TOWN OF EAST KINGSTON
First Session of the 2019 Annual Meeting
Deliberative Session - February 5, 2019

Selectmen
Erin Pettinato, Chairman
Richard Poelaert
Justin Lyons

Barton L. Mayer, Town Counsel
Keri J. Marshall, Moderator
Barbara A. Clark, Town Clerk

Before the Deliberative Session began, the Moderator apologized for the delay as a clear error had been found in the budget and the Selectmen were trying to figure out the best way to proceed. She said the Selectmen didn’t have confidence in what was being presented.

Roby Day asked if the error was higher or lower and Keri said the budget was too low and there would not be sufficient monies. Roby made the suggestion they could correct such oversights with an amendment to the budget. Keri said the Selectmen feared they were not giving the voters accurate information.

Sarah Courchesne asked if we could proceed and vote on the remaining articles while this error was being figured out. Keri said she would be willing to do this, with everyone’s permission. She said the article at issue was Article 3.

The Moderator took a vote, show of cards, to see if everyone wanted to proceed with the remaining articles.
Voted: Passed

At this time, Keri excused the Board of Selectmen and Town Counsel, and said she would pass over Article 3.

The Moderator, Keri Marshall, called the meeting to order at 7:12 pm with 34 residents in attendance.

1. To choose all necessary Town Officers for the year ensuing.

2. Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town of East Kingston Zoning Ordinance as follows:

   The East Kingston Planning Board supports the following amendments to Zoning Ordinance Article XVI Home Occupations:
ARTICLE XVI - HOME OCCUPATIONS (Adopted 3/89)

A. Definitions:
A Home Occupation is a professional occupation, service business or the production or selling of a product that is carried out from the primary dwelling which is clearly accessory and subordinate to the residential use of the property. A Home Occupation may not be conducted in an Accessory Dwelling Unit.

An Invisible Home Occupation is one with no visible activity conducted outside the home.

A Visible Home Occupation is a home-based business with a sign and/or customers visiting the business for the purchase of services or products. (Amended 3/96; Amended 3/17)

A grandfathered nonconforming use is a use not permitted in the zoning district where it operates and that existed prior to adoption of the Home Occupation ordinance on January 6, 1989. The baseline of the nature and scale of the Grandfathered Non-Conforming Use shall be determined by the record established by the Grandfathered Non-Conforming Use Survey over the most recent 5 years.

B. Where Permitted: Home occupations are allowed in a residential dwelling unit by permit only. The Board of Selectmen may issue a Home Occupation Permit after the Planning Board holds a public hearing on the application with public notice per RSA 675:7 paid for by the applicant (Amended 3/91) and provided the provisions of this section are met. (Amended 3/96)

C. Standards:
All Visible Home Occupations shall comply fully with the following standards to protect public health and safety, and shall have no impact to the character of residential neighborhoods and the town.

1. The Home Occupation must be located within a dwelling unit, or in a building or structure accessory to a dwelling unit.

2. The exterior of the building must not create or display any evidence of the home occupation, except a permitted sign and parking for customers and delivery vehicles. Variation from the residential character is prohibited.

3. Adequate off-street parking must be provided for customers and deliveries. All businesses must provide adequate turnaround, drop-off, and pick up areas in order to prevent cars from waiting in the street right-of-way and to prevent cars from backing up into the public right-of-way. The Home Occupation shall not require regular need for delivery of materials to and from the premises by commercial vehicles over twelve-thousand (12,000) pounds GVWR (e.g. tractor trailers and heavy commercial vehicles). (Amended 3/90)

4. The Home Occupation must be conducted by a resident or owner of the property.
5. The home occupation must not offend by emitting smoke, dust, odor, noise, gas, fumes, lights, or refuse matter.

6. Home occupation must not cause excessive vibrations, store or handle combustible or explosive materials, or negatively impact the physical condition, safety, access or traffic volume of existing roads.

7. The Home Occupation must not utilize more than 25% of the gross floor area including dwelling, basement and accessory structures.

8. Not more than two non-residents (of the premises) may be employed by the Home Occupation. For the purposes of this section, the Planning Board shall determine whether sales or other personnel, who conduct the majority of their business away from the property, shall be included in the count of those employed at the premises. (Amended 3/96)

9. Disposal of all solid waste generated by the business must be at the business owner’s expense, and shall not be provided by the Town of East Kingston. (Adopted 3/07)

D. Exceptions:
1) If a property is located on a State Road (NH Routes 107, 107A, 108) or is greater than eight acres in size, no more than four non-residents (of the premises) may be employed, and the home occupation use of the dwelling shall not utilize more than 50% of the gross floor area (including dwelling, basement and accessory structures).

2) Administrative support for businesses or services that are conducted on or off-site of the residential premises are exempt from the formal application and approval process but must complete an Invisible Home Occupation application for the purposes of municipal record keeping, pay the annual Invisible Home Occupation Permit Fee, and meet with the Planning Board to present the application and receive a favorable recommendation from the Planning Board. (Amended 3/97)

E. Permitted Uses: The following uses (including but not limited to) may be permitted and must be secondary to the residential use of the dwelling unit. (Amended 3/2012)

1. Medical, health and dental offices, fitness training, exercise, health counseling;

2. Other professional offices and instructional services (i.e. cooking, crafts, arts);

3. Tailor, seamstress;

4. Artisan, writer or musician;
5. Day care for up to twelve preschool plus five school age children; any day care use shall be in compliance with the State Department of Health and Welfare's "He C400 2. N.H. Child Care Facility (Day Care) Licensing and Operating Standards". Twelve preschool plus five school-age children shall be the maximum number allowed to be cared for in the Residential District. (Amended 3/90)

6. Bookkeepers, accountants, secretarial services;

7. Real estate and insurance offices;

8. Beauticians and barbers;

9. Art, craft, hobby, and antique shops;

10. Vehicle light repair and maintenance services for not more than three vehicles at any given time and not more than two vehicles parked outside. (Adopted 3/06)

11. Animal care and training (number of animals to be determined by the Planning Board) (Amended 3/2012);

12. Occupations not listed above that are of a similar nature, scale and impact with review by the Planning Board, and only if the Board of Selectmen finds that the occupation meets the provisions of this section. (Amended 3/96)

F. Uses Not Permitted: The following uses are not permitted as a Home Occupation: adult oriented business; fireworks storage, manufacture and sales; industrial and commercial manufacturing or activity; vehicle restoration and auto body shops; storage, handling or sales or regulated substances. (Adopted 3/13; Amended 3/17)

G. Permit Required: An annual permit to operate each home occupation must be obtained from the Board of Selectmen during the second quarter of the calendar year beginning in 1989. Agricultural/Farm home occupations and Family Day Care operations (up to six preschoolers plus up to three school age children (Section E.5)) shall be exempt from these permitting procedures. (Amended 3/91, 3/90, 3/96 and 3/06)

There shall be an annual permit fee (see fee schedule) charged to cover the costs for Board of Selectmen review, administration and enforcement of the ordinance. (Amended 3/06, 3/09)

Businesses whose owners can demonstrate that they do not create any traffic, visual, or other impacts on the neighborhood may be deemed by the Selectmen as being an “invisible business with a reduced permit fee. An invisible status does not relieve these businesses from compliance with the provisions of this and all other sections of the zoning ordinance. (Adopted 3/97, Amended 3/06; Amended 3/17)
A minimum annual fee (see fee schedule) shall be charged to those home occupations identified as “invisible” to defray the administrative costs of annual review and Board of Selectmen oversight. (Adopted 3/97, Amended 3/09)

H. Grandfathered Nonconforming Uses: Any pre-existing grandfathered nonconforming use of a commercial business nature in operation at the date of the public posting of this ordinance (January 6, 1989) are required to submit an annual Home Occupation Application and fee and complete a Grandfathered Non-Conforming Use Survey. Annual Home Occupation permits shall not be issued without a completed Grandfathered Non-Conforming Use Annual Survey. Any Grandfathered Nonconforming Use in effect as of January 6, 1989 shall not increase in scale or nature of the business. The baseline of the nature and scale of the Grandfathered Non-Conforming Use will be determined by the record established by the Grandfathered Non-Conforming Use Survey for the most recent year up to a 5-year period. In addition, such Grandfathered Nonconforming Uses shall not be relieved from compliance with other state and local regulations.

I. Signs for Visible Home Occupations: Signs for Home Occupations may be erected and maintained only when in compliance with Article VII General Provisions and the following provisions. (Amended 3/91; Amended 3/13)

1. No sign shall be internally illuminated, or have flashing or moving parts;
2. No sign may have more than two sides.
3. No sign shall be allowed for invisible businesses.

J. Procedure: Application shall be made to the Selectmen’s office, including public hearing fees paid in accordance with the Town of East Kingston Subdivision Regulations. Abutters will be notified and the applicant will be scheduled for a public hearing with the Planning Board. After the public hearing, the Planning Board will make a recommendation to the Selectmen as to whether the Home Occupation Permit should be granted. The application will then be forwarded to the Selectmen who will issue their final decision. (Adopted 3/96)

K. Application: The Home Occupation Permit Application and Home Occupation Permit Worksheet must be filled out in full detail to be accepted for processing. The Planning Board shall hold a public hearing and make a recommendation on the application to the Board of Selectmen. If the property is part of a Homeowners Association or Condominium Association, the applicant shall provide a letter from the Homeowners Association that the Home Occupation is allowed. If a tenant of a rental property, the applicant shall provide a letter from the property owner that the Home Occupation is allowed. (Amended 3/01)

L. Enforcement: This section shall be administered and enforced by the Board of Selectmen. Any person who violates the provisions of this section shall be fined $100 for each offense.

Each day that a violation is continued shall constitute a separate offense. No action may be brought about under this provision unless the alleged offender has been given at least a 7-day notice from the Selectmen by certified mail, return receipt requested, that a violation exists.
In addition, such Home Occupations shall not be relieved from compliance with other state and local regulations.

Discussion:
Sharon Day said it appeared to her the only change to this zoning article was in Paragraph D, Exceptions, where they eliminated or is greater than eight acres in size.

Timothy Allen, Planning Board, said 98% of the language within this article was the same language that was in the ordinance prior to this change. He said it has been reformatted and there are multiple areas where things have been added or removed. He said this was done primarily to address the three types of businesses that are operating within the town, visible home occupations, invisible home occupations, and grandfathered noncomforming uses. He said the definitions and the requirements for each of these were kind of intermixed throughout the ordinance before and now there is a bit more clarity as to what defines a visible, what defines an invisible, and what actually defines a grandfathered noncomforming use. He said businesses that are operating within the town, and will continue to operate within the town, will have to answer a questionnaire annually so there is some sort of record as to their size, their scope, and what they are doing. With the few businesses that have came before the planning board to change ownership, it has been very difficult to pull together all the information that is necessary to have those meetings. He said this questionnaire, every year, will start to build a backlog of data so that 5, 10, or 15 years from now if that noncomforming use wants to transfer ownership, there will be data available about it and will make the process easier.

Ron Morales thanked Tim for being a major contributor to rewriting this ordinance.

Motion to accept Article 2 as written: Roby Day
Seconded: Norman Brandt
Vote: Passed

Article 2 will appear on the Zoning Ballot as written.

Motion to not reconsider Article 2: Dennis Quintal
Seconded: Roby Day
Voted: Passed

Erin Pettinato read Article 3 in its entirety.

3. Shall the Town of East Kingston raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling $2,926,287. Should this article be defeated, the default budget shall be $2,914,464 which is the same as last year, with certain adjustments required by previous action of the Town of East Kingston or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. This operating budget article doesn’t
contain appropriations contained in any other warrant articles.

MAJORITY VOTE REQUIRED

Discussion:
Erin discussed the discrepancy they found and the error appears to be with the MS636 and it appears to have been run incorrectly. She said the Selectmen were extremely confident the $2,926,287 is the budget amount they came up with this year. She said they went through all of their actual budget worksheets and added them all up to make sure they had the correct numbers and the budget total was accurate. Justin said the MS636’s 2018 figures were incorrect but the 2019 figures were accurate.

Laurel Urwick asked if this correction will be posted on the town website, and Erin said it will be put on the town website under "News".

Robert Nigrello said with his experience in dealing with DRA in the past sometimes they don’t like to change their numbers. He asked what happens if they decide not to change the numbers or they can prove to you their numbers are correct.

Bart said the meeting is the ultimate arbiter of how much money is being appropriated. He said regardless of the forms and various assignments of line items, the bottom line is the critical issue. He said it wouldn’t matter whether the DRA forms are incorrect to the extent that this meeting will decide how much will be appropriated. Bart said they were able to discern the bottom-line numbers were correct.

Roby asked what the difference to the budget was from last year and what was the increase attributed to. Erin said to reference the last sheet in the packet, Budget Changes 2018-2019, under the explanation column.

Vicki Brown asked for an explanation of the third item on the Budget Changes, increase for upgrade to town office server. Cheryll Hurteau, Town Office Manager, said they have been using a regular PC for years and it has served the entire town office building and with all the new software that has been added and with the growth of the town, this regular PC no longer serves the town office building. She said they will need a server once every five years. She said it is really necessary as they have outgrown what they are presently using.

Motion to approve Article 3 as written: Roby Day
Seconded: Justin Lyons
Voted: Passed

Article 3 will appear on the ballot as written.

Motion to not reconsider Article 3: Norman Brandt
Seconded: Robert Nigrello
Voted: Passed
Richard Poelaert read Article 4 in its entirety.

4. To see if the Town will vote to raise and appropriate the sum of forty-three thousand five hundred dollars ($43,500) to conduct a revaluation and authorize the withdrawal of forty-three thousand five hundred dollars ($43,500) from the Revaluation Capital Reserve Fund created for that purpose. No amount to be raised by taxation.

MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board vote).

Discussion:
Robert Nigrello asked if this revaluation is required and Dick said it is required every five years by law.

Conrad asked if there was a way the Selectmen could clarify this process as voters misinterpret it. Dick said maybe they could add a sentence that says this is bound by State law and we have to do it every five years. Cheryll said DRA requires this wording. She said there was one year where the people didn’t vote in favor of it, and it was because they didn’t realize the money was already in the Revaluation Capital Reserve Fund. She said DRA allowed them to add the last sentence for clarification that no amount will be raised by taxation. She said the money is just going to be withdrawn from the capital reserve fund.

Dick said they will create a handout which will clarify the process.

Scott Urwick asked if DRA would allow the wording to be changed and Cheryll said she will check with DRA but it is prescribed language.

Motion to approve Article 4: Robert Nigrello
Seconded: Conrad Moses
Voted: Passed

Motion to not reconsider Article 4: Norman Brandt
Seconded: Kevin Frye
Voted: Passed

Article 4 will appear on the ballot as written.

Justin Lyons read Article 5 in its entirety.

5. To see if the Town will vote to raise and appropriate the sum of eleven thousand dollars ($11,000) to be added to the existing Library Building Major Repair/Replacement Capital Reserve Fund established at 2010 Town Meeting for the purpose of funding long-term repairs and replacements for the library building.

MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board vote).
Discussion:
Ron Morales said when this was first implemented there was a question asked at the time of how much funds the library would need to put aside and he believes it was $50,000-$60,000. He was wondering if there was still a target goal or if it was going to go on year after year.

Sarah Courchesne, Library Trustee, said the target goal was about $75,000 and they were very close to that amount. She said for the coming year, they have some electrical work to be done, replacing almost all of the light fixtures and it is going to cost about $12,000. She said because of the expected expense, they would be asking for the $11,000 for this year and after this year, they expect to be at the point where they will be replacing just what they spend out of it. She said if there is a year where they only have to spend $2,000 out of it, they will come and ask for another $2,000. She said next year, with the anticipated goal, you either won’t see a warrant article or they may just be seeking to replace a much smaller amount as they are drawing out of it.

Sarah said the Library’s electric bill is next to nothing because of the solar panels and they do anticipate seeing an increase in their savings from the solar, a credit back to their electric bill.

Motion to approve Article 5: Robert Nigrello
Seconded: Robert Courchesne
Voted: Passed

Article 5 will appear on the ballot as written.

Motion to not reconsider Article 5: Robert Nigrello
Seconded: Conrad Moses
Voted: Passed

Erin Pettinato read Article 6 in its entirety.

6. To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars ($50,000) to be added to the existing Fire Apparatus Capital Reserve Fund established at the 1999 Town Meeting for the purpose of acquiring fire apparatus.  
   MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board vote).

Discussion:
Robert Nigrello asked if there was a goal for that fund. Edward Warren, Fire Chief, said the goal is to have enough cash in the Fire Apparatus Capital Reserve Fund for when they need to purchase fire apparatus and not have to get a loan and pay interest.

Motion to accept Article 6: Timothy Allen
Seconded: Richard Poelaert
Voted: Passed

Article 6 will appear on the ballot as written.
Motion to not reconsider Article 6:  Norman Brandt  
Seconded:  Michelle Cotton-Miller  
Voted:  Passed

Richard Poelaert read Article 7 in its entirety.

7. To see if the Town will vote to raise and appropriate the sum of ten thousand dollars ($10,000) to be added to the existing Fire Department/Emergency Operations Center Land &/or Building Capital Reserve Fund established at the 2012 Town Meeting for the purpose of the acquisition of land and/or building or construction of building for a Fire Station/Emergency Operations Center.  
MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board vote).

Discussion:  
None

Motion to accept Article 7:  Edward Warren  
Seconded:  Robert Nigrello  
Voted:  Passed

Article 7 will appear on the ballot as written.

Motion to not reconsider Article 7:  Kevin Frye  
Seconded:  Norman Brandt  
Voted:  Passed

Justin Lyons read Article 8 in its entirety.

8. To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars ($15,000) to be added to the existing cistern/hydrant repair/replace Capital Reserve Fund established at the 2018 Town Meeting for the purpose of repairing or replacing existing cisterns or hydrants.  
MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board Vote).

Discussion:  
None

Motion to accept Article 8:  Edward Warren  
Seconded:  Robert Nigrello  
Voted:  Passed

Article 8 will appear on the ballot as written.
Motion to not reconsider Article 8: Michelle Cotton-Miller  
Seconded: Brian Pettinato  
Voted: Passed  

Erin Pettinato read Article 9 in its entirety.

9. To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars ($15,000) to be added to the existing Police Department Building Long Term Maintenance Costs Capital Reserve Fund established at 2016 Town Meeting for the purpose of funding long term maintenance costs for the Police Department Building.

MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board vote).

Discussion:
Scott Urwick said we seem to be saving money in Capital Reserve Maintenance Funds for various town buildings and he questioned why we don’t have just have one town wide capital maintenance fund instead of doing it building by building. Dick said it used to be all carried under building maintenance but people seem to want their own separate account.

Scott asked if there was an advantage to the town having separate building accounts.

Roby Day, Trustee of the Trust Fund, said one complication from having combined maintenance funds would be if the Fire Department needed money and the Library did as well and who would be the agents to expend. He said you would have a long list of agents to expend. He said it is a good argument to have the separate funds.

Motion to accept Article 9: Timothy Allen  
Seconded: Ronald Morales  
Voted: Passed  

Article 9 will appear on the ballot as written.

Motion to not reconsider Article 9: Ronald Morales  
Seconded: Robert Courchesne  
Voted: Passed  

Richard Poelaert read Article 10 in its entirety.

10. To see if the Town will vote to raise and appropriate the sum of ten thousand dollars ($10,000) to be added to the existing Police Department long term Equipment Replacement Capital Reserve Fund established at the 2016 Town Meeting for the purpose of funding long term Equipment replacement costs for the Police Department.

MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board vote).
Discussion:
Robert Nigrello asked for an explanation of what they think this money will go towards and if they have a number goal in mind of how much they want in the fund.

Dick said this year the Police Department replaced their server.

Michael LePage, Police Chief, said the Police Department long term Equipment Replacement Capital Reserve Fund is for gear you see the police officers wearing and to keep them safe. He said for example, this year he used that fund to replace the officers’ duty holsters. He said the old holsters were not safe and he went to a level 4 holster and they were expensive, $600 apiece. He said the equipment they carry as they go further on with technology, as in body cameras and Taser devices, are very expensive.

Mike said this fund was established before he was hired and put into place by his predecessors. As far as a goal, he didn’t have a defined set dollar amount.

Motion to accept Article 10: Edward Warren
Seconded: Timothy Allen
Voted: Passed

Article 10 will appear on the ballot as written.

Motion to not reconsider Article 10: Edward Warren
Seconded: Ronald Morales
Voted: Passed

Justin Lyons read Article 11 in its entirety.

11. To see if the Town will vote to accept the report of the Salary Review Committee and approve the following recommendations:

<table>
<thead>
<tr>
<th>Position</th>
<th>Compensation</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisor of the Checklist</td>
<td>$125 per election</td>
<td>(1) (2)</td>
</tr>
<tr>
<td></td>
<td>$125 per purge of the Checklist</td>
<td></td>
</tr>
<tr>
<td>Moderator</td>
<td>$225 per election</td>
<td>(1)</td>
</tr>
<tr>
<td>Election Officers</td>
<td>$10.50 per hour</td>
<td>(1) (2)</td>
</tr>
<tr>
<td>Bookkeeper of the Trust Funds</td>
<td>$800 per year Actual Expenses</td>
<td>(3)</td>
</tr>
<tr>
<td>Treasurer</td>
<td>$1,700 per year Actual Expenses</td>
<td>(3)</td>
</tr>
<tr>
<td>First Selectman</td>
<td>$5,000 per year Actual Expenses</td>
<td>(3)</td>
</tr>
</tbody>
</table>
Second and Third Selectmen $4,000 per year
Actual Expenses (3)

Town Clerk/Tax Collector $48,000 per year (4)
Actual Expenses (3)

1. Election pay includes any associated meetings until adjournment thereof.
2. Supervisor of the Checklist and Elected Officials shall be paid the greater of $10.50 per hour or the applicable minimum wage for hours worked outside of election meeting hours including for registration and checklist verification but excluding required purge of the checklist.
3. Expenses include actual expenses incurred with mileage reimbursed at the current IRS coded amount at the time of the requested reimbursement.
4. Salary is based on the Town Clerk / Tax Collector working a minimum of 35 hours per week. There shall be a minimum of 30 public office hours, including a minimum of five days per week and including one evening session of two hours. The Town Clerk / Tax Collector will determine which night to have the evening session. This salary recommendation applies only to the current office holder and is based on experience and years of service.

The following provisions shall also apply:
  o All Salaries are retroactive to January 1, 2019.
  o The Town shall retain all fees collected by any elected official.
  o A Salary Review Committee shall be appointed by the Moderator in 2021 to make recommendations to the 2022 Annual Meeting of the Town.

MAJORITY VOTE REQUIRED

Discussion:
Ronald Morales said he didn't note any changes. Dennis Quintal, Salary Review Committee, said the only change was for the Town Clerk/Tax Collector.

Motion to accept Article 11: Timothy Allen
Seconded: Dennis Quintal
Voted: Passed

Article 11 will appear on the ballot as written.

Motion to not reconsider Article 11: Robert Courchesne
Seconded: Gretchen Graziano
Voted: Passed
Erin Pettinato read Article 12 in its entirety.

12. To see if the Town will vote to allow the operation of KENO within the Town pursuant to the provisions of NH RSA 284:41 through 51. MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board vote).

Discussion:
Edward Warren mentioned the hearing for KENO is scheduled for February 25 and asked who wants KENO and where would we have it in town.

Dick said this article originated from Jones’ store patrons who wanted to get KENO in the store. Dick said the only place in this town that could sell a KENO ticket would be if the establishment had a pouring liquor license and the only establishment in town would be the restaurant. Ed Warren said the restaurant isn’t open enough hours as they have to be opened a certain number of hours to qualify. Dick said KENO can be played from 11:00 am to 1:00 am. The restaurant in town only has a license to operate until 9 pm with an hour for cleanup. The restaurant would also have to designate a place in its bar area and a separate room would be suggested.

Sharon Day asked if the restaurant owner is interested and Dick said he was unsure if he is even aware of this.

Vicki Brown asked who is in favor of this and what benefit to the town would it bring.

Robert Nigrello, who previously served as a State Representative, said KENO was adopted in 2017 by the legislature and the sole purpose of KENO was to get more money for kindergarteners. He said KENO was implemented so the profits from KENO would then be redistributed back to all the kindergarteners in the state, hoping that money would be sufficient. Bob said a restaurant would keep 8% of the gross proceeds. He said he believes there are over 300 established KENO locations in the state right now with revenue in the 7-8-million-dollar range.

Roby asked about the town involvement with this type of business.

Bob said the town is step one and if the town passes this warrant article then you allow the town to have KENO in any establishment that has a pouring license. He said the licensee then has to petition the Lottery Commission and ask them for a KENO license and there are other processes the applicant has to go through in order to get this license. Bob said they have to have a separate bar area and the regulations about the time of operation, 11 am – 1 am. He said the restaurant in town only has a pouring license until 9 pm and with the limited times, then they would respect that.

Gretchen Graziano asked whether we do this or not would we still get the same amount of money back without participating. Bob said, in theory, if you adopted this you would have an establishment that would participate and there would be more money in the pool.
Melissa Lyons, School Board, said they don’t have an opinion on this because the portion they get from the state they get regardless of whether the town adopts it or not.

Norman Brandt asked if this could be amended or voted down tonight. Bart said all the warrant articles have to go as amended or as passed and with this warrant article, it can’t be amended.

Robert Nigrello asked for the Police Chief’s opinion. Michael Lepage said the Town of Seabrook might have a casino at the dog track soon and a lot of that traffic will be passing through our town. He said as far as KENO is concerned, he sees the benefit to the school and as far as problems from the law enforcement side, it really wouldn’t involve our police as the state has a gaming commission and gaming enforcement officers.

Robert asked Mike if he has heard from any other Chiefs that have KENO in their town whether there have been more calls to those locations since KENO was adopted and Mike said he hadn’t heard anything.

Ron Morales asked if we could change this article to read “to not allow” the operation. Bart says the language can’t be changed.

Tim Allen said there could be a warrant article next year that says the town does not want KENO. Bart wouldn’t offer an opinion on this. Bart said under the law governing our meeting, we may not amend the warrant article whose form is prescribed by the statute.

Motion to accept Article 12: Norman Brandt
Seconded: Robert Nigrello
Passed

Article 12 will appear on the ballot as written.

Motion to not reconsider Article 12: Norman Brandt
Seconded: Dennis Quintal
Voted: Passed

Justin Lyons read Article 13 in its entirety.

13. On the petition of Kevin C. Frye and 50 other registered voters in East Kingston, NH, “We the undersigned registered voters of East Kingston hereby petition the Board of Selectmen to include as a warrant article at the 2019 Annual Town Election the following: “Shall the Town vote to establish an Emerald Ash Borer (EAB) Expendable Trust Fund in accordance with NH RSA 31:19-a for the purpose of monitoring and treating ash trees infected or threatened by the EAB, and to raise and appropriate the sum of Five Thousand Dollars ($5,000) to be placed in the fund. Further to name the Board of Selectmen as agents to expend from said fund.” MAJORITY VOTE REQUIRED (The Board of Selectmen recommend approval of this article: 3-0 Board vote).
Discussion:
Kevin Frye gave background on the history of the Emerald Ash Borer (EAB). He said in 2012, the state identified the insect as being here, and it is an insect that comes from Asia. He said so far it has destroyed over 20 million trees across the United States. He said it has been identified as being present in our town on the South side. Kevin said he attended a seminar in Concord and got some information on how to treat the EAB epidemic. He said the state and federal government are working on a program where they would export insects to certain areas where there is identified EAB infestations and will release them. He said this program may or may not take care of the problem and it takes a while for these insects to establish themselves. He said there are chemical treatments. He said you can identify EAB being present by an increase in woodpecker activity. Kevin said $5,000 is not going to solve the EAB problem but it is enough to hire a company to come and identify the areas where there is an infestation and treat those trees. He said they wouldn’t be going on residents’ land. They would be treating the trees along the right of ways and town owned land. He said the most important thing he is trying to do is to get people to think about this so they can take action as property owners. Kevin said he had some handouts available. He said if this article passes, there are several companies in the area that treat the trees, one of which was Seacoast in Greenland. He said the company that treats the town property would offer a discount to the individual property owners that would want to treat their trees.

Keri asked how this treatment would affect the bees and Kevin said he has been told by the NH Cooperative that it would have no impact on the bees. He was also told there would be no impact to the woodpecker population.

Dennis Quintal, Chairman of the Conservation Commission, said he has met with Mr. Frye a number of times and also has reviewed the article he is proposing. He said the Conservation Commission members had a lengthy discussion about the article and they were concerned about the wording of the article as it doesn’t specify whether the work will be done on town land or private land. He said it defines monitoring and treating, however, there is no inventory, location evaluation or value assessment. He asked who is going to do the inventorying and who is going to do the evaluation. Dennis said if a professional was hired how will they be paid and how much will it cost. He said treatment costs vary depending on the number and the size of the trees. He said as far as a town specific assessment, it should be done first. Dennis said what if the town treats the town trees but the property owners do not. He said there should be some sort of a priority as to which trees get treated. He said the East Kingston Conservation Commission manages town forests and they conduct periodic timber harvests on town owned land. They do this to maintain a healthy forest. He said they will be having their forest management plan updated this year and will be meeting with their professional consult, Forest Ecologist, Charlie Moreno, and when he conducts his assessments of the trees, he could tell us how many ash trees are in our town forest and come up with a number so they know how many trees are going to be treated and where they are located. Dennis said he could advise us of how much this will cost. He said from a study Cornell has done, they recommend conducting an inventory first, doing an impact analysis, and establishing a management plan to begin with and a cost analysis afterwards. Dennis said the Conservation Commission think this article is a little premature and they would like to see their forest consultant do some of the work which he is going to be doing anyway. He said at that time they will have a better idea as to where the trees are and what we should be spending or if we should be spending money on this. Dennis recommended the article be withdrawn or amended.
Kevin said in 2014 he brought this issue before the Selectmen and he can’t believe the Conservation Commission hasn’t been aware of the issue for many years. Kevin said they aren’t talking about spending an excessive amount of money here. He said if this article passes, he would then meet with Unitil and ask them for a small fund of a couple of thousand dollars to help study the problem. He said once the insects get established in the trees, it then spreads rapidly to all surrounding trees.

Roby said the agents to expend are the Board of Selectmen and it is up to them to talk to the Conservation Commission to figure out a plan of action. He said the problem has been identified and now is the time to act.

Sarah Courchesne said she is a Biology Professor and agreed the problem has been around for a while and we probably should have been doing something about this earlier. She suggested changing monitor and treating to evaluating and addressing.

Robert Nigrello thinks Roby made a good point and you can amend the article or the way it is written. He said it is up to the Selectmen to come up with a plan and then to expend any money if the article passes.

Margaret Caulk asked if we could amend a citizens’ petition’s wording and Bart said it may be amended.

Justin said he thinks if we wait it will cost a lot more than $5,000 to remove trees.

Robert Courchesne motioned for the following amendment, “Shall the Town vote to establish an Emerald Ash Borer (EAB) Expendable Trust Fund in accordance with NH RSA 31:19-a for the purpose of monitoring and treating ash trees infected or threatened by the EAB, and to raise and appropriate the sum of Five Thousand Dollars ($5,000) to be placed in the fund. The East Kingston Conservation Commission, as the agent, shall be responsible for overseeing and directing the Emerald Ash Borer inventory, the monitoring and treating the infected or threatened ash trees; and the expending from said funds.

Discussion on Amendment:
Justin asked with the proposed amendment can they tell him the benefit between the two. Robert said the Conservation Commission should be in control of the funds. It shouldn’t be the Selectmen or an individual that contracts with Unitil.

Robert Nigrello said he thinks this makes a lot of sense and asked if the Conservation Commission had the authority to do so.

Dennis said they already do a program similar to this monitoring milfoil on the Powwow and it is a line item in their budget and it has been successful for a number of years. Dennis said the Conservation Commission would certainly work with Kevin and his knowledge.
Roby said the point is we are faced with a problem and if this warrant article is defeated what confidence do we have the problem will be addressed through a different venue.

Roby asked town counsel if the Conservation Commission could be named as an agent to expend and Bart said he thinks they could as the town meeting has the right to identify what agent is appropriate for specific funds.

Kevin said his biggest hope is the Conservation Committee and Selectmen will get the word out. He said the only way to stop these insects at this point in time is with chemical treatment or the removal of the infected trees.

Amendment seconded by: Tim Allen
Vote on Amendment: Passed

Motion to not reconsider Article 13: Robert Courchesne
Seconded: Justin Lyons
Voted: Passed

Meeting adjourned at 8:30 pm

Respectfully submitted,

Barbara A. Clark, Town Clerk

*The following article was amended at the Deliberative Session: Article 13.