

TOWN OF KENSINGTON
BOARD OF SELECTMEN MEETING
Kensington Town Hall
95 Amesbury Road
Kensington, NH 03833
MONDAY
November 5, 2018
Meeting Minutes-Approved 12-3-18
6:30pm

In Attendance: Mike Schwotzer, Ben Cole

Mike opened the meeting at 6:31pm.

Pledge of Allegiance

Financial Analysis- Mike gave a brief financial analysis stating that the estimated end of year was looking to be a negative, even after the \$44,000 was moved to the highway grant fund. He will be looking closely at the budget going forward and working with the department heads.

DEPARTMENT HEADS:

- Police Department –Chief Scott Sanders-
 - Department got together for the annual weapons training this week which was held indoors at the nuclear power plant facility.
 - Working with Toni on the end of the year bills and his estimated end of the year is still under budget.
 - There is an issue with the special detail invoices being paid timely and asked the board to consider a 1% finance charge to encourage timely payments, not to exceed 12%. Hampton Falls has implemented this process and has had better payment of invoices. **Ben moved for the police department to implement 1% per month finance charge on special detail invoices, Mike seconded, both in favor.**
 - Chief reported that Sergeant Cain will be out due to a work injury, and he wishes him well on his recovery.
- Fire Department – Chief Jon True-
 - He is currently working on the budget and the hydrant report and thanked Kathleen for researching the history on them.
 - Recently attended a lecture at the NH Fire Academy on recruitment and retention of firefighters and received a lot of good information that he can put to use.
 - Upcoming seminar on smoke/fire CO alarm technology and trends that he will be attending later in the week. People from all over NH and VT will be attending to network on prevention strategies.
 - Asked the public to please remember to change your batteries in your smoke detectors and CO alarms when you change your clocks back. Please contact the department if you have any questions.

- Mike stated that the chief had written a letter to a police officer Chris McGuire commending him on his response and conduct at a recent call. This has been given to the officer and Chief.
- Emergency Management - Chief Jon True-LEOP for signatures
 - Sound system- sounding and working better, just waiting on one part. Bills have been submitted to Homeland Security for reimbursement on a portion of the cost.
 - Grange Hall sound system- member of the Grange Hall Trustee and the installer will work out the details of what needs to be done.
 - He and Chief Sanders are working on portable signs and a sign for the Town Hall and Police Department. They will report when they have more information.
 - Adj. Grant Motion/Language-
The language was mis-stated in the prior approval in the minutes and the for the grant it needs to be adjusted.
Mike motioned that the Town of Kensington Board of Selectmen, in a majority vote, accepted the terms of the Pre-Disaster Mitigation (PDM) Program as presented in the amount of \$7,500.00 for the Local Hazard Mitigation Plan Update. Furthermore, the Board acknowledges that the total cost of this project will be \$10,000, in which the town will be responsible for a 25% match (\$2500). Further, the Board of Selectmen Chair is to sign all documents related to the grant. Ben seconded, both in favor.
 - LEOP- Ben informed the public that he had reviewed the document and that it will need to be updated and filed with the State of NH. **Ben made a motion to accept the Local Emergency Operations Plan, Mike seconded, both in favor.** Mike signed as the chairman.
- Road Manager – David Buxton- Driveway Issue 61 Amesbury Road
 - Dave explained that he has money in his budget to purchase the sand and salt needed and would like to proceed with that purchase. He will need 600 ton of Sand and 180 ton of salt, which will still keep him under budget for that line item. Mike explained that there was money moved into the Highway Grant from his budget, but the projected budget is still running in the negative. Dave stated that some things came out of his budget that he did not think should have. The board will continue to work with him on the budget and projected costs.
Mike made a motion for the road agent to purchase the sand and salt as well as approving the funds for the ramp repair for \$4800. Ben seconded, both in favor.
 - Dave wanted to revisit the minutes on the Lambert swale discussion and see what the landowner was required to pay in regards to the swale and culvert. He does not believe that the town should be paying for the swale. Mike will work with Dave on researching the prior approval on this and see if the town can get some relief.
 - Driveway at 61 Amesbury Road- Ms. Woodbury lives at 61 Amesbury Road and has issues with the end of her driveway not draining properly and freezing in the winter. Dave explained that he believes that the issues stem from the Brick School house lot and he can fix these issues with the drainage for minimal cost to the town. He explained that the solution will require an excavation permit from the state and would like the Red Brick School House Trustees to review the staked-out area to be adjusted to allow for drainage. He will do the work and stake everything out this weekend so that they can

see what he is planning to do. Ms. McCann stated that this was the first that the group was hearing of the plans and need time for them to discuss as a group before they comment on it. Ben offered to coordinate the schedules on this project.

- Tax Collector- Carlene Wiggin-nothing to report at this time.
- Building Inspector- Norman Giroux-
 - Cottage Road Building- He explained to the board that the building is dilapidated and was brought to the attention of the previous board. There is now further damage to the structure and feels that it should be condemned. Mike explained that under RSA 155-B:2- it states *The governing body of any city or town may order the owner of any hazardous building within the municipality to correct the hazardous condition of such building or to raze or remove the same.* Mike believes that they might be at this step. The board will table this until the next meeting and Ben will contact the owner and see what their plans are for the building.
 - New State Law on Energy Code Administration-Mike explained that there is a new state law saying that the building inspectors in the town are now responsible for insulation inspections. Norman stated that he is aware of the new requirement and this will add a second step for contractors. The state is striving towards higher energy efficiency. There is added paperwork and inspections required of him that would not be covered under the current building permit fees. This will impact the fee schedule and the board will work with him on this. Mechanical and plumbing permits and fees were discussed as well. He was asked to get a list of potential fees and permits and bring them before the board at a later time.
 - Permit Violations- Norman asked the board for clarification on when homeowners are in violation of the building permit process. There are minor violations happening in town and there are major ones. Some have to do with foundations being larger than permitted for with added space over them. He feels that this is disrespectful to the town and not fair. There is a state RSA 676:17 that states fines can be issued and assessed until the homeowner comes into compliance. The fines start at \$275 per day for the first offence and then \$550 per day for a second offence. Mike agrees that violations of this magnitude should be enforced, but that the board of selectmen should be made aware as soon as possible when Norman believes that an issue is going that route.
- Recreation Committee- Elaine Bodwell- not in attendance but submitted written updates
 - Ski Bradford Program is on the way
 - Holiday Stroll is organized for November 25th at 5:00pm beginning at the park; Santa and Mrs. Clause will be riding on the wagon and will be reading a story at the school. Will decide if the tree will be lit and other details at the November 14th meeting of the committee.
 - Flag Pole at the park will be repaired this week, a crane will be needed for access to the ball.
- Conservation Commission – There was a letter sent to the conservation commission in regards to the Hodges Conservation Area that Mike read, this will be discussed at their next meeting.
- Sawyer Kensington Trust- Committee Review- Hez gave a brief overview for the committee and the suggestions and the comments from the group will be posted on the website. A few of the suggestions were to have the town vote on the agreement and to have a public hearing to discuss the agreement. The board could consider a tentative agreement through March to keep the process going. Ben would strongly suggest that this go through the town meeting process. The board members commended the group on all the hard work.

- Other Department Heads-

- Kensington School Board- Jen Ramsey spoke for the school board. She updated the public that they welcomed Jonathan LaValle to the board after the resignation of Mr. Cole. She also wanted to let the public know that the SAU16 school district is looking to tighten up the usage fees on the school spaces to cover any janitorial costs associated with usage and to create a uniform policy. They are looking for ways to share the costs and are open to conversations.

NEW BUSINESS:

Going into the new business section Mike explained the rights of the public in the meeting and that uncivil comments would not be tolerated by the board.

- Discussion with Dave Macek- discussion will be postponed. Mike informed those in attendance that he has an analysis in draft form for the Adult Softball program. This will include income and expenses and believes that 99% of the funds can be accounted for. He explained that the funds received cover the usage fees and lights for the 2017 season. Mr. Elwell asked if the public could review the budget analysis, and Ben explained that would be dealt with at the next meeting. Mike asked Ben to chair the next section of the meeting.

- Holly McCann- discussion with board- Holly approached the podium and read a two-and-one-half page letter, submitted to the Board in advance, which reviewed her record of service to the Town of Kensington, addressed the re-appointment of Donna Carter to the Kensington Park and Social Committee by describing various observations, and made reference to Dave Macek and the Adult Softball program. She listed various examples that dealt with points #1 and #3 raised by Mr. DeBoisbriand (see below). She requested that her prepared statement be attached to these minutes.

- Discussion from Norman DeBoisbriand (not attending)- comments to be given via correspondence- Ben then read the following from Norman.

1. Illegal Bartering town funds she has admitted to.
2. Conflict of interest. Financial relationship with Alan Lewis and related entities.
3. As a prior member of the Trust participated in discussion on why the Rec Fund shouldn't receive Adult Softball funds because she didn't like the way the Town was using the fund.
4. If the Judge gave the Board an order to be impartial/neutral. Why would Board appoint her when the prior Board identified found concerns with her actions/positions related to the appointment.

Norman's concerns were specific to the Board's appointment of Donna Carter to the Kensington Sawyer Trust. Ben has concluded after speaking with prior members of the board and members of the public, that people are treating the appointment as a statement from the current Board of Selectmen about the actions of either the prior Board or Donna herself. Ben argued that the appointments and any statements about Donna or the prior Board are separate items, and that the two questions at hand are whether Donna should be removed from the Trust and barred from service because of her previous actions and the prior Board's concerns, and secondly whether she should be appointed to the Recreation Committee as she has requested.

Donna was asked if she would like a chance to come forward and dispute the concerns raised. She agreed to do so, disputed the comments made by Mrs. McCann and Mr. DeBoisbriand, and explained the recreation revolver to the board and attendees.

Holly was then given a chance to refute Donna's comments; Holly's remarks were concerned with the explanation of the revolver and the professionalism of Ms. Carter on the committees.

There was a brief recess of the board from 8:21pm to 8:27pm.

Donna addressed the board and public and stated that most of the issues arose from miscommunication.

Holly rebutted that due to this there were some very hurtful things said to herself and the prior board, and it would have been helpful to have these conversations a long time ago. She exited the meeting after her final comments at 8:36pm.

Ben then moved the conversation to a deliberation on if the facts presented on changing fees/bartering and personality conflicts were reasons to remove her from her new position on the Trust, or deny her from serving the Town again. Mike did not see that these accusations were at a level that would permanently bar Donna from positions in the town. Ben felt the same and stated that the first step should have been conversations not summary dismissal.

Linda Blood asked what constituted a committee like the Recreation Department? Ben stated that a committee is one that is created by the board of selectmen and this committee was created a long time ago.

Ben stated his belief that it was wrong to withhold the reasons for dismissal.

- Appointment to Recreation Department-

Ben moved on to the next agenda item and stated that if Donna wants to be considered to the Recreation committee that will be a separate issue. Donna confirmed that she is still interested in being on the Recreation committee. Ben is hoping that she will pass on her knowledge and contacts so that the committee is not dependent on her knowledge. It is important that she is asking to be on the committee and that it is not linked to the prior conversation and is a separate issue. Mike explained that one of the things that they would ask her is to find more members to help spread the work and hopefully it is revitalized, and it needs to be back running strong. Donna reaffirmed her interest in serving the committee. **Ben made a motion to appoint Donna Carter to the Recreation Committee until March 2019**, Mike agreed with that term and stated that the next board could look back and make their own determinations. **Mike seconded, both in favor.**

Mr. Greenwood asked if there would be any further comments on removing Donna from the trust? Ben stated that they are not removing her from that position. Mr. Greenwood continued that the Trust has an agreement that each trust member must sign that states that they must recuse if there is a personal or professional conflict of interest. Ben stated that there is a policy like that in the draft employee handbook. Ben turned the meeting over to Mike.

- Appointment of Political Party Representatives-not needed at this time.

CITIZEN'S FORUM –

Richard Elwell- expressed to the board when he has been searching "conflict of interest" the common word is appearance. It is not cut and dry in the definition. When you represent both sides of the issue there is an appearance. You are representing the town and representing the trust, and that is an appearance of a conflict. He stated that he was in attendance when Ms. Carter and Mr. DeBoisbriand had a conversation about bartering and he will research the minutes. He does not believe that to be no big deal.

Dan Sweet- President of KYAA- He stated that he appreciated the process that the board just went through, and with regards to the volunteer process they are all experiencing a drought. They will be

getting on the field C dugout soon. He will be getting the board a letter of recommendation and observations of the park and will submit that to the board soon.

OLD BUSINESS:

Employee Manual- Ben updated the board and public that he has updated the manual and waiting for comments from Dave Buxton and Kathy and will bring the final draft to the next meeting.

OTHER BUSINESS:

- Assessing Office – Kathleen Felch-

1. Health Trust Form- allows Kathy to review documents for the town relating to the health insurance via website. The board signed the document.
2. Health Officers form for state signed, Ben Health Officer and Mike Deputy Health Officer, both signed.
3. Quote for town envelopes and town reports from Minute Man Press- \$48 for 500 envelopes with the town seal on them and \$835 for 150 town reports. **Mike made motion to accept the quote for Minuteman Press for the 500 town envelopes and 150 town reports, Ben seconded, both in favor.**
4. Avitar can't make the November 19th meeting, Kathy will find out what dates will work for both Bob and Avitar.
5. Mike is working on the set up of the budget for a committee meeting to be had in November. Kathy will contact prior town residents that have been involved. Mike will head these meetings with the department heads and committee members to be presented at public hearings.
6. Clerk Posting- The board discussed posting the position. **Ben moved to hire a part-time employee to take minutes of the meetings of the Selectmen and the Planning Board, Mike seconded, both in favor.**

- Bills and Mail- board members reviewed the bill report and signed off on bills.

The flag pole will be repaired this week.

- Signing of Yardley Conservation paperwork- **Mike authorized Ben to sign as the executory on the documents, Ben seconded, both in favor.**

- Approval of Board Minutes- October 22, 2018

Ben made a motion to approve the minutes from October 22, 2018, Mike seconded, both in favor.

- Non-Public Session- RSA91A:3, II (a)

Ben moved to enter into non-public session for RSA 91A:3, II(a) compensation for two public employees at 9:11pm. Mike seconded. Ben motioned to leave non-public session at 9:17pm, Mike seconded, both in favor.

The board discussed the Red Brick School House lot and that there will be some fees associated with that construction and that hopefully there will be funds available from other entities.

The Cottage Road house will be looked at and Kathy will look for a number for Ben to reach out to the owners. He will not access the property to view it.

- Next Meeting Date – November 19, 2018 Kensington Town Hall

Mike made a motion to adjourn at 9:21pm, Ben seconded, both in favor.

Respectfully submitted,

Kathleen T Felch