

TOWN OF KENSINGTON  
BOARD OF SELECTMEN MEETING  
Kensington Town Hall  
95 Amesbury Road  
Kensington, NH 03833  
WEDNESDAY  
June 20, 2018  
Agenda  
6:00pm

**In Attendance: Norman DeBoisbriand, Robert Wadleigh, Linda Blood**

Others in attendance: 13 others in attendance.

Norman explained that Dennis Quintal was on the agenda so they would be putting Citizen's Forum after his waiver request.

Norman motioned to open the public meeting at 6:02pm, Bob seconded, all in favor.

**NEW BUSINESS:**

Norman motioned to go into Board of Health at 6:03pm, Bob seconded, all in favor.

**Septic Waiver Request-233 South Road-**

Dennis Quintal approached the board with a septic waiver request for the septic that was close to the poorly drained soils. He explained that there are not many options for the land owner on where to put the septic. The owners are redoing the whole house and they need relief from the setbacks.

He explained that he had sent the request into the Rockingham Conservation District and the request was sent to the town without telling the engineer, who has to appear before the board to explain the reason for the request. The board of health has to review and approve the waiver before Mike Commo can stamp it and send to the state for approval.

They are looking to install the system 67 feet from the edge of poorly drained soils and 76 feet from the edge of the pond which is very poorly drained soils, this request will meet the state requirement.

It is an existing 3-bedroom house septic no expansion just making it better, and they are just making it more compliant with the state setbacks.

**Bob made a motion to approve the waiver for 233 South Road, Norman seconded, all in favor.**

Norman made a motion to close the Board of Health 6:07pm, Bob seconded, all in favor.

The meeting was then opened up to the public.

**Citizen's Forum-**

There were a number of people in attendance and the board did not have Citizen's Forum on the agenda but allowed residents to speak about why they were there. Mr. DelSesto expressed that they are here to see about the Adult Softball application and to see what the town's plan is to appoint more members to the trust.

There is a plan and names that have been thought of, but no discussion yet.

Mr. DelSesto asked if the board would be open to others putting their names in to be on the trust, and if the board would be posting the openings. The openings have not been posted yet, and the three

individuals that are no longer on the trust will need to be replaced. They might set a procedure for any applicants of the trust. Mr. Delsesto is concerned that without having three/four members they can't vote to expend funds. He is hoping that this will be posted and that individuals that are interested can put their names in for consideration. Mr. Andreasse asked about the process. Norman explained that they would post the positions and leave a timeframe for interested parties to submit interest.

If the posting is up before a meeting then the interested parties would be considered at the next regular meeting of the board and a public vote would be taken. They would then ask the individuals if they are still interested and if interested the board would appoint the individuals. Mr. Delsesto asked that the appointments be staggered so that they are not all expiring at the same time. The terms will be set to the current terms and terminate alternately.

There was concern that the town would like to take over the Sawyer Park, that can't be found on the website. Norman explained that for the existence of the park for the last ten years the town has contributed roughly \$460,000 for the operation of the park. Which includes lawn care, fertilization and other. The Trust's contribution to the park for the last ten years was roughly \$350,000. He believes that the intent of the trust is to assist in maintenance and upkeep of the park. The town has always shared the responsibility of that. There is a misconception that 50% of the expenses would be paid by the Town and 50% by the Trust, that is not the case. The trust will come in and assist when needed, or the Trust can pick a special project that they would like to fund. The Trust agreement terminated in spring of this year and the board is negotiations to extend the trust agreement. The Trust came to the town with a proposal, and the town went back to the trust with another proposal, and that is where they stand. The attorney will be getting back to the town, and negotiations will continue. It was asked if the terms would be different from the previous contract. There are some terms that will be different, and there are some that the town is asking to be different. One major item being negotiated is the town taking over the fee setting for the park, and to set policy in regards to field rentals. Before it was a shared responsibility with the Trust, with the town having the final say on the changes. Over the past ten years, the town has the revolver with a positive balance, but the field rentals have dropped substantially causing the revolver to not have the cushion that it once had. There has been more interest from other organizations to rent the park such as flag football, Hampton baseball and Legends. The rentals will help the town with some of the expenses of running the park.

Mr. Delsesto explained that the trust itself did not expire, there are currently two sitting members, the two appointed by the Lewis family, and three town appointed trustees. It is still an entity, and they are trying to negotiate the financial agreement between the town and the trust going forward. This is meant to be amicable to both the town and the trust and the mission for what the trust was set up to do. This is not just for maintenance and upkeep but to promote community activity, wellness, and events. Typically, the trust members from the town were a recreation member, citizen, and someone tied to the board so that there was equal representation of the community. To keep the gift that was given in the state that it was given to the town for perpetuity that was the mission of the trust. The trust now has additional funds coming in from the Farm Stand and Country Brook, and the trust can only expend funds on the park such as promoting activities in the park and for the park maintenance. It could be maintenance, upkeep and sponsoring things in the park. The Trust through the years has helped to offset the costs associated with the park, and they want to continue to do that, and they are looking to negotiate a way so that they have more say long term and looking to make the agreement long term.

Ms. Marchand asked what the current disagreement or where are they not finding common ground on the long term goal. The town has the same vision to see the park in the future the way it is now, and the town is trying to structure that financially so that they are not putting a future board into a situation for example if the town were to remove a line item from the budget and the default is lower than the operating budget and hopefully the trust will stay in existence for a long time, but the town has to plan for the future, and plan with an eye that the trust may not be there, and to insure the health of the park into the future. There is no disagreement in the philosophy of that, but the proposals that were issues are somewhat different in regards to how payments will be made, field rental approvals. There will be an agreement it is just how that agreement is structured. There is a common goal and a wonderful asset that they want to protect and the future is sitting with you and the future generations. Sometimes that is not portrayed in the general public.

Ms. Marchand expressed that there was some confusion on the posting of the meeting, and that it was posted for Thursday June 20, and it has been changed. He explained that participation by the community is a great thing and it can be a civil discussion. They apologized if there is a communication problem. She wanted to hear from the selectmen and understand for herself to try to understand what is going on and appreciates the opportunity to speak.

Mr. Greenwood asked if the current agreement is able to be reviewed online. The town is in negotiations so the current agreement could not be, and normally the negotiations are done in non-public because it would be a legal matter going back and forth, and currently the agreement is with Mr. Lewis. The expired one might be able to be put online for viewing. Mr. Delsesto stated that the declaration is the formation of the trust and the financial agreement that is 10 years. He expressed that there are two parts and that is looking to be clarified, and there is a very ambiguous area of what the trust can do, and they are looking to help with the financial burden. They would like to get back to where they were for the first three or four years.

Ms. Marchand suggested that there is a survey program online called Survey Monkey that can be done to get some fresh ideas and the selectmen would see what the townspeople think. It was agreed that would be a great idea. The board has installed a new sound system and, in a month, or two you might be able to log on and actually view the meetings. If there is a question then you can email the board and ask it through the website, and the board would cover it at the next board meeting.

Ms. Spinosa asked how the board thinks that the usage has declined. It was explained that some organizations block off the calendar that they are going to use the fields and then they don't. When the board gets a blocked off calendar then the field is blocked from others using it. They will be talking to KYAA and the scheduling and working out the scheduling issues. There were some conflicts with the Flag Football when they marked up the field and it caused issues with Lacrosse. They are trying to be more receptive to other organizations using the park. This year there has been an increase in usage over the prior year.

Mr. Delsesto explained that Legends was a huge rental and they monopolized the park on the weekends and there was a conscious decision made by the board and by the citizens to lessen their usage. Field rental has fallen back as a result of that. He thinks that the usage is about the same.

She questioned if the Adult Softball would be starting up again. It was explained that there is an application for consideration tonight, and is under the Kensington Sawyer Trust and it was received today.

Mr. Andreasse was present and expressed that they keep losing volunteers and on board after board that there are multiple people on multiple boards that have not necessarily moved away. And he understands that you can't always get people to step up, and now the people that are going away and the feedback is it's the difficulty of working with this board. It was explained that the difficulty of working with this board is the statutes, rules and procedures apply to everyone, it just doesn't apply to certain individuals. This board has developed a consistent policy, if the board finds that there is a violation of the statutes or regulations the board can not ignore it. He doesn't take pride in that, but they have a fiduciary responsibility to the town to operate it within the rules and regulations. Some of the individuals that have left, there have been things that have happened, and they decided to leave. The board had an issue with adult softball and the individual was told, and there were no responses. So the board decided to state that they operate within the rules and procedures of the recreation department or adult softball could be taken and operated outside of the recreation department. In the audit this year there will be an audit finding, as a result of that audit finding that is why this board took that action. No one ever said that they could not use the fields. KYAA does not operate under recreation department but they have full use of the fields, and adult softball could do the same thing and then things got complicated. This board never said that you can't use the fields, they were told they could operate under the recreation department or go out and form an organization and rent the fields. That is why they have some of the problems that they have. Everyone wants rules and regulations applied, but when you apply it to them it becomes somewhat more difficult for them to accept it. They may have thought that they were doing the right thing, but as long as he sits he will try to apply the rules and regulations fairly to everyone. Because he has a responsibility to everyone to make sure that the town operates correctly. Mr. Andreasse expressed that there is a zoning board member that want so step off of the zoning board in protest of this board. Norman asked if he was talking about the planning board. There was a planning board member that was an alternate and the state statutes say that the chairman of the planning board has to identify them as an alternate if they want to bring an alternate on and acknowledge it to everyone out there that they are sitting as a board member for that meeting and they took this person for over a year and conducted business on the planning board as a full member, which put the town in jeopardy. This board went out to the individual and stated that they were not operating correctly, which caused a mass number of resignations. Sometimes the hardest thing to do is the right thing, this board will take the heat.

Mr. Delsesto stated that there are a lot of people that have volunteered in the town. And it is a sense of community, volunteers are not looking for anything, and have been doing functions for many years and it was handled in a certain way, whether there is justification for it or not, there is certain ways that you treat people. This is a small town and when you accuse them without giving them the opportunity to respond. The board agrees with him. He was appalled with what happened the other night. This board said that there are non-revenue producing events and they wanted to use some of the money from profitable activities to fund non-profitable activities. Some people took exception to that, and they decided that not all the money should be turned into the town, and the board took a lot of caution in proceeding in that matter. A number of requests were made and there was a special meeting where someone was going to be brought in to discuss that, and individuals did not show up. The board looks

at those individuals that state things contrary to what the board knows and they do not believe that they are telling the truth.

There are facts and circumstances. Mr. Delsesto stated that when you rush on the facts and circumstances, and they both stated that they both don't know all the facts. If the board does not act then they are just as liable. There are somethings that the board can't talk about. Mr. Cantania stated that someone benefited financially, and it was explained that is not what was meant. Misappropriation of funds was mentioned and there are multiple meanings to that as well. He explained that reputations are being damaged and he has done numerous activities and looks at the people and wonders what they did. No one disagrees with the amount of time that individuals contribute to the community, but the board is in a position that it can't turn and look away to certain items, that look like they are done for good intentions, but not within the rules and regulations. These misappropriations, will they ever know what they are. The non-public was not held at the request of the individuals, reputations may have been harmed, but the board did not take the action the individuals did. If this is public they are looking for the facts, and they know the facts. The individuals will be sent letters and they will have a choice to either make them public information or to keep them nonpublic.

Ms. Marchand stated that transparency is what she is asking for.

Ms. Perry explained that as a former selectmen's wife, she knows that they have a tough job, but she thinks that they need to look and see all the volunteers that have left and perhaps the message or the delivery or partnership of working with other committees needs some discussion.

Mr. Andreas expressed that this is a problem. Ms. Perry continued that there are rules and regulations and there is a way that they are delivered. Mr. Delsesto stated that if there are standards, and people are not aware because there is a lack of structure or lack of control and people have to wing it to make things happen, and then follow up with it later. No one has financially benefited with it, and if there is a new system then they need to be aware and you can't go back two or three years to look something up that may or may not have happened. What was the situation at the time? If they are made aware then fine you can hold these people to task. They do not have time to come to the meetings and read every law they just want to help. If they want to run adult softball through the recreation department and they don't care and they don't know how it operates because it is not their concern, they just want to run adult softball to promote something that has hundreds of people involved in it, and what happens it get run out because people are so bogged down and he thinks that we need a town manager. He takes acceptance to running someone out, they did not run someone out, there are policies and procedures for the recreation department that are established, and this board reviewed them and redid them.

Linda stated that she has just recently joined the recreation committee and there are individuals who have been on it for a long time and that minutes were turned in to the town. It was commented that there were minutes taken. Minutes for the recreation department were not found in the town hall, and there are minutes that were sited back 25 years ago, but no one can find them.

Mr. Andreas stated that you always have to assume positive intent, he knows that there were plenty of notes taken from the recreation department. There was discussion on where the minutes are. Linda stated that they have advertised that they need members on the recreation committee and no one comes forward. It was stated that the feedback is good, and the board understands. He asked if the board thinks that the town would benefit from a town manager. The board absolutely agrees with that.

The board is hindered with only meeting every two weeks. The town manager would definitely be beneficial and the information can be provided. It is very hard to get people together to take care of things. Mr. Catania asked again about the minutes, and the recreation minutes from the past several meetings. There are minutes kept in private homes. There was a disagreement with the minutes and it was clarified that if there were minutes taken and kept in private citizen's homes it would be hard for the town to know what they say. There was a motion sited out of older minutes and the committee was not aware of the action, but not saying that the minutes are not in the town hall. The board believes that this is a good dialog and this board is willing to talk to you and to assist anyone and helping the recreation committee or helping with the festival.

Ms. Lepage expressed that the word is intent, and she believes that the board has the intent to do things right for the town. There might be the intent of the individuals was not meant as deceitful or deceptive way but simply needs to be corrected, she hopes that there are factual reasons. She stated that she is hoping that the posting of the meeting tonight was not done on purpose, but by mistake. If people are doing things in private or public that they have the opportunity to explain themselves. So that there is not a misunderstanding, so that they can move forward. The board takes all those things into consideration, it is validated and then they react to the situation. Bob explained that he happened to see the day was incorrect but the date was correct. When the mistake was found they had to move the meeting to 6:00 because of posting requirements and that was the time that the septic waiver presenter needed. She understands that it was not done intentionally, and she does hope that this is not falling on deaf ears and would like communications.

**Adult Softball**-The board reviewed the Sawyer Kensington Trust submission. Sawyer Kensington Trust is the 501c3, not Adult Softball.

**Norman made a motion to approve the application Bob seconded, all in favor.**

Linda explained that the minutes are important because the committee needed to know why things were being paid for.

Mr. Delsesto explained that the Kensington Sawyer Trust is a 501c3 and KYAA has all their fees waived and is the boards interpretation different in that the trust will have to pay the fees for the adult softball, where in their name they are the Kensington Sawyer Trust, should they be paying the fees. Norman stated that it is a grey area. He continued that this is not a financial gain for the trust, it is actually a loss to the trust, and why would they then try to take the money out of the park, he gets the lights, and that it is a grey area.

For example, the board is looking to the Lacrosse the allocation and the cost of that particular activity in the park. The board would like to in the future keep a surplus in the revolver. Mr. Delsesto asked if the Sawyer Kensington Trust wants to do a free community band night would they be charged; the board is unsure. As long as there is transparency on both ends.

**Pinnacle Leadership Center-** Use of the Multi-Purpose Field for July 26, 2018. **Bob made a motion to approve the permit for the Multi-Purpose field for the Pinnacle for the 26<sup>th</sup> of July 2018, Norman seconded, all in favor.**

Mr. Delsesto asked if the town clerk discussion was going to be held tonight. Kathy explained that the board will be holding the interviews and then they could possibly make a decision tonight but could wait until the meeting the 9<sup>th</sup> of July. The position was posted and Norman thanked all those that attended.

Norman made a motion to enter into nonpublic session at 7:17pm, Bob seconded, all in favor. Norman made a motion to leave and seal permanently at 7:22pm, Bob seconded, all in favor.

Norman exited the meeting at 7:23pm.

Bob motioned to enter into Non-public at 7:26pm, Linda seconded, both in favor.

Bob motioned to leave and seal permanently nonpublic at 8:30pm, Linda seconded, both in favor.

**Town Clerk Discussion-** From the seven applications received from the posting, the board interviewed the two qualifying residents. The board discussed the qualifications of each and will appoint someone if they accept the appointment.

This appointment is a temporary appointment and the candidate will have to be on the ballot in March.

LCHIP Grant letter for the Congregational Church- **Linda made a motion to approve the LCHIP Grant recommendation for the Kensington Congregational Church, Bob seconded, both in favor.**

**Bob motioned to close the meeting at 8:39pm, Linda seconded, all in favor.**

Respectfully submitted,  
Kathleen T Felch