

**TOWN OF EAST KINGSTON, NH
SELECTMEN'S PUBLIC MEETING MINUTES
JANUARY 19, 2009**

7:00PM: Reid Simpson, Barbara Clark, Judy Cash & Tracy Waldron.

ATTENDING: Selectmen Richard S. Poelaert and David R. Pendell, Jr. (Matthew B. Dworman-absent). Others Attending: Cheryll Hurteau, Barbara White, Barbara Clark, Judy Cash, Sharon & Roby Day and R. Reid Simpson.

Mr. Poelaert called this Selectmen's Public Meeting to order at 6:30PM in the absence of Matthew Dworman.

MINUTES: The Board reviewed the Selectmen's Public & Non Public Meeting Minutes dated 1/4/2010. Mr. Poelaert **MOTIONED** to approve and sign the public meeting minutes as written. Mr. Pendell seconded. Motion carried 2-0.

Mr. Poelaert **MOTIONED** to approve and sign the non-public meeting minutes as written. Mr. Pendell seconded. Motion carried 2-0.

REGISTER: The Board reviewed the check registers. Mr. Pendell **MOTIONED** to approve and sign the check register dated 12/31/09 in the amount of \$42,859.15, and 1/08-1/14/10 in the amount of \$133,779.73. Mr. Poelaert seconded. Motion carried 2-0.

FINANCIAL AUDIT: The Board reviewed the auditing contract with Plodzik & Sanderson. Mr. Pendell **MOTIONED** to approve and authorize Mr. Poelaert to sign the contract (original & copy) as submitted. Mr. Poelaert seconded. Motion carried 2-0.

SPECIAL PERMIT APPLICATION: The Board reviewed the Special Permit Application for the State of NH. Mr. Pendell **MOTIONED** to approve and authorize Mr. Poelaert to sign the application provided by Dragon Mosquito. Mr. Poelaert seconded. Motion carried 2-0.

It was noted the State of NH has reimbursed the Town \$3,760.50 for a partial reimbursement of the contract year 2009.

VETERANS' EXEMPTIONS: The Board reviewed veterans' exemptions. It was noted all seven of the applicants have met all of the necessary criteria for the \$500 credit for the 2010 tax year.

Mr. Poelaert **MOTIONED** to approve and sign the following veterans' exemptions:

MBL #04-01-20, Herbert & Barbara Clough, 137 Depot Rd.
MBL #08-02-19-37, Richard Blauvelt, 19 Cricket Hill Rd.
MBL #02-06-14, Marshall and S. Elaine Bean, 2 Casey Rd.
MBL #08-02-31, Robert F. Bean, 37 Maplevale Rd.
MBL #16-02-04-16, Karl & Mary Vanveen, 16 Autumn Ln.
MBL #09-06-01, Matthew & Yolanda Napoleon, 50 Depot Rd.
MBL #10-03-14, Jessica Dixon, 84 Haverhill Rd.

Mr. Pendell seconded. Motion carried 2-0.

SELECTMEN'S INSERT: The Board reviewed the Selectmen's Insert to be provided at the deliberative session. Mr. Poelaert **MOTIONED** to approve and sign the insert as presented. Mr. Pendell seconded. Motion carried 2-0.

BUDGET/DEFAULT WARRANT: The Board reviewed the budget and warrant for 2010 for signature. Mr. Poelaert **MOTIONED** to approve and sign the budget and warrant as presented. Mr. Pendell seconded. Motion carried 2-0. It was noted the budget and warrant would be posted and provided to the appropriate parties. It was also noted two citizens' petitions were received, one to change the position of fire chief from full-time to part-time, and a resolution to have a vote on the definition of marriage. They are warrant article numbers #16 & #17 on the warrant.

PLANNING BOARD: The Board acknowledged receipt of the 12/17/09 Planning Board meeting minutes for their review. The Board was also provided with a copy of the report from Plan NH for their review.

The Board acknowledged receipt of a letter dated 01/19/10 from Planning Board Secretary Barbara White, inquiring whether the Board agreed as long as the Vice Chairman of the Planning Board is also the Interim Fire Chief, would it be okay if another member of the fire department would not have to attend the meetings, and would only if the Vice Chairman was unable to attend.

Mr. Pendell stated he had no problem either way. He has no issue with it, but would want to discuss it with both Ed (the Interim Fire Chief) and Matt (the Deputy Fire Chief), and if they are okay with it, he has no issue with it. Barbara White agreed to contact Ed on Wed., and also check with the Planning Board Chairman, Dave Sullivan. Mr. Poelaert agreed if it is okay with Mr. Sullivan & Mr. Warren, he is fine with it.

LIBRARY: The Board acknowledged receipt of the Library Trustee Meeting Minutes dated 09/15/09, 08/28/09, & 06/17/09, further noting they did not meet in July, therefore, there are no minutes for July.

DRA: The Board acknowledged receipt of a letter dated 01/13/10 from DRA stating for the tax year 2009 the equalization rate has been set at 100%, noting with the completion of the revaluation conducted by the assessors, Avitar Associates, we are where we should be, at 100%.

FIRE DEPT.: It was noted the Interim Fire Chief has provided the office with a Duty Schedule as approved by the Board of Selectmen, and also provided an inventory of equipment returned by the former Fire Chief to Mr. Warren, upon termination of his employment. It was noted everything has been turned in.

DEVELOPER: It was noted the Board of Selectmen had asked Mr. White to attend tonight's meeting and he did not, so Mr. Pendell **MOTIONED** for the Building Inspector to not do any inspections until he meets with the Board of Selectmen. Mr. Poelaert seconded. Motion carried 2-0.

INSURANCE: It was noted a claim was filed with the Town's insurance company for repairs to the ambulance and fire station garage door when damage was done with the ambulance being backed into the garage after a call.

It was noted an insurance check was received in the amount of \$823.50 plus \$1,000 deductible, for total of \$1,823.50 to cover the cost of the repairs to the ambulance (\$928.50) and door of fire station (\$895.00).

TOWN OFFICES BLDG.: The Adm. Asst. provided the Board with a quote from Protection One to replace smoke/heat alarms in the Town Offices Building. The quote also included upgrading the fire panel.

After discussion, the Board agreed to research costs of upgrading the system, and Mr. Poelaert **MOTIONED** to authorize the replacement of the smoke/heat detectors at a cost of \$675.00. Mr. Pendell seconded. Motion carried 2-0.

The Board also acknowledged a quote from NE Cooling for \$1,320 to correct the heating concerns with the Town Clerk's Office. Mr. Pendell stated he had contacted them directly and received an in depth explanation of the problem and how they plan to correct it.

Mr. Pendell **MOTIONED** to approve the expenditure of \$1,320 to fix the problem and paying the invoice after it has been determined the problem has been fixed. Mr. Poelaert seconded. Motion carried 2-0.

EKFA: The Board acknowledged a letter from the East Kingston Firemen's Association addressed to the Police Department, offering praise to Police Officers Mark Iannuccillo and Peter Kokaras for assisting the Santa(s) drive around Town on Christmas Eve.

Mr. Pendell mentioned the great job the Santa(s) did, which is provided by the EK Firemen's Association annually on Christmas Eve, where they ride around to meet and greet the children of East Kingston. Mr. Poelaert noted it is a nice New England tradition that the EKFA has done for decades, and suggested a nice letter be sent expressing their appreciation. He suggested next year the newspaper write an article about it, as he knows that they have been doing it for over 40 years!

CALENDAR: Dates noted: 1/20-1/22 Auditors, 2/2 Deliberative Session, 7:00PM at EKES.

BUDGET: At 7:00PM, Reid Simpson, Barbara Clark, & Sharon & Roby Day joined the meeting to discuss concerns of the budget. It was noted Tracy Waldron & Judy Cash were also on the agenda, but Tracy would not be coming, as she was attending a Library Trustee meeting, and Judy Cash may not be coming.

Mr. Poelaert asked them to begin. Reid Simpson noted he would be recording the meeting.

Roby Day stated he was there on behalf of Hank Lewandowski, who couldn't be here. Roby asked to speak on behalf of Hank. Roby stated he has long felt that good government is transparent and measured by performance.

He noted that Hank had stated the last time the salaries were listed in the Town Report was 1993, and it left no doubt on how the money is being spent. He asked for it to be published in the 2008 report, but the Board decided not to, and again in 2009 he formally requested that it be included in the Town Report. For the record, he wants to know tonight if it is going to be in the report.

Mr. Pendell noted that Hank had been sent a letter stating the information will be in the Town Report.

Roby continued with stating there are some inconsistencies with the budget worksheets. He thinks the hourly rates are generous. He thinks that they are some of the highest paid in NH, referring to the NHMA records. He stated the Town has a population of 2,000, and the salaries are out of proportion. He added comparing full-time with part-time salaries, they are distorted.

Roby asked what year the Selectmen decided to do away with performance reviews? He suggested reinstating the reviews and to seek outside help from NHMA to audit the compensation and responsibilities of employees. He added you would better be able to justify to the voters.

Roby further stated that Hank is unable to attend tonight, and thought the budget handout was skeleton and misleading. He thought the Selectmen did not understand the budget. He added prior Selectmen knew the budget line item by line item, and could answer questions with authority.

He thinks the Selectmen have not done their homework, and suggested they provide voters with a budget proposal that doesn't hide anything and not to be secretive.

He is at a loss as how Hampton Falls, a Town of similar size, can provide complete information at their budget hearing held on 1/13/10.

Mr. Pendell asked how many years has Reid passed in budget worksheets, and he replied six years. Mr. Pendell asked why this now?

Reid questioned the Selectmen's budget worksheets from 2006 stating 910 to 2007 with 780 hours. He said he had never seen the budget worksheets before, so he didn't ask before now. He said the remaining hours are unaccounted for.

In fairness, he wants it to be accurate and to be up front with it. He asked where is the rest of the money coming from? Mr. Pendell responded he will look into it.

Barbara Clark stated she had given a list of questions to Mr. Pendell, and Mr. Poelaert added he was not asked or given any list.

Judy Cash arrived at 7:15PM.

Barbara Clark inquired as to how it will be reflected in the Town Report?

Mr. Poelaert stated they will meet with Matt (the Chairman) upon his return and look at it. They will post a work session.

Reid asked for a copy of how the salaries will be reflected in the Town Report. It was noted information has been provided to the printer.

Mr. Poelaert stated they will relay the information to Matt, and get answers for them. He added nobody is hiding anything. You know better than that. Reid responded, "I want to know!"

Barbara Clark stated the Selectmen's Office staff received 22%, and 17% raises. Mr. Poelaert responded that was when Don Clark retired, and the responsibilities were taken on by the Selectmen's Office staff.

Barbara Clark stated the salary is exorbitant, and her job is just as important.

Roby stated he is surprised that any raises were given one cent more in 2010. Roby asked when was there a discussion to eliminate the performance reviews? Roby added you threw out a superb tool. Mr. Poelaert responded it has not been done while he has been here.

Roby responded you are the governing body, and you can fix it.

Mr. Pendell stated he has spoken with many people, and has heard that they are unhappy with other employees in Town. Mr. Pendell added they gave a 3% raise across the board, with two Selectmen unemployed, and he thought it was very generous. He added he is not taking compensation away from people, and that would create a slippery slope.

If you get a complaint about Reid and take away from him, then he complains about Barbara, and if you start taking away from people, everybody has to be ready to take away.

Roby suggested using an outside agency vs. the Board of Selectmen.

Mr. Pendell noted the Salary Review Committee recommends salaries for all of the elected officials. He added they had a trash committee to review trash contracts this year. He stated that to put a range of salaries in place, it is a process.

Mr. Poelaert noted Barbara is an elected official and at the end of her term, she can be dumped. He added she has held the position, so probably no one will run against her, and so the salary review committee is recommending her to full-time with benefits this year.

Tracy Waldron's salary is set by the Library Trustees, and the Police Chief and Judy Cash are under the control of the Selectmen. Reid added, and the command staff at the Selectmen's Office.

Mr. Poelaert noted when the Selectmen's salary was discussed, it was voted down.

Barbara Clark stated residents will be unhappy when they hear about the raises.

Sharon Day added she is not saying that Deb & Cheryl don't work hard. You interject an emotional issue that shouldn't be there. Experience and education and knowledge count, but you need to eliminate the personality issues.

Mr. Poelaert agreed to look at it. Roby stated he wants a range scale with a review. He added the performance evaluations should be tied to the job descriptions.

Mr. Poelaert stated we will make a super human effort to get into it, and will talk about it.

Reid stated that he can not personally back off as he and his employees have been treated unfairly. He added I guess if you don't ask, you don't get it. He added he wants them to know that this has driven a wedge between the lines of communication. It is not personal, he does not want to see them lose their jobs, and he just wants answers.

Mr. Poelaert noted that first Hank pushed it, because he was after Reid.

Mr. Pendell added that when former Selectman Caron was putting together a contract for review for Reid with stipulations, Reid wouldn't sign it. He added the stipulations came with compensation tied to it. He added Reid wanted an 8% pay raise for himself this year. He didn't have a problem, and now it's an issue.

Reid said he just wants to find out.

Mr. Pendell noted Reid has had the last six years to look at those questions, but is talking about the Board not doing due diligence. He could have asked before now. Reid responded that he trusted that the right thing was being done. He added we are all on the same playing field, and wants honesty and fairness.

Mr. Poelaert reminded Reid that when he came in for this year's budget and Matthew Dworman asked for 3% salaries, you put in for 10% for yourself, and 6% for Ray, which was more than 3%.

Mr. Poelaert offered that if I'm not happy with you, I would ask you to have coffee and see me to talk. He added he doesn't like the animosity. You could have asked the question before now. No one is stonewalling here. We will get you an answer.

Roby added that transparent and responsive is good. He added that is the biggest problem. Roby informed them that Hampton Falls provided a detailed handout at their budget hearing, and they have a similar \$2.4 million dollar budget. He suggested the Town adopt the same method.

Roby inquired if the wages will be included in the Town Report, as it is Hanks' understanding that it won't be in it. He added it was in every year prior to 1993. The Selectmen acknowledged that they approved it to be put in the 2009 report.

Mr. Pendell stated Roby left in 2000, how come he didn't put it in when he was Selectman?

Roby stated he finds fault with the Board of Selectmen that they didn't know the budget like when he did it.

Mr. Poelaert stated the Board accepts the budget worksheets, and there is good fiscal management to prove the numbers.

Roby responded that it is the governing body that should understand the budget. The auditors are monkeys with a pencil.

Mr. Pendell noted the Town has grown, and the budget has grown. Roby responded it is still a small town and in the bottom 1/3 for size in the State.

Mr. Pendell stated they are criticized by the Dept. Heads if they don't trust them. They trust the Library Trustees. Mr. Pendell noted for example, when he asked Reid about references, etc. for his new officers, Reid responded, "What, you don't trust me? You should trust me as a department head."

Mr. Poelaert added over the years different reports have disappeared. For example, some years the "runs" from the fire department have been included, and other years, it has not.

Roby reminded them that they are answerable to the voters. They need to get the information from the Dept. Heads.

Mr. Pendell noted there are only 5 people here out of 2200 that are making a complaint. He added two of the employees live out of Town, and Roby wanted them not to confuse them with employees of the Town.

Mr. Poelaert noted they are raising this issue, and they have no problem with supplying them with the answers.

Mr. Poelaert agreed that they as Selectmen can do better, and Roby added he wants them to look at better hands on management.

Roby admitted that when he was on the Planning Board, that no one goes to Planning Board meetings. Roby wants the Selectmen to be trusted, and to lead.

Sharon Day stated that the first thing is that Hank asked, and the 2nd question raised is the curiosity between full-time and part-time employees.

It was noted that the budget worksheets were provided to Ray Marquis, as he requested. Roby noted that the worksheets don't show all of the information, so it showed a red flag to him. He stated that the information from LGC is greatly distorted from the normal, and when asked if he would provide the information to the Selectmen, Roby responded you can pull it up yourself from LGC.

Mr. Poelaert stated that they are not Clerks or Secretaries, they are Administrative Assistants, and when they compared that, they didn't look that bad. They are not secretaries or clerk/typists.

He added for example, that there are nurses, but many different levels like RN's and LPN's, etc. There are different categories.

Roby insisted that in the overall picture, there is a tremendous disparity. He added what is generally paid throughout the State, as a small town; we can't afford it. He added all residents are paying taxes.

Mr. Poelaert noted that there is a warrant article this year that the Town Clerk wants to go from part-time to full-time. His added full-time status is a big jump with adding full-time benefits, and that is a fact of life.

Roby asked them to look at the LGC numbers. He said it is way out of whack.

It was noted Matthew Dworman will be back in Town on 1/24/2010.

Roby Day asked the Board to let them know how the hourly salary will be recorded in the Town Report.

He urged them to get outside help to structure salary and benefits and diffuse any concerns with the Board of Selectmen. He added he wanted every public employee in the Town Report to be accurate.

Roby thanked the Board members.

Reid Simpson provided a Right To Know Request to Mr. Poelaert. Mr. Poelaert noted they have five days to respond, and he can pick up the information from the Selectmen's Office.

Roby Day stated that he will be bringing in the Trustee of the Trust Funds documentation to the Selectmen's Office for the audit tomorrow, and will drop off a copy of what Hampton Falls provided at their budget hearing.

Reid Simpson stated he has a right to know, including non-public meeting minutes. Mr. Pendell noted sealed non-public meeting minutes are not public.

Mr. Poelaert stated they would check with Town Counsel, and Reid Simpson responded you don't have to pay Town Counsel, just read the statute.

Mr. Pendell noted he wants to be very careful with non-public meetings. This issue has been addressed before.

Roby inquired about how much the Town pays Town Counsel; he has heard \$600 per hour. Mr. Pendell responded it is certainly is not \$600, he added it is more like \$165-\$175 per hour.

Roby noted that Hampton Falls also uses the same law firm, Upton & Hatfield.

At 8:00PM, they decided they were done. Mr. Poelaert offered that they will put some information together, and Roby added that they are trying to get information together for the deliberative session.

Roby & Sharon Day, Barbara Clark, Judy Cash, and Reid Simpson left the meeting.

LEGAL: The Board was updated with information regarding several legal cases, of which no action was required by the Board for any of the items.

Barbara White asked if she could add something? The Board members agreed. Barbara White stated that the girls in the office do an excellent job. They should be compensated for their work. She stated she doesn't have nearly the knowledge or responsibilities that they have, and would not expect to get paid what they are paid.

Mr. Poelaert **MOTIONED** to adjourn 8:25PM. Mr. Pendell seconded. Motion carried 2-0.

Respectfully submitted,

Deborah G. Gallant
Administrative Assistant

Matthew B. Dworman

Richard S. Poelaert

David R. Pendell, Jr.