

**Kensington Town Deliberative Session**  
February 6, 2019 – 6:30pm  
Kensington Elementary School Multi-Purpose Room

In attendance: Selectman Mike Schwotzer, Selectman Ben Cole, Selectman Bob Long, approximately 80 residents

At 6:30pm, Town Moderator Harold Bragg opened the meeting. He explained that the Town Deliberative Session will deal with 20 warrant articles, and the Deliberative Session is the first of a two-part town meeting process.

**Article 1:** Election of Town Officials - n/a for warrant article discussion

**Article 2:** Planning Board Article - cannot be changed during the Deliberative Session. Will go to the ballot as presented.

**Article 3:** Planning Board Article - cannot be changed during the Deliberative Session. Will go to the ballot as presented.

Harold introduced the current Board of Selectman as Mike Schwotzer, Chair; Ben Cole, Member; and Bob Long, Member; and explained that this Board has led the community for the past 6 months.

Mike requested that the three department heads, Kensington Fire Chief Jon True, Police Chief Scott Sanders, and Road Manager David Buxton, who are not residents/registered voters of Kensington be able to speak during the Session. No one disallowed this to occur.

**Article 4: Operating Budget**

Copies of the budget were available for the public at the Deliberative Session. Mike summarized the budget for everyone in attendance. In 2018, the budget was over spent, but because the town was awarded grants, 99.6% of total town money was spent, including grants.

Resident Jennifer Leonard of 39 Osgood Rd asked if the grant money that was awarded to the town is awarded every year. Mike explained that no, it is not necessarily guaranteed, but the town, especially the Fire Department has been very active in applying for grants and the town will try to raise as much money as possible through grants.

Resident Fred Feldman of 20 Rose Petal Lane asked a question regarding projected revenues for the year and if the BOS anticipate a decrease in revenue. Mike explained that the revenue side was not worked, however typically revenue estimates are kept down.

Assessing Office Clerk Kathy Felch added that the motor vehicle revenues are not estimated to last years actual because the cost between new cars and renewals vary based on age and can be difficult to estimate.

At 6:46pm, Mike Schwotzer made a motion to restrict reconsideration of Article 4. Ben Cole seconded. Vote is in the affirmative. Article 4 will appear on the Ballot as presented.

**Article 5: Adopt Park Agreement**

There have been several public hearings and information sessions to date regarding this Agreement.

Resident Fred Feldman of 20 Rose Petal Lane asked how there would be no tax impact but the town will provide \$30,000 annually. Mike explained it is included in the Operating Budget. Article 5 will appear on the Ballot as presented.

**Article 6: Election of Town Representatives to Sawyer Kensington Trust**

The Draft Agreement calls for the trustee representatives for the town to be elected by the people versus appointed.

Bob Long proposed an amendment to the Moderator. The proposed amendment is as follows:

“To see if the Town will create three elected trustee positions (“Trustee positions”) to represent the Town on the Sawyer/Kensington Trust. Initial Trustee positions shall be for one, two, and three years, respectively, so that only one

Trustee position is generally subject to reelection in any year. Thereafter, Trustees, upon being elected by the Town legislative body, shall serve three-year terms. The election of the initial Trustee positions shall occur at the next Town meeting in 2020 and, upon expiration of a Trustee's term, elections for a Trustee position shall occur at Town meetings thereafter. These elected trustees will replace the Town-appointed trustees serving on the Sawyer/Kensington Trust. In the event of a vacancy of a Trustee position or in the event that a Trustee position is not filled by election at a Town meeting, the Selectmen shall appoint an individual, within 45 days of the date of the position's vacancy or the position's failure to be filled, to serve until the next Town meeting."

Bob Long motioned to accept the amendment, Ben Cole seconded. There are no questions from the public. The vote passes by an overwhelming majority. Article 6 will appear on the Ballot as amended.

#### **Article 7: Fire Pond Maintenance**

KFD Chief Jon True explained this article to the public. There were no questions. Article 7 will move to Ballot as presented.

#### **Article 8: Final Lease Payment for Fire Truck**

KFD Chief Jon True explained this article to the public.

Resident Russell Perry of 73 Amesbury Rd asked for a summary of existing equipment. Chief True gave a summary of the ages and conditions of existing fire department emergency vehicles. Article 8 will move to Ballot as presented.

#### **Article 9: Road Reconstruction**

Ben said this is the usual road reconstruction article, however the language has been slightly changed to specify that the money can only be spent on the roads.

Resident Fred Feldman of 20 Rose Petal Lane asked about road reconstruction money spending from previous years. Road Manager David Buxton gave a brief explanation and assured the public that all funds are being used only for the purpose of road maintenance. Article 9 will move to Ballot as presented.

#### **Article 10: Tax Collector Salary Increase**

Ben gave a summary of the article.

Resident Jen Kirby Macek of 8 Hidden Pasture Rd asked why this a warrant article. Ben said if a salary is set by warrant article, any changes need to be made by warrant article. Article 10 will move to Ballot as presented.

#### **Article 11: Town Clerk Salary Increase**

Ben gave a summary of the article. No questions from the public. Article 11 will move to Ballot as presented.

#### **Article 12: Make Deputy Town Clerk-Town Office clerk/dual position**

Ben gave a summary of the article.

Resident Dawn Frost of 129 South Rd stated that she does not understand the logic behind using the Deputy Town Clerk as a dual position. She read from *New Hampshire Town and City 2016* and stated that she feels if this article were to pass, there would be issues created for the town. She asked who would oversee the deputy. Ben responded that he worked it out that the deputy would spend a Friday working for the Assessor's Office and Monday through Thursday working in the Town Clerk's office. Dawn asked what if the deputy were to become the town clerk, would that be legal? Ben said yes it would be legal for the town clerk to be a full-time employee of the town but it would likely need to be revisited. Dawn stated that she spoke with the Secretary of State office, and they felt that it this could create issues.

Resident Jen Kirby Macek of 8 Hidden Pasture Rd asked isn't this an administrative assistant job and why is there not administrative assistants anymore? Ben replied that it is, and the town does have an administrative assistant but that person has been working more hours than has been logged. There is too much work at this point for that one administrative assistant. The town previously had a town administrator, but that position was not renewed by warrant article and those responsibilities have been passed to others. Article 12 will move to Ballot as presented.

#### **Article 13: Add to Revaluation Capital Reserve Fund**

Mike summarized the article and explained that this is a solution to Avitar no longer offers a flat rate. Article 13 will move to Ballot as presented.

#### **Article 14: Adopt All Veteran's Tax Credit**

There was no discussion on this article. Article 14 will move to Ballot as presented.

#### **Article 15: To Discontinue Ambulance Fund**

Mike gave a summary of the article. There was no further discussion or questions on this article. Article 15 will move to Ballot as presented.

#### **Article 16: Authority to Establish or Amend Fees per RSA 41:9-a**

Ben gave a summary of the article. There was no further discussion or questions on this article. Article 16 will move to Ballot as presented.

#### **Article 17: Amendment to Noise Ordinance-Selectmen's Ordinance**

Ben gave a summary of the article.

Resident Russell Perry of 73 Amesbury Rd asked for clarification on if target shooting explosive devices is or is not covered and what the penalty is if an officer deemed too noisy. Ben clarified that this article is not to address target shooting. Ben said the ordinance does not define the penalty. Chief Sanders said the warrant article would not establish a monetary fine. Mr. Perry asked what the deterrent is if there is no penalty for a violation. Chief Sanders said all of the ordinances, except for noise, have penalties and this would be the place to make an amendment. Chief Sanders provided examples of penalties for other ordinances.

Resident Lisa Perreault of 7 West School Rd asked who would be responsible for the penalty, the property owner or person setting off the explosive devices. Ben Cole presented the following amendment to the 5<sup>th</sup> paragraph to read as follows:

"Upon involvement of the Kensington Police Department, the responding police officer will have reserved the right to use (his or her) discretion and define the word unreasonable. Upon (his or her) assessment, a verbal and or written warning may be issued to remedy the complaint. Failure to comply with the police officers' reasonable alternatives will constitute a violation, *punishable by a penalty of not less than \$100 and not more than \$500 per occurrence.*" Bob Long seconded. Vote passes by an overwhelming majority.

Resident Taylor Florence of 3 Palmer Drive asked how can it be progressive so that it is reasonable based on the number of occurrences. Chief Sanders said it is progressive and \$500 is consistent with other ordinances.

Resident Dan Davis of 6 Oak Ridge Rd asked what the definition of an occurrence is. Chief Sanders said typically each time an officer responds would be considered an occurrence.

Resident Rhoda Feldman of 20 Rose Petal Lane suggested making the initial fine higher, however no additional amendment was made. Article 17 will move to Ballot as amended.

#### **Article 18: Citizen's Petition to appropriate money to Rockingham Community Action**

There was no discussion on this article. Article 18 will move to Ballot as presented.

**Article 19: Citizen's Petition to appropriate money to Richie McFarland Children's Center**

There was no discussion on this article. Article 19 will move to Ballot as presented.

**Article 20: Citizen's Petition to Establish Heritage Commission**

Resident Lynn Monroe of 5 Hobbs Rd explained what a Heritage Commission is and how it would run.

Resident Lisa Perreault of 7 West School Rd asked if there would be a tax impact in the years to come even though there is no tax impact this year. Lynn responded that it is possible there could be a there could be a vote on a budget in the future.

Resident Jane Bannister of 130 South Rd asked how would people on the commission be identified and selected. Lynn said they will have applications and already have people who are interested.

Resident Lorraine O'Keefe 64 Wild Pasture Rd, also President of the Historical Society told the public that she was assured a Heritage Commission would be a support to the Historical Society, not a replacement.

Lynn Monroe presented an amendment, an editorial change from 2018 to 2019. Bob Long seconded. Vote passes by an overwhelming majority.

No additional business was brought forward and the meeting was dismissed at 7:47pm by Town Moderator Harold Bragg.

Respectfully submitted,

Chelsea Lalime