

TOWN OF KENSINGTON
BOARD OF SELECTMEN MEETING
Kensington Town Hall
95 Amesbury Road
Kensington, NH 03833
MONDAY
APRIL 16, 2018
Meeting minutes-Draft
6:00pm

In Attendance: Norman DeBoisbriand, Robert Wadleigh, Linda Blood

Norman opened the public session at 6:00pm, Seconded by Bob, all in favor.

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

Norman motioned to enter into non-public session at 6:00pm, Bob seconded, all in favor.

The board discussed one reputation issue. Norman made a motion to leave and seal permanently the non-public session at 6:20pm, Bob seconded, all in favor.

The board had a brief recess and resumed the regular session at 6:32pm

DEPARTMENT HEADS:

- **Police Department –Chief Scott Sanders-** Discussed the cruiser fund and informed the public that they have been able to pay for the cruisers out of fund with no tax impact to the residents. He continued that due to the increase in the special detail fees three years ago they have been able to outfit the cars from that fund as well. The board then reviewed the appointment for Chester Felch as a part time police officer probationary for one year. Bob made a motion to appoint Chester Felch as a part time officer, Norman seconded, and all in favor. The Chief is hoping to have him sworn in tomorrow and will be doing the shooting.

- **Shooting Range in Seabrook:** Chief Sanders reached out to the Police Chief in Seabrook and the Town Manager and relayed what the town’s concerns were. He just recently reached out again to the chief and he indicated that the Board of Selectmen in Seabrook had asked him to look into options for reasonable oversight at the gun range. This would lead him to believe that they are looking for ways to reopen the range.

His recommendation at this point would be for the town to consider going to legal or another avenue, where the towns are not seeing eye to eye. The board will take this into consideration and they will possibly take the legal route at this time. Norman stated that the board might contact the insurance company and express the concerns of the board over what has transpired. This would include the hazardous waste that is in the open gravel pit area, as well as the public safety issue. The board will move on from here.

- **Fire Department – Chief Jon True-** The letter from Chief True will be posted online.

- **Tax Collector-**Carlene Wiggin- In attendance

- **Road Manager – David Buxton-** Balance of the brush from the storms have now been evaluated, Dave has had two contractors give him quotes:

Cheeza Landscaping for \$2800.00

Towle Hill Tree and Timber Company for \$2500.00

He believes that the \$2800 is a more inclusive bid because they added removing the leaning branches. He will leave it up to the board as to what way they want to go. Bob stated that for the \$300 difference, they want it all done. **Bob made a motion to award the quote to Cheeza to do the brush removal, Linda seconded, all in favor.**

- **Ditching Work:** David spoke with R&D Paving and they prefer for another company to do the shoulder cuts.

Dave met with both Brad Poole and Jimmy Watkins. Brad Poole called and gave David a verbal quote. Jamco was asked to deliver a sealed bid to the town. The board opened and reviewed the quotes.

Shoulders will be cut at end of the field by Dave Lamberts all the way up Moulton Ridge Road, Osgood Road by the church to Terry Melanson, Trundle Bed Lane, West School Road, Hickory and Bartlett Road. They will also be including Kady Lane.

Brad Poole came in at \$16,000 and Jamco came in at \$19,600

Norman made a motion to approve Brad Poole's proposal for \$16,000, Linda seconded, all in favor.

- **Inspections of Plans:** Dave addressed the board and asked for permission from the board to review the current and future subdivisions. He asked to be able to participate in site visits and inspections as well as reviewing and making comments. For an example ditch lines were not deep enough, they should be at a depth of 28 inches, which is the depth of the road bed. He gave an example of Hudson Heights where the depth is only 12 inches. Dave would like to participate in road reviews and inspections as they occur. Bob will be the selectmen that Dave will report to if there are any questions, as well as Christian Smith the town engineer, this would also be the avenue for him to enforce any changes.

The board agreed to this.

- **Contract for R&D Road Reconstruction.** The board was given a new quote from R&D Paving that will include the road work from last year's budget as well as this year's repairs. Dave explained that the state sets the rate for the oil, so the prices can differ each year. The road bonds that they have requested are at \$13 per square yard. David stated that the final amount would be this contract added to the ditching work, he will need to use some of his budget this year for the work to be completed. They can start May 1, 2018. The contract will have to be redone. Once this is redone he will come and coordinate with the police department for the details needed.

Bob made a motion to accept R&D Paving, Norman seconded, all in favor.

- **Fire Pond-** Town Hall: Norman asked where the town is in regards to the Fire Ponds. The vendor thought he would be doing it in August 2018. Dave recommended to pull the grate away from the culvert which will drop the water table a foot or more, this would change the amount needed to pump. The chief has not contacted him on the second pond that will need to be done. Dave is unsure what he has for a second pond but the cistern on Highland Road leaks, and there is no fire protection presently in that area. They will try to repair that soon because the next closest hydrant is by 149 South Road. He will discuss with the Fire Chief.

- **Highway Grant Money:** Norman stated that the board has not spent any of the money received from the grant yet. The board was talking about changing the entrance to the parking lot across the street and they can use the Grant money from last year for that. They are looking to move the entrance and the exit over by the Church off of Osgood Road. Chief Sanders asked if it would be worth asking the company that is coming in for road reconstruction to see if they can do that at the same time. David is not sure if they have the time to do this, but he will meet with the board at any time to see what they want to do with that parking lot. He continued that the state paid for part of the parking lot and suggested that the exit driveway should have a four-foot rain or catch basin there. The boards intent is to close that off and move the entrance over there with the exit. Dave is unsure if they should do the crosswalk now due to the issues with the state wanting to remove the crosswalk in front of the school. The Chief stated that when he met with the state about the crosswalk in front of town hall, they suggested taking out the blinking yellow light on the corner as well as removing that entrance onto route 150.

- **Salt Shed-** Norman asked about the paving of the inside of the salt shed. David would like to do that soon. There is water sitting in the gravel area, so they have held off on purchasing any more sand and salt. He would like to pitch the floor of the salt shed from the rear of the building to the door. Can grant money be used for that as well? David believes that would qualify.

- **Recreation Committee-** Holly approached the board with the athletic field reservations. She gave the board a packet to look through on the conflicts. They have received the EJBL, EJSL, KYAA and Legends who requested 4

dates, which was verbally approved. Legends notified that the first date would need to be changed to 8:30am-7pm, which is not a big deal.

She showed the board where there are conflicts. There are 5 with EJBL and 15 with EJSL. She went back to EJSL and asked if they have any Kensington youth, and they have 7 or 8 between the two leagues. For the dates that EJSL submitted she asked if they were practice or game dates. He will come back and give her specific dates, but most are actual game dates. KYAA stated that most of the days reserved are practice days, she is trying to work out the conflicts, and is unsure how the board feels.

Norman asked if KYAA booked all the fields for the month of May? Holly explained that they did and during Saturdays they booked the whole day and week nights they booked from 5:00-8:00pm for all fields A,B and C. He asked if they need to book all the fields?

They are mostly practices early on, and the games start later. The schedules are on a spreadsheet and showed the board the fees that the town would receive from each organization. Both of the Exeter organizations will be paying for the field use and lights this year. If EJSL got all their requested days it would be \$1152.00. If EJBL got all of their days requested the fees would be \$1596 fields, and \$675 for light use. It is really just a matter of working out some of the conflicts. She is optimistic that the conflicts can be worked out with KYAA instead of booking the entire night, they might be able to book only a specific time. The biggest conflict is EJSL and being able to offer them any dates. Ms. Carter asked how many teams KYAA has this year. They have 8 teams this year.

Could the t-ball use the multipurpose field, or the KES field area. Ms Carter stated that T-ball used to use the multipurpose field. Holly just needs more time to work out the schedule conflicts. The only other organization was Glen Palm and he has a traveling team, but it turns out that of the 5 dates that he asked for he would only have one. His team is at the level where they need the 70-foot base path, so the fields he can use are limited. He realized that it might not be possible, but she can offer him one date. She will go back to him and tell him about the one day and see if he wants to submit his paperwork. They are a 501c3, but he does not offer the traveling team to Kensington children because of the way the league is set up. If they could play on Sunday or Monday nights they could accommodate more days, but not sure if they can adjust to those days. All the paperwork is in, they just have the conflicts to work out. The board asked her to try to work the conflicts out between the organizations.

- **Grange**- the painting work is all done and it was done nicely. The sound company started the work today and they are going to be at the town hall next week. Kathy will contact Bob Fee to see if he is available next Wednesday. There will be a screen and the power box that will need electricity.

- **Banners** – Donna asked about the banners and where the board is with them. Norman explained that the board is reviewing the letter and it will need to be changed before it is mailed out.

The board will work on the letter and have a draft ready for the next meeting. The letters will be sent to the same vendors as last year, but there are a few more that the board has identified to send letters to as well.

- **Field Work**- KYAA sent the board the copy of the field work, Kathy showed the board the pictures forwarded and the note from Dan Sweet. Holly asked them to submit any invoices for expenses that they had in the clean up and Mr. Sweet stated that he did not think that there would be any due to the work all being performed by volunteers. The grill has also been removed from the bunker.

- **Flag Football**: Chief Sanders met with the Flag Football representative and he understands the issues with the grass and the runway and he didn't think that would be an issue. He explained how the day would progress and there doesn't look to be a parking issue. He will contact the chief directly if there are any issues.

- **Legends** – Chief Sanders does not see any issues with the organization but did request for them to contact him as well, Kathy and Holly will let him know to touch base with him before the rental times. The board signed their application.

- **Park and Town Mowing:** Norman explained that the spring clean-up has been done at the cemetery the town park and all the town properties already. Ms. Carter asked if he cleaned up the branches, and the board stated that his contract is to do the mowing and leaf clean up, they are looking into getting someone over there to clean up the fallen branches. Norman stated that the town will have to do something about the dying hemlock trees at the park due to the Woolly Adelgid. He continued that there is a company in Rochester that they can contact to see if they can spray twice a year and it is a non-chemical spray. It is a soapy substance that will encapsulate the diseased sections, and it is nontoxic. The board will be looking to do something because they will lose all the hemlock trees there if they don't.

- **Water** has been turned on and tested on the main park side. **Men's Bathroom Urinal-** Bill called today to say that the water is overflowing when the urinal is flushed. Norman stated that it sounded like the water pressure is turned up too high, Kathy will see if Art can look into it. The water is shut off at this time downstairs.

- **Field Rental-Kensington Youth Athletic Association (KYAA)-** The board looked over the previously presented paperwork for KYAA request for the Jamboree.

Bob made a motion to approve the permit for the KYAA Jamboree for June 16th, 2018, Norman seconded, all in favor.

- **Conservation Commission** – Addendum to Baseline Conditions for Sawyer and Boudreau & Yardley Conservation Easements- Kathy stated that the conservation commission reviewed the paperwork at their last meeting and approved the addendum. The Board will review the addendum for the next meeting.

- **Sawyer Kensington Trust-** Norman informed the public that the board has not been in contact with the trust. There is a trust meeting this week. The agreement between the trust and the town has run out and at this time the town will run the park. At this time all decisions in regards to the maintenance will now reside with the board, along with consulting the Park and Recreation Committee. There is officially no agreement between the Trust and the town at this time. He is unsure if the Trust is looking to sign a new agreement with the town. The Park and Recreation Committee and the Board of Selectmen will be making the decisions for all park issues at this time.

- **Treasurer-** Michael Schwotzer-in attendance.

- Other Department Heads-

- **Building Inspector-** Norman Giroux- Norman reported that there is an abandoned house at 18 Cottage Road that a resident brought to his attention. He went over to review, without accessing the property, and reported that the windows are starting to fall out, the vines are taking over the property, and the building is not boarded up. There is rot into the basement area where you can see through to the basement and he is concerned with children being able to access this area. There is a garage and that looks to be in good shape. There is also an abandoned car and some lawn equipment.

He wants to know what the procedure is to condemn this type of property. Norman stated that the board should first notify the property owner of the safety and fire concerns, and ask what their intent is with the property, as well as making a request that they clean up the property. The department heads should be involved in the process. The board will send out the letter with a set amount of days to respond.

- **Kensington School Board-** The Kensington School Board wishes to keep the crosswalk across from the Kensington Elementary School and reiterated that in a letter to be forwarded to the state. In the letter they stated that they were in agreement with the Selectmen's wishes to keep the crosswalk. Kathy asked if the board wanted to send a letter along with the School Boards to the Department of Transportation District 6. The board will reiterate the intentions to get the crosswalk across from the town hall as well. He thinks that this is all stimulated from the state paving 150 (Amesbury Road) this year. The board was under the impression that they were going to

install the crosswalk lighting system like PEA has, but the state has informed the board that they don't want any more of those types of systems installed at this time. A letter will be drafted for the State.

Jen Ramsey will be the School Board member on the Charrette. They will be reaching out to the Library to see if one of their trustees would be interested. They have reached out to the Grange and Cemetery trustees and have identified two residents in town to participate. The school thought that it would be a good idea to have one of the students from the 5th grade participate as a civic duty, and they would report back to the class. The board thinks that it is a good idea and believes that this participation would be an additional benefit to the Charrette.

NEW BUSINESS:

• **Adult Softball**- Dave Macek- Norman explained that Mr. Macek had asked to be put on the agenda but was called away and unable to attend. He explained that Mr. Macek was sent a letter from the board stating that there were some audit findings that were presented to the board, in regards to the Recreation Revolver, and as a result of the findings the board thought that it was a good idea for the adult softball to migrate out of the Recreation Revolver and conduct the Adult Softball by themselves. There were some concerns about the adult softball money not being used solely for adult softball. It became an account problem and the board decided that it would be better if they were to keep the program outside of the Recreation Revolver. This was not stated in the letter but if they wanted to bring the program back into the Recreation Revolver there will be certain controls that will have to be implemented. Mr. Macek had wanted to come tonight to discuss this and the auditors are here in case there were any questions for them.

Donna asked if there was a way to do what the auditors want and keep the Adult Softball program within the Revolver. Norman explained that it was deeper than that. What has come to the board from the Adult Softball is basically that the town is spending their money. The town is not spending their money it all goes into the Recreation Revolver not only for Adult Softball but it supports other activities within the Recreation Department. If there are other non-producing revenue activities there has to be a source to fund that activity. Not all the Adult Softball money would go to fund that activity but there is a feeling within the adult softball that it is their money and they get to spend it on what they want to spend it on, and not what the Rec. or the board want to spend it on. With that atmosphere there have been some things that have transpired. Donna stated that she could explain the issue. Donna stated that the rec was set up differently before and they didn't understand the change. Adult Softball would give \$100 per team to the field rentals and all of the revenues that went into that fund would only be spent on the town park, they could not spend the money on anything else. Norman stated that the board never spent the funds on anything else but park needs. There was an explanation of the return of funds to the town and the decrease in funds collected over the past three years.

Donna knows that they stopped the fund raising due to the change in the way the accounts were changed and they couldn't spend the funds the way that they wanted. There were eight teams and what was paid in and what was collected seemed to be different. This will be a finding in the audit report that this board can't have, either the program will be run correctly with all the funds and the expenditures going through the recreation revolver, or they can take it out of the revolver and run it independently. They are concerned with the accounting of the funds. Donna asked if the adult softball group has the ability to do the season through the revolver. The board is okay with the program being run through the town if they are willing to live within the parameters that are established by the board. The Board and the recreation department should establish the fees as well. He is unsure why the fees changed and dropped substantially and it seems that those decision were made outside of the town. If they want to reside within the town then there will have to be parameters that they will have to live by. The best option for them if they are not happy with those parameters would be to take them outside of the recreation revolver, and pay for the field and lights, and then they can charge whatever they want. The auditors exited the meeting at this time.

• **Warrant Articles** – Norman explained that the warrant articles in question are the two articles for the fire department. The second article which dissolved the Ambulance fund needed to have a public hearing for the

article to be accepted by the Department of Revenue. The board did not hold the public hearing because they were not aware there needed to be one held. That fund cannot be dissolved. The first warrant article that also passed established a new fund with \$155,000 to be transferred out of the reserves into this fund. The second warrant article was to dissolve the fund and put the funds into the reserves. The second article would have taken the funds out of the old fund and put it into the fund balance to then be transferred into the new fund. The board can't do the second article. They still have the opportunity to use the \$155,000 from the unreserved fund balance to fund the new fund and put the article to discontinue the fund on the ballot for next year. This is the first time that the board has been together since hearing about this. They need to talk to the chief and see what the effect of them not putting the money into this account will cause him during the year. They will hold this for the next meeting. Mr. Schwotzer will try to come to the next meeting to discuss with the Chief and the board.

- **Round Hill Road-** Norman reviewed the documentation that was received. When he went through the explanation that the attorney provided as well as what Donna and Pam submitted he surmised from North Road to where Amelia Rowes' house was closed to bars and gates, from that point out to Osgood Road was abandoned. The meaning of closing to bars and gates, means that it becomes a class 6 road, where the public still has access to it. There was a letter from a previous board and with the board writing that letter it leads you to believe that the road is closed to bars and gates and not abandoned. Mr. Kuegel showed the board a map drawn by the State of NH in 1953 that depicted where Round Hill Road was located at that time and he explained that if the road was labeled as an "unapproved road" why would it have been on the map if it was abandoned. It does not state any class, that it was abandoned or any other description. There was a lengthy discussion on where the public thought that Amelia Rowe's property was and where the house was actually located that was identified in the warrant article abandoning a section of the road.

He further explained that the planning board was correct in that they cannot, under state statute, issue a driveway permit on a class IV road. The issue is locating Amelia Rowe's house that they were referring to in the warrant articles. A very lengthy discussion continued on where the public thought that Amelia Rowe's house was located. The board can only determine where the house was located, nothing else.

It was asked where they were to go from here. Norman suggested that they research where that house was located. He reiterated that this is not a legal opinion.

- **Kuegel Pit-** Mr. Bunnell asked about the status of the Kuegel Pit. Norman explained that both the planning board and the board of selectmen have determined that the Kuegel pit is reclaimed due to the recommendation from the town engineer Christian Smith. Norman explained that there are parameter's that the board has to work within, and the pit is considered reclaimed.

- **Schedule the Joint Loss Committee Meeting-** schedule next meeting

- **Granite State Quest-Road Use Permit-** the board reviewed the application submitted.

Linda made a motion to approve Granite State Quest road use permit for a race, Bob seconded, all in favor.

The board wanted to remind them that they are not able to put permanent paint on the road.

- **Open Air Assembly Permits-** There are two open air permits. **Norman made a motion to approve the open-air assembly permit for Eastman's' Corner for June 2, for one day, Bob seconded, all in favor.**

Norman made a motion to approve the Aug 11 & Aug 12 for James R Rosencrantz, Bob seconded, all in favor.

- **Irrigation Contract-** the board reviewed the yearly contract. **Norman made a motion to approve the yearly irrigation contract, Bob seconded, all in favor.**

- **Turf Care Contract Addendum-** It was explained that the Hillside Landscaping does the fertilization and the contract will be extended so that there are not two major bids being done in the same year. **Norman made a**

motion to extend the turf care at Sawyer Park with Hillside Landscaping for one more year, Bob seconded, all in favor.

•**Recycling Contract-** Update-Contracts- town has not heard back from Greenworks at this time. Kathy has forwarded the last version of the contract as well as calling the company, no response has been received. Linda wanted to point out that on a Facebook post it seems that some town residents are starting to understand the problems that the town is facing with recycling. Things need to be thought about in the future. Pam Holland asked for a response to the letter that was written to the board. The board would like for them to read the minutes, if they want to respond to the minutes the board would be more than happy to have their assistance.

•**Tree Cutting on Amesbury Road-Unitil-** Norman asked if the Conservation Commission has reviewed the list of trees. They have been in contact with Unitil and they have come to an agreement on the suggestions. **Norman made a motion to approve the tree cutting and trimming with the changes that the Conservation Commission has requested and approved, Bob seconded all in favor.**

OTHER BUSINESS:

• Assessing Office – Kathleen Felch-

1. **Gravel Intent-** One for Seabrook and the other for the Felch's. The board is holding off on signing the Seabrook Intent at this time. Kathy did call Curtis at the Seabrook Water Department and the open pit area is the area that the shooting range is using to shoot into. The board reviewed the Felch's Intent to Excavate. **Norman made a motion to approve the intent to excavate for Franklin and Kathie Felch, Bob seconded, all in favor.**
2. **Bonds for Roads-** Kathy informed the board that Mr. Varney came in and gave her the cashier's check for \$65,000 to bond Kady Lane and Oak Ridge Road due to logging activities, and she has also received the Bond from J Pandelena Construction for the work being done off of Moulton Ridge Road. **Norman made a motion for David Buxton to review and to work with Bob Wadleigh on this going forward. Linda seconded, all in favor.** Kathy expressed that Mr. Varney would like to start as early as tomorrow, Bob asked that he hold off until Wednesday due to the recent rain storms.
3. **Appointment** to the Planning Board for Jim Thompson. **Bob made a motion to appoint Jim Thomson to the planning board, Linda seconded, two in favor one against.**
4. Tanya DeBoisbriand emailed the board about having the YMCA after school program could be involved with replacing the sign that was removed from Route 150. The board thought that it was a good idea and Kathy will contact them and let them know, and to see what they were thinking of doing or helping with.
5. Heritage Informal committee made a note that they wanted to be able to post information on the town website. Where there was a loss on the town warrant on this article so the board has to take those people into consideration and would suggest the information being posted at the Library or posting locally.
6. Paul Steeves will be replacing the flag on the Town Hall. There is a ceremony at the American Legion for the proper destruction of the US Flags.
7. There is a meeting for town representatives on the paving and construction happening this summer on all state roads. The board suggested to forward the information to the Chief of Police as well as David. There was also a message stating that the details for the state road will only be done by police personnel instead of using flaggers.
8. Municipal Pest Management- sent the board a letter informing them of the upcoming testing that will be starting. The board will have this posted on the website.
9. The School Board wrote a letter to the NHDOT which will be forwarded with the letter from the town on the elimination of the crosswalk in front of the Elementary School.

10. Fire Works Permit and Contract-The fire chief is waiting on more information from the vendor for the display being held in August at the town festival.
11. The board will be sending out a request to Mr. Lewis for the matching funds for the fireworks.
12. Trash bags system for collection of trash- Exeter responded with information for the board to review.
13. State of NH- Audit from the State Police- There is a questionnaire that will need to be submitted back to them by the 16th of May. Most of the information was identified as being part of the police department processes. There are mostly questions on the Criminal Background process. The board will have Chief Sanders review.

• **Charrette Committee Questions:**

Linda stated that she has talked to John Valvanis who was identified and would like to be part of the committee but he is busy Wednesday nights, she suggested that when individuals are asked to be part of the committee they are asked if there is day that works best for them, so that they can narrow down what day will work best for everyone.

• Bills were reviewed and signed off on.

• **Approval of Board Minutes-** Norman made a motion to approve the minutes for January 8,15,29, Bob seconded, all in favor. Norman made a motion to approve the minutes of February 1,12,26, 2018, Bob seconded, all in favor. Norman made a motion to approve the minutes of March 5,19,22,26, 2018, Bob seconded, all in favor. Norman made a motion to approve the minutes of April 4, 2018, Linda seconded, all in favor.

• **Non Public Session- RSA91A:3, II**

Norman made a motion to enter and leave nonpublic at 8:41pm.

The board revisited Citizen's Forum:

Dan Sweet from KYAA had come into the meeting late and stated that he was present to see what the board needed and if they had any questions for him. The board stated that from what she had presented earlier in the evening they would like for him to get in touch with Holly to work out the schedule conflicts with EJBSL and EJBL. They thanked him for attending the meeting.

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

Norman made a motion to enter nonpublic at 8:45pm, Bob seconded, all in favor.

One reputation issue was discussed. Norman made a motion to leave and permanently seal the non-public at 8:56pm, Bob seconded, all in favor.

• Next Meeting Date –May 7, 2018 at 6:30pm.

Norman made motion to leave public session at 8:57pm, Bob seconded, all in favor.

Respectfully submitted,

Kathleen T Felch