

TOWN OF KENSINGTON - BOARD OF SELECTMEN MEETING

Kensington Town Hall
95 Amesbury Road, Kensington, NH 03833
MONDAY, FEBRUARY 18, 2019 6:30pm
MINUTES – DRAFT

In attendance: Ben Cole, Bob Long, Mike Schwotzer
8 others in attendance

At 6:31pm, Mike called the meeting to order.

Pledge of Allegiance

The BOS allowed the Recreation Committee speak first tonight due to a schedule conflict.

- Recreation Committee- Elaine Bodwell reported as follows:

Elaine Bodwell reported that there was a Recreation Committee meeting last Wednesday. They discussed the success of the Father Daughter Dance and expressed their gratitude to the Alnoba Center. The committee also discussed the status of their Eggstavanza, scheduled for April 13. Summer camp programming was discussed and the committee plans to have job posting advertisements for Director and Coordinator positions posted soon. Proposed dates for summer camp are June 24 to August 12. The Kensington Festival is July 13. The Committee has been working on revisions to the Bylaws. The Committee agreed with proposed changes and recommended they be presented to the BOS for adoption. The next meeting will be March 13 at 7pm in the Town Hall. **At 6:37pm, Ben made a motion to reserve the Town Park July 13 for the Town Festival. Mike seconded, all voted in favor.** Chief Sanders suggested additional time be reserved. **At 6:37pm, Bob made an amendment to the original motion that the Town Park be reserved from July 12 at 12pm to July 14 at 12pm for setup and cleanup. Mike seconded, all voted in favor.** Vanessa Rozier presented and read aloud the amended bylaws to the BOS. Feedback from community members hesitant to participate in the Recreation Committee due to current bylaws was discussed.

Mike asked about the receipt system proposed in the bylaws and suggested that there be a second signoff for reimbursement. Kathy suggested to notate a backup, second sign off, example being the chairman in case it was the Treasurer incurring the out of pocket expense. Vanessa stressed that the committee was to encourage collaboration with other groups in town and have non-committee members participating in events if they so choose. Mike asked if the committee has accepted the new Bylaws. Elaine stated that she, Donna Carter, and Lili Spinosa all were emailed the draft and agreed to them. Bob said the draft is essentially what was reviewed at the committee meeting but there have been a few minor changes since, which were what was emailed. Mike said only the BOS could sign contracts and he would encourage the committee to seek those contracts prior going before the board. Ben will send Vanessa some suggestions on the language. Mike suggested the receipt system being an addendum to the policy and procedures. Mike also stated that because there is another policy dealing with this in effect currently, that policy would need to be rescinded first. Ben suggested adopting this as a final version of the existing policy. Bob expressed to the BOS and the public that there is a possibility that there may not be a summer camp this year because people who have helped in the past felt they couldn't participate again due to the current Bylaws. Mike asked that the final draft be brought before the board in 2 weeks. **At 7:05pm, Ben made a motion to accept the Kensington Recreation and Social Committee Policies and Procedures as a revision of the same, subject to minor revisions. Bob seconded, all voted in favor.**

At 7:05pm, Mike opened the Public Hearing. Bob seconded, all voted in favor.

This meeting shall be to discuss the Discontinuance of the Ambulance Fund Warrant Article # 15 to be included on the March 2019 Ballot. Town Meeting is scheduled for March 12, 2019. This process is in accordance with rescinding procedures outlined in RSA 31:95-d(b).

Mike explained that several years ago special revenue fund for the ambulance was set up, but last year a new law went into place that allowed a revolver fund. The BOS put in for a new special revenue fund with the intention to dismantle the current revolver, however the BOS did not have a hearing as required by the DRA. Mike explained the new and the old funds and how they worked together. Chief True gave his approval. The BOS recommended this. There are no questions from the public. **At 7:11pm, Mike closed the Public Hearing. Ben seconded, all voted in favor.**

DEPARTMENT HEADS:

- Police Department –Chief Scott Sanders reported as follows:
 - Chief Sanders has been working with Sgt Cain to finish onboarding and Chief Sanders feels good about the status of that process. Over the weekend, a cruiser involved in minor accident, there were no injuries, but the police cruiser is at the body shop. The NH State Police were called to the scene, a normal occurrence if there is an officer involved accident so any investigations and reporting is unbiased and impartial.
- Fire Department – Chief Jon True reported as follows:
 - There have been 31 calls: 19 medical, 11 transports, 9 non-transports since January 1st
 - Engine 1 is out of service for an air leak, should be fixed by tomorrow in house and for approximately \$25.00
 - There are 2 members who will be attending Fire Fighting 2 training
 - Reminder that as long as there is snow covering the ground, residents do not need permit to burn brush, as long as it is untreated wood and less than 5” in diameter. If planning to burn, please contact the FD as a courtesy.
 - Chief True thanked Chief Sanders for his work, and he looks forward to working with Chief Cain.
 - On Wednesday night, the department will be switching over to the new ambulance for certification. Bob asked if there was other coverage in place for that time, and Chief True has secured other towns to cover if needed. Mike asked if with frequencies changing, are the radios still compatible. Chief True says that they are not compatible with the new police frequencies, but he plans to work on a grant for that. In the time being the existing radios can still be used.
 - Mike asked if payroll salaries are split between Fire and EMS accounts. Chief True said that all payroll expenses are out of the Fire Department account.
- Emergency Management - Chief Jon True reported as follows:
 - The Emergency Management Team is still looking for individuals who would like to serve on the team
 - Chief True reminds residents to contact him if there is anyone in the home in a wheelchair, bedridden, or with any other disability that may affect Emergency Management Services even if only for a short time
 - Residents are asked to make sure that their house number can clearly be seen from both directions on the mailbox
- Road Manager – David Buxton was not present.
- Tax Collector- Carlene Wiggin had nothing to report.
- Building Inspector- Norman Giroux reported as follows:
 - 18 Cottage Rd – The house that was previously condemned has been taken down and he inspected the site today. Mike asked if cellar has been filled in. Norman reported that right now there is a hole, that will likely need to be filled in so it does not start retaining water.
 - 26 Moulton Ridge Rd – Norman talked with the State about the water runoff from the house above, who directed him to call Conservation Commission. He also contacted Julie LaBranche who suggested a letter be written and that the owner of property with problem put hay bales on their property to stop some of the erosion. There have been conversations between the owners, but they may not be aware of how significant the problem is. The BOS feel there no reason the town get involved in writing a letter at this point. In order for that to happen, the homeowner would need to put something in writing to the town. Norman will continue to try to work with the homeowners and will provide them information for next steps if no progress is made.
 - 4 Laurel Ave- Discussion on a building permit that was issued for a garage at this property. The permit was adjusted once before to include additional square footage to the garage and a shop above the garage. Norman would like to adjust the permit price again because shop area is a finished space, which was not permitted for previously. Norman stated that he has been called for a final inspection of the structure and would like to add an additional \$0.40 per square foot to the permit for the difference between permit costs for finished and unfinished spaces. Mike asked if the homeowner has filed a modified building permit application. Norman said the only adjustment was for the additional square footage. Mike stated that a final inspection should not be

completed on a structure that does not have a matching permit. The BOS feels that there should be a letter requesting an amended permit. Ben feels that there needs to be a clear definition of what is considered finished space. There was discussion on what finished space could be defined as.

- Norman let the BOS know he is getting an increasing number of calls from residents who have completed work without getting a permit to do so. He stated that most towns have fines/fees for residents requesting a permit in this case. Norman provided the BOS with examples of fines in other towns. Norman stated that he doesn't think homeowners should necessarily be required to remove the work, but suggested a mailing with a set timeframe for homeowners to come forward to obtain the permits that are needed prior to fines/additional fees being issued. Mike said that the town previously approved an ordinance in regards to Building Permit Fees, however there would need to be a Public Hearing on the topic. Mike suggested that Norman finalize his plan to address this and present it to the board. There was discussion on the possibility of doubled fees, safety issues and how this would affect the assessments. Ben said that he has used this process and felt that it was easy to work with Norman to get the permit and go through the process. Norman presented rough costs of a mailing to the town and feels that he has funds in his budget for such a mailing. At 7:48pm, Ben recused from the BOS due to personal involvement with the said issue. Mike asked that Norman come to the next BOS meeting with a presentation to the BOS. Chief True suggested sharing cost of the letter to include information about Fire Permits. Chief True also recommended having someone licensed go out and inspect to protect the town, homeowner, and life safety. Norman and Chief True will work together on this and will present to the BOS next meeting. At 7:50pm, Ben rejoined the BOS.
- Treasurer- Sara Belisle was not present.
- Town Clerk – Carol Beers Witherell was not present.
- Conservation Commission – Bob Gustafson reported as follows:
 - The meeting scheduled for February 12th has been rescheduled to February 24th.
- Sawyer Kensington Trust- Committee Review – Bob Long reported as follows:
 - The warrant article is pending before the town, and if it passes, there will be a \$30,000 payment required by the Town to Sawyer Kensington Trust. In addition, there is currently a multi-year maintenance contract for the park in the amount of \$36,000. Bob sought guidance and feedback from legal counsel as there is potential for double obligations from the Town. Counsel has reviewed the contract. There are performance issues and most significantly a deficiency in services over confusion of dragging of the infields. The contractor stated that that requirement was never explained to him. The primary concern is going forward for 2019, how will this be handled if the company does not have the equipment necessary to haul the drags. Town counsel provided a letter recommending that the Town exercise the language in Section 1 of the contract which allows for termination for any reason and Section 2 Termination for performance issues. This would allow the town to begin the bidding process. Bob presented the board a draft letter that has been reviewed by counsel for Board's consideration. Bob suggested that the BOS make a motion that they take this action. Mike said he received a draft copy and after reading it feels that the contract needs to be terminated. Ben agreed. Kathy added that this company also does he also does work at other properties for the town. It is unknown if the company would still be willing to continue those contracts, but still gives the town time to plan for the upcoming season. Ben had a concern that the effective date of termination needs to be date delivered of notice or date after 30 days. At 8:07pm, Bob made a motion that the contract for Sawyer Park landscaping with K & B Landscaping be terminated effective 30 days from February 22nd. Ben seconded, all voted in favor. At 8:07pm, Mike made a motion that Bob Long be authorized to sign this termination letter on behalf of the BOS. Ben seconded, all voted in favor. Resident Bob Gustafson added that when his children were small, the leagues owned the drag. Bob Long clarified that the town owns the drag and screens.
- Kensington School Board – Chairperson Jennifer Ramsay reported as follows:
 - Per Town Moderator Harold Bragg's request to Principal Becky Ruel, Principal Ruel has a company looking into why the sound system in the KES Multipurpose room was not functioning properly during the Town Deliberative Session.
 - KES will be hosting a Folk Dance on Wednesday at 6:30pm.

NEW BUSINESS

Building repairs

- Portland Glass was at the Police Department today and will have an estimate soon. Currently the Town Hall is not ADA compliant. Ben asked a quote for miscellaneous repair drywall work and the stairs. Ben said he will work with Kathy to solicit quotes. Additionally, the evidence room door needs replacing. **At 8:16pm, Mike made a motion to accept the sales quote from Kamco for the installation of a steel door in evidence room of the Police Department. Bob seconded, all voted in favor.** Ben will work on getting quotes for the stairs, airlock door, handicapped access, and new door installed in entrance to the PD.

Revisit RSA 91-A:4 IV regarding fees on copies - Mike addressed the BOS with information pertaining to RTK fees. Mike provided a copy of RSA 91-A:4 IV to the BOS. Based on this, Mike feels that the BOS has the right to charge for photocopying. Bob asked how actual costs would be determined. Ben said the courts have determined cost per page amounts and the Town would use that.

Road Use Permit- Granite State – A permit for use of town roads for a bicycle race on July 20th was submitted. Kathy said FD and PD notified and approved. **At 8:24pm, Mike made a motion to grant the permit. Bob seconded and asked about painting and signs. Mike stated painting is not permitted and signs must be cleaned up following the event. All voted in favor.**

Candidates night- Town Hall, Wednesday February 20, 2019 at 7:30pm – The BOS announced Candidate Night.

Electrical Inspector Appointment – The BOS reviewed appointments. **At 8:29pm, Mike made a motion for the approval of the appointments of the following individuals: Joan Skewes- Conservation Commission, Joan Skewes- ZBA, Chris Chetsas-Planning Board, John Andreasse-ZBA, and Robert Fee- Electrical Inspector. Bob seconded, all voted.**

OLD BUSINESS:

Health insurance policy – Ben suggested handing this project to the next BOS as there are substantial changes but no pressing need. All the specifics on health insurance have been removed and a sentence added that employees are responsible to notify the Town of any status change. Health insurance would need to be addressed before any new employees hired. Mike suggested adding a disclaimer that the Employee Handbook is not a contract and no benefits are guaranteed. **At 8:36pm, Ben made a motion to approve with minor changes. Mike seconded, all voted in favor.**

OTHER BUSINESS

Assessing office:

The BOS reviewed and signed 3 requests for Solar Exemption.

Abatements- The BOS received a recommendation from the town assessing service, Avitar, to deny each request for abatement. A letter from Avitar explained that in all 3 cases, the citizen petitioning did not provide evidence that withstood scrutiny. **At 8:39pm, Mike made a motion to follow the recommendation of the assessing service regarding abatements, 5 Amos Tuck- recommend abatement denied, 159 Drinkwater Rd - recommend abatement denied, 2 Old Amesbury Rd - recommend abatement denied. Ben seconded. Bob asked if they are denied due to lack of evidence, would that prevent them to come forward with new evidence. Kathy states that the next step for the would be to go to the BTLA. All voted in favor.**

The BOS have received a road plan from Road Manager David Buxton. The BOS felt this is a great first step, but needs more detail if possible.

At 8:51pm, Mike motioned to approve the Public and Non-Public minutes of February 4th as submitted. Bob seconded, all voted in favor.

The board reviewed bills and mail.

Next Meeting Date – February 20, 2019 Kensington Town Hall 7pm; Regular Meeting March 4, 2019 @ 6:30pm

At 8:54pm, Mike made a motion to adjourn. Ben heartily seconded, all voted in favor.

Respectfully submitted,
Chelsea Lalime