

TOWN OF KENSINGTON
BOARD OF SELECTMEN MEETING

Kensington Town Hall

95 Amesbury Road

Kensington, NH 03833

MONDAY

March 5, 2018

Meeting Minutes-DRAFT

6:30pm

In Attendance: Norman DeBoisbriand, Robert Wadleigh, Linda Blood

Others in Attendance: Kathy Bailey, Mary Batchelder, Brad Brown, Richard Elwell, Adam Wiggin, Carlene Wiggin, Arthur Wiggin, Joseph Hickey, Victoria Leitz, Pam Welsh

DEPARTMENT HEADS:

• Fire Department – Chief Jon True

- 24 total runs this year, with 10 in February, 3 transports with just Kensington fire department.

• Emergency Management - Chief Jon True

- 15 inches heavy wet snow and will keep the board up to date.

• Police Department –Chief Scott Sanders

- He wanted to give some information on the issue that was brought up at the last meeting in reference to the cruisers. He indicated that they are marked and with the equipment that they have they are unmistakable as cruisers. The trend in rural communities is towards the lower profile vehicles, it provides for the cars to be used in a more versatile way. There is no state or federal law that states how the police vehicles are lettered, there is only one law in regards to the police vehicles and that is that they have to predominately have blue lights in the light bars. During the time that the cruisers have looked as they do they have not had one complaint, and no one has been confused that they were not the Kensington Police Department. There has not been one criminal proceeding, or defense attorney where their defense was lodged around the fact that they didn't know that it was a police cruiser. He believes that the statistics will show that the people that commit crimes in Kensington are not Kensington residents. It is usually people that are passing through. If the cars are a little lower profile it makes the bad guys take a second look and that is an advantage for Kensington residents.
- Gave an update on dog that was shot off of Amos Tuck, and that Fish and Game worked with the department, and the hunter that shot the dog was arrested. He continued that the Fish and Game had worked hard on that issue.

• Tax Collector- Carlene Wiggin-nothing to report

• Recreation Committee- will set another work session on Banner and Concession Stand

• Other Department Heads-

Planning Board- Norman read a letter prepared by the board and indicated that this will be attached to the minutes as an addendum to them. This has to do with a vote held by the planning board on a citizen's petitioned article. **Norman made a motion to send the letter to the chairman of the planning board, Bob seconded, all in favor.** The attachment will follow the regular minutes.

NEW BUSINESS:

Seabrook Range Update- Chief Sanders expressed that there was an incident reported at CP Lumber to the department. After some investigation the Town of Seabrook and the Police department have concurred to temporarily close the range until a full investigation can be done. The Chief updated those in attendance of the different areas of concern, and possibility of closing the range. Those in attendance told of different concerns that

they have for the range and it staying open. The Kensington Police Department as well as the Town of Seabrook and the Fish and Game are all working closely on this issue.

The board has some concerns with the range staying open and asked if it would be appropriate for the range to be shut down at this time. Chief Sanders expressed that he has some concerns with the range operating as it has been and stated that it is not a decision for him, but that the town needs to be concerned for the residents of Kensington. The board members agreed that there does not seem to be another option, but to discuss a Cease and Desist order with the Town of Seabrook for the range. The board also expressed concerns about the range sitting on top of the Town of Kensington's Aquifer with the possibility of the lead being washed into the ground water. Chief Sanders relayed to the board that the Town of Seabrook has been extremely cooperative.

Residents stated that there was shooting going on last weekend and asked if that happens again what should they do. They were instructed to contact the Kensington Police Department with any concerns. The board is interested in going to council to explore what options that the town has going forward. Bob stated that our insurance company should be contacted to see what liability issues the town could have where the property is located in Kensington. Chief Sanders will be talking to Seabrook officials about the next steps.

A resident asked if they are unwilling to comply would the town then go to the state. The board is hopeful it will not come to that.

Norman asked if the police department has documented that the gun log was deficient, and reiterated that documentation is important, and if this gets into a legal matter it will be needed. Chief Sanders reassured the board that all the information is being documented.

Further concerns from the residents were that if the property is not posted then the "Range" area can still be accessed to hunt. That will be looked into as well. The board will look into their options and Chief Sanders will be meeting with Seabrook officials. He will keep the board up to date.

Trail Committee- The board reviewed the appointment. **Linda made a motion to appoint Mr. Hickey to the Trail Committee, Bob seconded, all in favor.** The board congratulated him and asked if he had walked any of the trails yet. Mr. Hickey stated that he has and there is a map that is posted on Rockingham Planning Commission website. This is an unofficial trail map, without all land owners permission. Chief Sanders stated that he is in favor of getting the trails documented and that it would be a benefit to the town for public safety, as well as the residents.

OLD BUSINESS:

Recycling Contract- Norman stated that there was a meeting held with Greenworks out of Peabody Massachusetts, and the rate that was given to the board at first was \$55 per ton, and through the negation and the decline in the market the rate has increased to \$80 per ton. The current trash rate is approximately \$64 per ton. China has declined recycling from the US and the market has bottomed out. The company explained that they are having issues with recycling colored glass, but cardboard has some value. The board has committed to recycling in the town, and there are a couple of items in the contract that they wanted to talk about and negotiated on and the company was in agreement to change. The board will get the contract and sign it at the next meeting, and then the recycling will start back up. The way we do recycling will have to change substantially. If there any pizza boxes with grease and cheese, cans not cleaned, bottles with the caps still on them, the recycling plant can and will reject the load, and then charge the town to repack the load to the truck at a minimum of \$1,000.00. They will then have them dump the load as trash at over \$110 per ton. The town needs to have an educational program, that they will be held to the \$80 per ton not the \$110. The plants have become stricter due to the costs associated with recycling.

Mr. Brown asked if what the current rate is for dumping the trash. It is roughly at \$64.00 per ton.

Ms. Welsh asked what they will be accepting. Norman explained that they are working on what will be acceptable and then the acceptable items will be part of the educational program.

Mr. Elwell asked how many ton the town does in recycling per year? The town does 208 tons per year. The town will have to go back to dual stream, most loads now that are single stream will be trashed.

The board will post information once finalized.

Town and Kensington Sawyer Trust Agreement review-board will review at this meeting. The draft will be forwarded to Bruce.

Schedule Water Testing for Park- The date has been changed to the 13th of March for the water start up, Bruce got ahold of Kathy today and he will let her know if that date will work.

Tree Cutting on Amesbury Road-Until- there was discussion on the trees that they are looking to take down and trim. The Conservation Commission has some concerns on the trees that will be removed on town property. Mr. Cemetery Trustees have signed off on the portions that they are responsible for.

OTHER BUSINESS:

• Assessing Office – Kathleen Felch-

- The board has nothing to put into the community news at this time.
- Blue Sky Towers- Norman will be calling him to discuss.
He explained that Blue Sky Towers is interested in putting up a tower on the Salt Shed property.
- Exeter Hospital Agreement for the ALS response. **Norman made a motion to sign the Exeter Hospital Resource Agreement, Bob seconded, all in favor.**
- There was a response from an assessing company stating their interest. Kathy will reach out to them and let them know that the board is currently in a contract but ask if they are interested in coming before the board to make a presentation.

• Bills were reviewed and signed.

- The board reviewed the bills and will have David sign off on the plowing and shoveling invoices.
- They questioned the CP Building Supply invoice, Kathy explained that when the items are bought the details don't always get turned in. The board would like to see the detail.
- The sound system will be installed the first part of April 2018.

There was a brief break.

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

Norman made a motion to open nonpublic at 7:35pm. Bob seconded, all in favor. Two personnel issues and one reputation issue were discussed. Norman made a motion to leave at 8:00pm, Bob seconded, all in favor. Norman made a motion to seal the non-public minutes permanently, Bob seconded, all in favor.

• Next Meeting Date –March 19, 2018

Norman made a motion to adjourn at 8:01pm, Bob seconded, all in favor.

Respectfully submitted,

Kathleen T Felch



State of New Hampshire Town of Kensington

95 Amesbury Road
Kensington, NH 03833

March 5, 2018

It has come to the Board of Selectmen attention that the Planning Board conducted a vote to support the following warrant article that will appear on the official ballot: Article 09: Citizen's Petition to Establish Heritage Commission To see if the town will vote to establish a Heritage Commission in accordance with the provisions of RSA 673 and RSA 674, and authorize the Board of Selectmen to appoint three or five or seven citizens as members of the Heritage Commission pursuant to the provisions of RSA 673:4-a and RSA 673:5, and to appoint up to five additional citizens as alternate members, or take any other action relating thereto. As you know Board of Selectmen do not recommend this article.

The Board of Selectmen views this vote as an improper vote and electioneering. The Planning Board had no jurisdiction by statute over this warrant article and has no legal right to conduct this vote. The Planning Board was counseled last February about electioneering by Town Counsel. What the Planning Board did last night would be considered electioneering and would leave the Town open to a public law suit and may lead to the warrant article vote to not be valid if passed.

If the Planning Board refuses to rescind this vote, the Board of Selectmen will take every legal avenue available to defend its autonomous right to its warrant articles. Just as the Planning Board has it rights to Zoning Warrant Articles. The Board of Selectmen would under no circumstances take a Zoning Warrant Article onto its agenda and make a public vote putting them in opposition with the Planning Board. Each Planning Board member has an individual right to support a warrant article, however as a member of a public board they do not have the right to vote on an article unless it is an article by statute and under the Boards jurisdiction.

Kensington Board of Selectmen