

**TOWN OF KENSINGTON
BOARD OF SELECTMEN MEETING**

**Kensington Town Hall
95 Amesbury Road
Kensington, NH 03833**

MONDAY

March 20, 2017

Meeting Minutes-Draft

5:00 pm Non-Public

6:30pm Regular Meeting time

In Attendance: Norman DeBoisbriand, Peter Merrill, Robert Wadleigh

Norman opened the Meeting at 5pm, Bob seconded, all in favor.

RSA 91-A:3, II(e)

Norman motioned to go into nonpublic at 5pm, Bob seconded, all in favor.

Norman made a motion to close and seal nonpublic at 6:15pm, seconded by Bob, all in favor.

Norman opened the meeting at 6:30pm, seconded by Bob, all in favor.

Norman asked if anyone was present for citizen's forum, no one present for that section of the meeting.

Charlie LeBlanc the Fire Chief approached the board and indicated that the Mammoth Fire Alarm panel at the school will need to be serviced, there will be a shared cost between the School, Fire Department and the Library, with the total cost estimated at around \$5,000. The system is currently working, but needs to be serviced.

David Buxton updated the board that the town wide patching will be done by B&S.

Peter Merrill exited the meeting at this time.

Bob Gustafson asked the board if they had received a letter in regards to the FirstNet discussed at the last meeting, and they have not received an updated letter yet. He updated the board that he is working on the Seabrook Drills.

Carlene had the preapproval of the annual tax lien for the board to sign. The board reviewed and signed.

Dawn had emailed that she will need a key to access the records room downstairs. The board approved for Kathy to release a key to Dawn for the door upstairs to access the records room. Bob explained that she had been locked out of the town hall, and Norman updated that Granite State is coming to fix that door as well.

Holly McCann from the Recreation Department updated the board that she had contacted EJBL and confirmed the dates that they will be needing the fields. She continued that KYAA has not confirmed their field rental for this year yet, but should have something submitted by early April.

EJBL and KYAA had been talking back and forth and there doesn't seem to be any conflicts so far. EJBL clarified that they don't specifically need the concession stand open for their games, but wanted the contact for the stand so that they could inform the stand if a game is cancelled.

The bid has gone out for the concession stand being leased and it is also posted on the website under bids.

They are waiting to approve the EJBL field usage until later in the meeting.

Michael Schwotzer asked if the board has done anything about the appointments to the ZBA or the Planning Board.

Norman explained that they have not done that yet. Mike informed the board that the expiration dates are the first of April.

Mr. Ring asked if he could present later.

Municipal Pest contract was given to the board to review. Norman made a motion to sign the contract, seconded by Bob, all in favor.

Julie LaBranche from RPC approached the board for a presentation and question answering session about the Groundwater Protection project that she is heading up in Seabrook. There were various questions that the board had asked of her from the previous meeting she had attended. The board read through the prepared outline by Julie. They had questioned how many wells had been depleted by the water extraction by Seabrook and Julie showed the board a map that indicated the wells that they were aware of that went dry within Kensington, and to their knowledge none were because of the Seabrook activity. The map is part of the record. She stated that the Town of Seabrook will be following the Best Management Practices. The town can participate in the inspections but are not required to, they would incur no cost. She continued that the violations are typically resolved within 60-90 days of notification of the violation. It is also an educational opportunity for the land owner and town and would only be every 3 years. She continued going through the criteria of the violations and what would happen with a violation, depending on the kind of violation. The board had no questions.

Julie continued by addressing the ongoing situation with a farm in town and relayed to the board a person to contact at the state level. She did not contact anyone because she was not instructed to by the board. She showed them where to find the Best Management Practices and that there are sections that require monitoring and recording of the spreading activities.

Division of Regulator Services would be the agent to contact in regards to this. There is a statute as well RSA

431:35 Improper Manure Handling. –

I. The commissioner shall investigate complaints of improper handling of manure, agricultural compost, and commercial fertilizer, including, but not limited to, complaints of improper storage and spreading. If the commissioner is able to identify the source of the improper handling and has reason to believe such handling is a nuisance caused by failure to use best management practices, the commissioner shall:

- (a) Determine who is responsible for such handling.
- (b) Determine the changes needed in handling to comply with best management practices.
- (c) Notify, in writing, the person responsible of the findings and changes necessary to conform to best management practices.
- (d) Require a plan for compliance if the corrections, under RSA 431:35, I(c), have not been made within 10 days after notification.

II. If the person responsible fails to implement the recommended changes, the commissioner shall notify the health officer of the municipality and the commissioner of environmental services, who shall take such action as their authority permits.

III. [Repealed.] **Source.** 1991, 13:1. 1996, 229:1. 1998, 60:2, eff. July 11, 1998. 2005, 59:3, eff. July 22, 2005.

Norman explained that the waste is trucked in and the board is unaware of what it being spread, and the board will have to have some more contact with the state. Julie stated that she would contact the state if needed. Norman will let her know if they need her to reach out to the state. She explained that there is a process, and Seabrook had a similar issue where there was an activity happening in Salisbury MA, and that operation had to cease due to the close proximity to the water supply.

Julie stated that the Seabrook gravel pit has the alteration of terrain permit with the state and the board signs the excavation permit yearly. Julie will forward the alteration of terrain to the board.

Julie explained that the town already has the aquifer protection district and she showed the board on the map that a good portion of the groundwater protection area is within the town's current aquifer protection area. She showed the board where the town is already prohibiting uses within the aquifer district and this groundwater reclassification would just expand that area.

The benefit of having this approved, is because the inspection program would be implemented. The site plan review is a one-time look at the property, but the inspections would allow the review of the activities every three years. This would make sure that they are following any restrictions put on them from the planning board at the site plan review stage.

She stated that Curtis would like to attend the next meeting. The board looked at the April 17th meeting and confirmed with Julie that would be a good time to return.

The board thanked Julie for attending and answering the questions from the previous meeting.

Peter returned to the board at this time.

Jon Ring approached the board and informed all present that they are looking to clarify some questions.

He explained that the subdivision was approved on October 18, 2016 with some conditions. Mr. Merrill, Mr. Buxton, Julie LaBranche and Michael Schwotzer were present during most of the meetings.

He recapped that there was a joint meeting with the Planning Board on October 3, 2016. He had read through the planning board and selectmen minutes and noticed that there was some confusion on the approval. He stated that he could go through the background from 2003 if necessary. Norman stated that he would speak and asked why the mylar or final plan does not show the drainage pipe, or moved pipes diverting the water from the Hansard/Peacock property. Mr. Ring explained that the old pipe is on the plan, but he had written in the new drainage pipe in with red marker for the board to see tonight. The plan is not intended for the developer or current owner to replace the pipe so it was not included on the plan. His interpretation was that the selectmen had agreed and that it would be built

out of the 2017 road reconstruction budget, if the town decided to move forward. The engineer showed the easement across the Hansard/Peacock and the Lambert property so that the town could install the pipe at a time that is right for the town. Mr. Lambert will have the berm built to divert the water in the meantime. Norman asked if the pipe is rerouted, then would the piping system would have to be installed? Could the town get an easement to take that newly diverted pipe and dump into the berm? Bob explained that they are looking to reroute the pipe and dump the water into the berm instead of the underground piping, because of the maintenance. Mr. Ring stated that it would be a fairly deep swale, it could be looked at, but not sure if it would work without the piping, and that would need to be reengineered. This was engineered by Jones and Beach by Mr. Lambert to prove that it could be done, and then reviewed by Mr. Quintal who stated that would work. Bob asked how deep the swale would have to be if the pipe was not used. Mr. Ring stated about 4-5 feet deep, which is within the current easement that is offset from the existing tree line. Bob asked if there would be two catch basins, and Mr. Ring responded that there would be, to change the direction of the pipe. There was an estimate of between \$32-\$35,000 for the piping to be installed as the plan called for. Norman explained that part of the problem with the process was that after October 3, 2016 the board was scheduling a meeting with the NHDOT, and they did not meet until November with the NHDOT. They were not aware that the plan had been approved at the October 18th meeting of the planning board. They still had some questions about the pipe and how to relocate it. The board ran into a problem when the pipe was not rerouted on the final version of the plan. The Planning Board was not sure what the town would be responsible for. Reading the discussion that they had that board was at odds over what was to happen. The town wanted to get an easement for relocating the pipe and dispersing it into the berm. He was under the impression that lots 1-4 would be approved and then hold off on 4, 5, and 6. Mr. Ring explained that there is a note on the Mylar plan that lots 4, 5 and 6 can't have a building permit until the berm is installed. The hope of Mr. Ring was that the pipe and the berm would be installed and the town would do the drainage, and after the install the responsibility of the maintenance would be that of the town's. Norman asked who would be responsible for the maintenance of the berm if the pipe is not installed. Peter explained that if the pipe were to be eliminated then the engineering would have to be redone due to the depth of the swale. Mr. Ring stated that the maintenance of the piping should be done by the town and could be done very simply. He reminded the board that this has been a situation within the town since 2003, and Mr. Lambert is now allowing this to be corrected by allowing the easement on his land. Bob asked if the planning board were to sign off on the plan, then Mr. Lambert would hold off on the building permits on lots 4, 5 and 6, so that the town can get ahold of Dennis to see about the piping. Mr. Lambert explained that he would be okay with it, but would have to take a look at the swale, if it was to be 5 feet deep. Bob explained that the grade stakes would have to be put in to see what they are dealing with. Mr. Lambert stated that the swale would be more of a maintenance issue than the piping. Mr. Ring agreed because there are trees that could grow up within it, and it will be harder with the rip rap. Bob stated that the underground pipe would be harder to take care of, and Mr. Ring agreed that there is less maintenance for swale as opposed to the piping. Bob stated that it could be done nicely so that you can maintain it with a mower. Mr. Ring was concerned with the steep slopes, but you could use jute mat. If it agreeable they would like the board to sign the two easement agreements. The board responded that there is no place for the town to sign off on the easement agreements, just for the owners to sign. Mr. Lambert asked what they were figuring on a time period. Bob stated that before summer they can have it settled, but the engineering could be handled as soon as the engineer is able to. Mr. Lambert asked how soon he would be able to market the lots. Norman stated that there was one other issue and he recalled that if the town chose to put the pipe in then Mr. Lambert would put the \$9,000 that would have been towards the swale towards the piping underground. Bob stated that was for the berm. Peter confirmed that there would be no point to build the berm to then dig the trench to put the pipe. Mr. Ring confirmed that would be \$3k per lot. Mr. Lambert stated that his thinking was that they would put in the berm, and the cost would not be \$9,000, he stated that anything they can do to alleviate the situation he would be agreeable to. Norman stated that the town will go back and talk to the town engineer and then the board will review the easements. They will work as quickly as possible. There is a stipulation on lots 4, 5 and 6, and he should be able to market them. Peter explained that since the town is having the engineer looking at the berm/ swale combination the easement could be different. He would caution them against marketing until the easement is definite. Bob stated that lot 4 doesn't contribute, and to just hold off on lots 5 and 6, until he can get Dennis out there to see what it looks like. Mr. Lambert asked if the planning board could sign off on the Mylar. Norman stated that it would be okay for them to sign as long as the language is on the Mylar holding off on lots 4, 5 and 6. Mr. Ring asked if the board had any questions on the answers that were given by the planning board, the board had none. Julie LaBranche commented that if the town never exercised the use of the drainage easement, Mr. Lambert is still required to build a berm to control the water run-off from his lots. Bob stated that they would still have the other water issue that will need to be corrected. Julie continued that if the planning board signs the Mylar, and the easement is changed then Mylar will need to be amended. The board is aware of this. Norman continued that the

board is committed to keeping the water issues away from the brick school house lot as well. NHDOT has agreed that the culvert can be redone under Route 150, but at the expense of the town. Holly asked if the driveway issue with lot 6 would be handled at the time of the building permit. Peter explained that would be done through the building permit stage, because of its stipulations of the culvert being on the plan.

Michael Schwotzer explained that he believes that the easement has to be signed before the Mylar can be signed and that the board can give the chairman the permission to sign when all the conditions are met. Mr. Ring stated that Scott LaPointe was having the interested parties come to the office and sign the agreements. Kathy will check with Scott and see if the signed agreements are there. Julie believes that the draft was forwarded and she will check on that. The board thanked Mr. Ring and Mr. Lambert for attending.

The board did the assignments for the next year. Norman stated that he has been the chair for the last three years and would like to know if Peter would like to accept that, Peter said that he would accept being chairman. Bob stated that he would take the Health Officer. Norman will sit on the planning board.

Peter asked if the document for the DRA needed to be done in a public hearing, Kathy stated that this is the MS-232 which is a yearly form, not part of the deficiency meeting. This is the last form that the DRA needs to create the timeline for the town to follow.

Norman made a motion to sign the MS-232, Bob seconded, all in favor.

Holly explained that the EJBL permit has not been signed yet. She continued that she has not indicated a fee to EJBL for the season. Peter asked if there was a check deposited with the application, there was no check submitted yet. Holly explained that she took the policy that is in place and did a calculation on the rental fees, and if they were to pay for the fields that they use for the dates requested it would be around \$4,000. She continued that for the whole season EJBL does not pay for the fields. Bob stated that he does not think that the fees should be implemented this year where the season has already started, but the cleaning fees should be implemented, Norman agreed with Bob.

Fees will be reviewed for next season and then let them know what the fees would be for next year. Holly stated that the fees are published. Linda asked if all the teams are free even if they only have 3 Kensington children on the various teams, and that is correct according to the current policy. Bob stated that they should know that the board is working on a new fee structure for next year.

Peter was not comfortable signing the form without knowing the dates and the calendar of dates attached. Kathy will print them for Peter to review as chairman for him to sign later. Bob made the motion for Peter to sign the EJBL permit once the schedule is attached, Norman seconded, all in favor.

KYAA will be sending in their application for the fields and Holly will make sure that the schedule is attached for the board on that application as well.

Peter explained that Al Brandano asked him at the election why he did not hear back from the board yet. Peter was under the impression that the board would be responding to him. Peter explained that it was his culvert for his driveway so it would be his expense. Mr. Brandano did explain that the school bus does turn around there each day, and that the water is pooling and freezing. This will also be sent out to Bob Gustafson as well.

Kathy reported to the board that it was reported to her that there might be a possible boarding house operating in Kensington. The address was given to the board with the property card. Kathy will prepare a letter for the board to review and send out to the owner of the property. The board will ask them to attend a meeting of the board.

Norman reviewed the form 8035 for the IRS in regards to the Tahoe leases for the police department. Everyone agreed for him to sign for the board.

The board signed the road permit for Cycle the Seacoast, on May 7, 2017.

Norman made a motion to approve the permit for Cycle the Seacoast, Bob seconded, all in favor.

Kathy copied the correspondence from the State DOT indicating what stretch of state roads will be paved this year. It will be from East Kingston to 150 and 107 intersection.

Peter asked about a clarification from Primex on insuring the Cascade system for the fire department, the board asked for a clarification from the insurance company. They also asked who other towns use to insure them.

The Bills were discussed and signed.

Norman stated that the next air test should be scheduled for September, which would be six months from the last testing. Kathy will call to set up.

The state gave the Farm an agreement that the town needs to sign taking responsibility for the crosswalk maintenance. The town will need a similar agreement between the town and the Farm because they indicated that they would be willing to do the maintenance instead of the town paying for it. Norman would like to send this to legal and also ask how to word it so that it would encompass future owners into the agreement, if the Farm ever changed hands. Kathy was asked to send it out to legal.

Kathy brought up to the board that the posted position for Office Clerk is now closed and asked when the board would be able to look at the applications.

Norman stated that the applications should be sorted for the committee to be looked at. Peter expressed that there was a process set up before where two people looked through the applications and then presented them. Norman and Bob agreed to look through the applications and organize them for review.

RSA 91-A:3, II(a,c,l)

Norman made a motion to go into nonpublic at 8:25pm, seconded by Peter all in favor.

Peter motioned to leave nonpublic at 8:56pm, seconded by Norman. Peter motioned to seal the minutes permanently, seconded by Norman, all in favor.

Peter motioned to enter public session at 8:56pm, Bob seconded, all in favor.

Peter motioned to adjourn the meeting at 8:56pm, Bob seconded, all in favor.

Respectfully submitted,

Kathleen T Felch