Chairman Dworman called this Selectmen’s Public meeting to order at 5:30PM.

MINUTES: The Board reviewed the Selectmen’s Public Meeting minutes dated 02/12/18.

Chairman Dworman MOTIONED to approve the Selectmen’s Public Meeting minutes dated 02/12/18 as presented. Mr. Poelaert seconded. Motion carried 2-0.

CHECK REGISTER/POLICE DETAILS: The Board reviewed the check register dated 02/14/18 – 02/23/18 in the amount of $82,918.06 and the police special detail list in the amount of $3,660.00 dated 02/07/18 – 02/20/18.

It was noted that Mr. Poelaert reviewed the accounts payable prior to its approval at this meeting.

Chairman Dworman MOTIONED to approve and sign the check register dated 02/14/18 – 02/23/18 in the amount of $82,918.06 based upon Mr. Poelaert’s prior review. Mr. Poelaert seconded. Motion carried 2-0.

Chairman Dworman MOTIONED to approve the police special detail list as presented. Mr. Poelaert seconded. Motion carried 2-0.

APPOINTMENT: The Board reviewed the following appointment as recommended for approval by the Planning Board in correspondence dated February 16, 2018:

Timothy J. Allen, Planning Board Member, effective February 26, 2018 through March 31, 2021.

Chairman Dworman MOTIONED to approve and sign the appointment as stated above effective February 26, 2018 through March 31, 2021 as presented based upon the recommendation of the Planning Board. Mr. Poelaert seconded. Motion carried 2-0.

POLICE DEPT.: The Board reviewed an Addendum to the Part-Time Police Chief Agreement for their approval and signature.

Chairman Dworman MOTIONED to approve and sign the Addendum to the Part-Time Police Chief Agreement as presented. Mr. Poelaert seconded. Motion carried 2-0.

THANK YOU CARD: The Board acknowledged receipt of a thoughtful thank you card from the Rodolakis family for the donation to the Boston Children’s Hospital in memory of Michael Rodolakis.


35 SOUTH ROAD: The Board acknowledged receipt of email correspondence with photographs dated February 16, 2018 from Dennis Quintal, Town Engineer, in regard to drainage and culvert issues on property located at 35 South Road, as requested by the Board at their last meeting held on Monday, February 12, 2018.

Ms. Hurteau passed along a complaint to the Board members from Forrest Wixon of 26 South Road that he is concerned about the safety of the school children with the trucks coming and going from 35 South Road.

GRANGE: Ms. Hurteau informed the Board on behalf of Don Ross that there are going to be rate increases for the use of the kitchen at East Kingston Elementary School due to a new requirement from SAU #16 where a Unit Manager must be
present at their Ham & Bean Suppers as well as all entities utilizing the kitchen. She added Mr. Ross will keep them updated as this unfolds.

Chairman Dworman and Mr. Poelaert both agreed the price increase should not be an issue.

**TRUSTEES OF THE TRUST FUNDS:** Roby Day, Ted Lloyd, Al Dittman and Ron Morales met with the Board at 5:52PM.

Mr. Day provided the Board with handouts containing information in regard to a bequest from John E. Gale, the former owner of 2 Main Street, East Kingston to donate the property to the Town on May 6, 1897 with the conditions of deed as follows:

“To have and to hold the said premises, with all the privileges and appurtenances to the same belonging to the said Town of East Kingston and its successors and assigns to its and their only proper use and benefit forever, but in trust nevertheless as follows:

To collect the income thereof and apply the net income thereof, first to the care, preservation and beautifying of the lot, and its appurtenances, in the cemetery in said East Kingston, in which the bodies of my parents are buried, and the remainder of said net income if any to the care, preservation and beautifying of the remainder of said cemetery, with power to sell said premises if it shall at any time seem advisable, and to invest and reinvest the proceeds of such sale from time to time in such securities as the Savings Bank of the Commonwealth of Massachusetts are at present allowed to invest in or to deposit the same in Massachusetts Savings Banks the proceeds of such sale to be held upon the same trust as the original property, but no sale made during my lifetime shall be valid without my written assent.”

It was noted the Town of East Kingston voted to accept the gift of John E. Gale at the Annual Town Meeting held on March 14, 1898.

Mr. Day stated in the Selectmen’s Public Meeting minutes of September 25, 2017, it was noted the line item for the Cemetery Trustee’s payment for property taxes at 2 Main Street was eliminated for the 2018 budget and he is convinced the Selectmen were uniformed in making the decision in eliminating the funding from the Gale House bequest as it was the donor’s intent. He added it is the Trustees of the Trust Funds charge to be sure the terms of the trust are befitted.

Mr. Day referred to a copy of the “Record of Town Meeting” of the Town of East Kingston held on March 12, 1946 and a Motion by A. A. Rose and seconded that the money equivalent to the taxes collected from the Gale House be set aside each year for the use of the Gale Cemetery Committee. He added that on its face, this is not quite kosher.

Chairman Dworman replied Bart Mayer’s (Town Counsel) argument is because the Motion by A. A. Rose was not included on the actual warrant and not advertised as such, it is non-binding, so it should be ignored as it was addressed under “Other business.” He added the Selectmen have already offered to replace an amount equal to the taxes into the budget of the Cemetery Trustees.

Mr. Day stated the pattern of financing was clearly established and at a seminar held by Terry Knowles she stated the terms of trusts must be met.

Chairman Dworman replied the Town did its duty and always took care of the cemetery. He added he wonders where the proceeds of the sale of 2 Main Street actually went.

Mr. Day stated we are dealing with a trust and it must be upheld or the descendants could come forward, so the trust must be honored and the duty falls upon the Selectmen.

Chairman Dworman agreed to send all of the information to Town Counsel, noting the house may have been sold in 1945 or so.

Ms. Hurteau offered to further research this on the Rockingham Registry of Deeds website to determine the sale price of the property at that time.

Discussion ensued and Mr. Poelaert asked how much money at $200+ an hour should be invested in legal fees for this research and Mr. Lloyd replied his personal opinion is perhaps this new information should be sent to Bart Mayer and simply ask him if it changes things.
Mr. Day stated the Trustees of the Trust Funds have opened a line of inquiry and Chairman Dworman replied he will follow up with Bart Mayer.

Mr. Day replied they need to nail down the sale price.

The Board thanked the Trustees of the Trust Funds for meeting with them and they left at 6:40PM.

**FIRE DEPARTMENT:** The Board met with John Deloia and Matt Walsh of Eckman Construction as well as Fire Chief Ed Warren to discuss the possibility of a feasibility study to move forward the project of a new fire station.

Mr. Walsh stated they met with the Board last summer in July and August and met with an architect to look at the Town’s future needs. He added they will meet with the architect in May or June and prepare a cost estimate as well as obtain survey services to prepare a topography and CAD file design to be presented to the voters.

Mr. Deloia stated a site plan must be done first, which would involve test pits and a survey. He also encouraged the Board members to think about the Town Hall and if they want to incorporate part of the building into the Fire Station or not to touch it at all.

Mr. Poelaert stated they do not have a full Board present this evening and they will postpone the vote to proceed until Ms. Pettinato returns from her vacation.

Chairman Dworman stated they want to complete this project while appeasing the residents’ sense of history.

Mr. Poelaert asked Mr. Deloia and Mr. Walsh to get back to the Board if there is a need for more land to complete the project.

Mr. Deloia replied in some towns they form town committees who can meet with the residents along with the Board of Selectmen, Fire Chief, Police Chief, architect, surveyor, etc. to inform them of possible plans and address their questions and concerns.

Mr. Poelaert agreed they want the people to be informed.

Chairman Dworman thanked Mr. Deloia and Mr. Walsh for meeting with them and they left at 7:15PM.

**SOLID WASTE & RECYCLING COMMITTEE:** The Board acknowledged receipt of minutes of the January 17, 2018 Solid Waste & Recycling Committee meeting for their review and information.

**CALENDAR:** The following dates were noted: 02/27-Bills Due 12:00PM, Fire Training 7:00PM, 03/01-Abatement Deadline, 03/04-Fire Association Meeting 7:00PM, 03/06-Bills Due 12:00PM, 03/07-Bi-Weekly Timesheets Due 8:00AM, 03/09-Grange Meeting 7:30PM, 03/12-Conservation Commission Meeting 5:00PM, Selectmen’s Meeting 5:30PM.

Chairman Dworman MOTIONED to adjourn this Selectmen’s Public meeting at 7:15PM. Mr. Poelaert seconded. Motion carried 2-0.

Respectfully submitted,

Cheryll A. Hurteau
Town Office Manager

_________________________________  ______________________________  _____________________________
Matthew B. Dworman                               Erin J. Pettinato                                 Richard S. Poelaert