowledged receipt of the Rockingham Planning Commission renewal circuit rider contract for approval and signature, based on the recommendation of the Planning Board.

Mr. Pendell **MOTIONED** to approve and authorize the Chairman to sign the two original contracts (one for the Town’s file and one for the RPC). Mr. Poelaert seconded. Motion carried 3-0.

It was noted payment will be issued to the RPC upon approval of the contract.

**POLICE DEPT.:** The Board acknowledged receipt of a letter dated 6/23/09 from the Police Chief. Chairman Dworman explained the Police Chief would like to revert the ownership of the 2000 Ford Explorer back to the East Kingston Police Association so they can sell it and use the funds to repair vehicles.

Mr. Pendell **MOTIONED** to approve the transfer of ownership from the Town of EK to the EK Police Association of the 2000 Ford Explorer, as recommended by the Police Chief. Mr. Poelaert seconded. Motion carried 3-0.

Mr. Pendell inquired about who is on the EK Police Association. Chairman Dworman responded the Chief and the officers.

**BUDGET:** The Adm. Asst. provided the Board with a report of expenditures, to date, June 30, 2009 for their review. Overall, we have expended 44% of the approved budget of \$2,496,800.

It was further noted the semi annual billing of property taxes of \$3+ million, and the Tax Collector has reported about 78% has been received, to date.

**LIBRARY:** It was noted the library bond is still open with approximately \$11,0000 remaining, after the final payment of the sign is made in the amount of \$1,800. The patio expenses have not been included in this figure.

Chairman Dworman questioned Mr. Pendell whether it is the goal to fully expend the bond for the new library. Mr. Pendell responded they want the library to be as complete as complete can be. He continued with yes they want to do the patio and the sign. They want it to be as completed as it can be. They are not

meeting this summer; they will meet in September, and won't make a final decision before October to close the bond. Chairman Dworman added that they need to under spend the bond to explain to the taxpayers they understand the problems with the economy.

**PLANNING BOARD:** The Board members acknowledged receipt of the 6/18/09 Planning Board meeting minutes for their review.

**BIDS:** It was noted the Town has received four bids for the Solid Waste Contract for the committee to review and submit a recommendation to the Board members.

**EOC:** The Adm. Asst. provided an estimate of \$1,820 for the complete installation of the air conditioning system that was started about 3 years ago at the EOC. All of the parts are there; they just need to be installed.

Chairman Dworman recommended holding off until he can contact Andy Conti, who originally had started to install it, and see if he could do it for less cost. It was noted the electrician cost would be approx. \$700.

**TOWN HALL:** The Adm. Asst. reported Mr. Rossi would be meeting with Unitil to repair the damage to the septic tank pipe located behind the Town Hall. It was noted the Road Agent, Matt Gallant and former Board of Selectmen Chairman, Rob Caron had okayed the installation of the utility pole to light the salt shed area. It was further noted that Unitil will cover the cost of holding the pole while Rossi Const. conducts the repairs. Mr. Urwick added Mr. Rossi plans to move the pipe around from the pole.

**BACKGROUND CHECK:** The Adm. Asst. informed the Board an RSA has been recently amended to include the approval of usage of both the criminal and federal background checks. The Town always conducted the criminal background check until the law required the federal check last year. Now the law has been amended to allow the criminal check again. Discussion ensued about the cost of the 2 different checks.

Mr. Pendell **MOTIONED** to go with the full federal background check for all new hires or appointed positions. Chairman Dworman seconded. Motion carried 3-0.

**CALENDAR:** 7/11 Granite State Quest Bike Ride, 7/16 Planning Board meeting, 7/20 Selectmen's Meeting, 7/30 Accounts Payable and Payroll processing.

**POLICIES:** Mr. Pendell inquired about the policies for review, and the Adm. Asst. responded that the Library Trustees have separate policies. It was agreed to address the policies at the next meeting.

**INTERSECTION:** In response to an inquiry, the Adm. Asst. responded she did not have any further update for tonight's meeting regarding progress on improving the intersection of 107A & 108. The State has met with the Police Chief, and we waiting to hear what the State will recommend.

**TONE SYSTEM:** Mr. Pendell noted he had received an email from Ron Morales regarding the implementation of a tone system town wide to alert residents of any emergency. He asked the other Board members if they had any interest in pursuing it. Chairman Dworman responded he thought it was a good idea. Mr. Poelaert stated it was like a reverse 911. Mr. Pendell asked if we wanted to investigate it. He gave an example, if you had everyone's email address you could let them know of a road closing due to i.e. flooding. It was noted if you lost power, you would not be able to receive the email, or if you lost power and had no phone service, you could not get a message via phone either.

Chairman Matt Dworman stated they will go into nonpublic to address the non-public meeting minutes of the last meeting, and thanked everyone for coming in tonight.

**NONPUBLIC SESSION:** Chairman Dworman **MOTIONED** to go into a nonpublic session at 8:15PM under RSA 91-A-3, II: para (c.) Matters which, if discussed in public would likely affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting. The Board was polled and the results of the poll were: Matthew B. Dworman – Yes, Richard S. Poelaert – Yes, & David R. Pendell, Jr. – Yes.

The Board was polled and determined the divulgence of the information would render the proposed action ineffective and the information will be withheld from the public during the public meeting Minutes of July 6, 2009. The results of the poll were: Matthew B. Dworman - Yes, Richard S. Poelaert – Yes, & David R. Pendell, Jr. – Yes.

Mr. Pendell **MOTIONED** to adjourn this Selectmen’s Non public meeting at 8:45PM. Mr. Poelaert seconded. Motion carried 3-0.

Mr. Poelaert **MOTIONED** to adjourn this Selectmen’s Public Meeting at 8:45PM. Mr. Pendell 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.