

**TOWN OF EAST KINGSTON
SELECTMEN'S PUBLIC MEETING MINUTES
MONDAY, NOVEMBER 23, 2009**

7:00PM – Ursula Gilstrap

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

OTHERS ATTENDING: Ursula Gilstrap, Road Agent Matthew Gallant, Carol Freeman & Joey Freeman.

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

TAX RATE: The 2009 tax rate was set at \$23.11, up .23¢ from last year at \$22.88. The Town went up .10¢, the county down a penny, the school portion up .14¢, with the local portion increasing 18¢, and the state school portion down .04¢. The tax bills were mailed out last Friday (11/20/09), with a due date of Tuesday, 12/22/09. The approved and signed warrant was issued for \$3,320,696.

MINUTES: The Board reviewed the Selectmen's Public & Non-public Meeting minutes dated 11/09/09. Mr. Poelaert **MOTIONED** to approve and sign the public meeting minutes as written. Mr. Pendell seconded. Motion carried 3-0.

Chairman Dworman **MOTIONED** to approve and sign the non-public "A" meeting minutes as written. Mr. Pendell seconded. Motion carried 3-0.

Mr. Pendell requested a discussion later on nonpublic "B" minutes.

REGISTER: The Board reviewed the check register. Mr. Pendell **MOTIONED** to approve and sign the check register dated 11/12-11/18/2009 in the amount of \$730,995.80. Mr. Poelaert seconded. Motion carried 3-0.

APPOINTMENTS: The Board acknowledged a letter of recommendation from the Planning Board recommending Peter Gilligan be appointed as an alternate member of the Planning Board, and he has provided a letter of interest to the Planning Board.

Chairman Dworman **MOTIONED** to appoint Peter C. Gilligan, based on the recommendation of the Planning Board, as an alternate member of the Planning Board effective 11/23/09 – 3/31/2012. Mr. Poelaert seconded. Mr. Pendell questioned whether the position should be posted or not. He noted that about 3 months ago, the Planning Board did not have a quorum because the 2 alternates (Joe & Bob) were not there, and the Board is allowed up to five alternates. Mr. Pendell stated Mr. Gilligan had been approached by the Planning Board secretary. The Adm. Asst. stated the Board has a letter from the Secretary (Barbara White) explaining the situation for their review. It was acknowledged several people were approached who had been attending Planning Board meetings on a regular basis and asked if they would be interested in being an alternate on the Board. Only Mr. Gilligan responded affirmatively at this time. Chairman Dworman stated he is definitely in favor of the appointment of Mr. Gilligan. Chairman Dworman added he did not see any interference with others wanting to be on the Board, as this would make three alternates, and they are allowed up to five. Motion carried 3-0.

An appointment was signed by the Board members for part-time Police Officer Raymond Fluet effective through 12/31/2010, based on his hire date of 11/9/09.

TC/TC: The Board reviewed two Requests for Disbursement of Funds submitted by the TC/TC. Mr. Poelaert **MOTIONED** to approve and sign the request as submitted to reimburse Julie Staves \$268.00 for an overpayment of 2009 property taxes on 25 Pheasant Run, and to Devine & Millimet \$623.00 for an overpayment of property taxes on 11 Terrace Lane. Mr. Pendell seconded. Motion carried 3-0.

TTF: The Board acknowledged receipt of a letter dated 11/19/09 from the Trustees of the Trust Funds. The Board reviewed a letter of response and Mr. Poelaert **MOTIONED** to approve and sign the letter as presented. Mr. Pendell seconded. Motion carried 3-0.

PLANNING BOARD: The Board acknowledged receipt of the Planning Board meeting minutes dated 11/12/09 for their review.

The Board acknowledged a letter from the Planning Board's Secretary Barbara White, received 11/19/09, regarding the Planning Board's policy of procedures for appointing alternate and regular members of the Planning Board, for their review.

LIBRARY: The Board acknowledged receipt of the Library Trustee meeting minutes dated 9/15/09, for their review.

RECREATION: The Board acknowledged receipt of the Recreation Committee meeting minutes dated 9/21 & 11/04, for their review. It was noted the new Chair, Todd Gibbons, has provided them and the former Chair Rick Bourque did not provide any meeting minutes for 2009.

SAFETY COMMITTEE: The Board acknowledged receipt of the 11/17/09 Safety Committee meeting minutes, for their review. It was noted an electrician has replaced a light fixture in the hallway of the Police Station.

TAX MAPS: It was noted the annual update of the tax maps has been completed and that they enjoy working with the Town Office Staff.

HEALTH OFFICER: The Board acknowledged that the Health Officer sent a letter to a resident regarding a potential health issue.

TOWN REPORT: The Adm. Asst. suggested the Town seal on the cover of the Town Report. The Board agreed.

WARRANT: The Board acknowledged the 2nd draft of the warrant articles for their review, noting the changes discussed at the last meeting have been made.

To date, it was noted; the dollar amount of the warrant articles is \$97,800.

Mr. Pendell suggested a warrant article asking voters' opinion on paying through their Comcast monthly bills an additional fee to cover new lines for Selectmen's meetings to be televised. Chair Dworman noted he would like to see it be televised at some point, but there is no need to add the expense at this time. The Board determined they did not want to add that as a warrant article.

Ms. Gallant stated last year the Board held a joint budget meeting with the EK School Board and inquired if the Board would like to ask them again this year. They agreed to invite the EK School Board members.

REVENUES: It was noted the anticipated revenues for 2009 were set at \$615,000, and will be the same for 2010. The Board agreed.

BUDGET: The Board acknowledged the revenues for 2009 were set at \$615,000, and the proposed 2010 is set at \$615,000.

GILSTRAP: Ursula Gilstrap met with the Board at 6:55PM, to discuss her issues and concerns with a "dead" tree located near her home at 118 South Road. She provided pictures to the Board, and Road Agent Matthew Gallant also provided pictures of the Board to review.

Discussion ensued. Ms. Gilstrap noted the Road Agent is aware of her issues that water pours into her driveway. She added she couldn't continue to have that. Chairman Dworman stated he thought she was here to discuss a tree she wants removed. She responded yes, the tree is dead and she wants the Town to remove it. She noted it is totally dead and the next storm could uproot it. Mr. Gallant was asked for his findings on the matter by the Chair. Mr. Gallant stated the Town of East Kingston doesn't have the right of way, as this is a very old road. The Town does not own the right of way. It was agreed to review her deed for measurements and view the property before rendering any opinion.

Mr. Gallant noted it is not the responsibility of the Town to maintain her property.

Chair Dworman stated he would need to look at the description of her deed.

Mr. Poelaert inquired how much money would it cost to remove the tree? Mr. Gallant responded \$400-\$500 maybe, as it is a small tree, it's not that big.

Chair Dworman stated if we determined the tree is on town property they could arrange to remove it, but if it is not, it is her responsibility to remove it.

Mr. Poelaert suggested splitting the cost, and she could keep the wood. Ms. Gilstrap responded she has been laid off and is out of work, and can't do it right now.

Mr. Pendell asked her if the property is for sale, and she responded yes. He asked if the tree has been an issue while trying to sell it, and she responded no.

She discussed the water issue again, noting when it rains a puddle forms. She said she had a nice natural gully when she bought the home in 1996 and had no problem. After the Town has hot-topped South Road, and made it higher, she has had problems.

Chair Dworman asked Mr. Gallant about South Rd. He responded the Town did an overlay and ground it up and finished with a topcoat raising it maybe 3-4 inches since she first moved there.

Ms. Gilstrap noted the water flows from the top of hill and now pours off into her driveway. There is no gully anymore, it disappeared, no swail. It is all washed out.

Chair Dworman noted he understands what she is trying to say. Mr. Gallant further noted he met with Ms. Gilstrap along with Jones & Beach rep. to look at the situation, and they thought to correct it properly could cost in the \$50,000-\$60,000 range. They have not designed a new plan for her.

Ms. Gilstrap noted the rep. from Jones & Beach no longer works for that firm, and its now out on his own.

Ms. Gilstrap inquired about a culvert, and wondered why that could not be done at the location she was describing.

Ms. Gilstrap noted she has nothing but sand, and Chair Dworman responded he has it too, everyone does.

Chair Dworman asked the Road Agent what his recommendation is. He agreed that they couldn't put in a swale or a culvert in her driveway, and need to come up with an alternate solution. Ms. Gilstrap noted this has been a 6-year problem, since the road was paved.

At 7:15pm, Mr. Pendell stated he would like to look at the property again, as he had only looked at the tree situation. The Board members agreed to individually look at the site, and Mr. Gallant offered to meet at the site with them if they wanted him to.

Chair Dworman noted it is the natural flow where the water goes. Ms. Gilstrap asked that they try harder to make her happy.

Mr. Gallant noted the former Road Agent had already put in a 3-inch wide groove.

The Board members thanked Ms. Gilstrap for coming in, and she responded she can't live with it and will provide a copy of her deed to the office. She added thank you for being so patient, and left the meeting at 7:20PM.

Mr. Gallant stated his recommendation would be not to do anything at this time. Mr. Pendell inquired if it could be filled. Mr. Gallant responded yes it is a possibility, but she doesn't want to take away from her yard. Mr. Gallant further stated he did not want to set a precedent. If you do something for her, others will come forward for their trees to be removed, etc. Mr. Gallant then left the meeting.

HEALTH NETWORK: It was noted we have been notified that our Town's contact for health concerns is Susan Geier, 20 Court St., Exeter, NH 03833, at 603-418-6404.

CENSUS 2010: The Board acknowledged receipt of the 2010 census informational packet, including a copy of the survey to be completed in 2010.

CALENDAR: The following dates were noted: 11/25 payroll and accounts payable processing, Thu & Fri 11/26 & 11/27 Town Offices closed, Thanksgiving Day holiday observed.

WARRANT: The Adm. Asst. asked the Board to review the warrant. Mr. Pendell noted the library has 2 petitions. Ms. Gallant noted if they are not citizens' petitions, they have to come before the Board of Selectmen and voted to be added to the warrant.

NONPUBLIC SESSION: Chairman Dworman **MOTIONED** to go into a nonpublic session at 7:30PM 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 & determined the divulgence of the information would render the proposed action ineffective & the information will be withheld from the public during the public meeting Minutes of November 23, 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 7:45PM. Mr. Poelaert seconded. Motion carried 3-0.

It was noted until the Adm. Asst. receives clarification on an item, no vote will be taken to accept the non-public “B” meeting minutes of 11/9/09 this evening. It was tabled until the next meeting.

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Mr. Pendell **MOTIONED** to adjourn this Selectmen’s non-public Meeting at 8:10PM. Mr. Poelaert seconded. Motion carried 3-0.

Mr. Pendell **MOTIONED** to adjourn this Selectmen’s Public Meeting at 8:10PM. Mr. Poelaert seconded. Motion carried 3-0.

Respectfully submitted,

Deborah G. Gallant
Administrative Assistant

Matthew B. Dworman

Richard S. Poelaert

David R. Pendell, Jr.