

TOWN OF KENSINGTON
BOARD OF SELECTMEN MEETING
Kensington Town Hall
95 Amesbury Road Kensington, NH 03833
Monday, November 19, 2018-- 6:30pm
Meeting Minutes-Approved 12-3-18

In Attendance: Mike Schwotzer, Ben Cole, Bob Long
Approximately 15 residents in attendance.

Mike opened the meeting at 6:31pm.

Pledge of Allegiance

DEPARTMENT HEADS:

- Police Department – Chief Scott Sanders reported as follows:
 - The budget was submitted to the board on Friday 11/16 for review.
 - Server project with the Sheriff's Department is near completion- approx. 2-3 weeks. Dec 31 the server will no longer be available
 - The Tahoe is in Amesbury, MA for service – there have been some mechanical issues. It is expected to be back tomorrow.
 - Beards for Bucks- 26 agencies raised over \$21,000 throughout the month
 - Nixel, the text message and email notification system that the town uses to notify approximately 900 residents who are signed up via text and/or email messages will, as of December 17th, no longer be supporting the text messaging feature for free. Chief Sanders has contacted the company in regarding cost for text services for the next year. Mike asked if we are paying a fee for the email. Chief Sanders responded that we are not paying for email or text notifications currently. The email will remain free. Mike asked if we have thought about sending a text notification to the text subscribers while it is still free encouraging them to sign up for email in an effort of cost savings for the town. Chief Sanders expressed benefit of text messages and how accessible this form of communication is. Bob asked if there are records of past volume of email versus text subscribers. Chief Sanders can investigate this.
- **Fire Department** – Chief Jon True reported as follows:
 - Began by wishing everyone a Happy Thanksgiving and reminded residents to not leave any cooking unattended.
 - There are new Building and Fire Codes that will be applied and enforced. These will be posted at The Country Brook Cafe, the Town Hall, and town website.
 - Chief True recommended four individuals from surrounding communities for employment as EMTs effective December 1. Laurel Urwick (East Kingston), Tiah Eaton (Hampton Falls), Jeremy Poder (Hampton Falls), and Alexis Ganant (Hampton Falls).
 - There will be private fireworks at 6:15pm at Alnoba on Thanksgiving.
 - **Mike made a motion to move forward with hiring the 4 individuals previously mentioned to the Fire Department at 6:41.** Bob asked if these individuals would be hired on a temporary basis. Chief True said these four people were willing to come on for a short period of time, but are already trained. Chief True shared that they have received applications from five Kensington

residents, but they are not trained yet and there is an immediate need. They will only by EMTs.

Board unanimously passed motion at 6:42pm.

- Kensington Fire Facebook page will be updated and maintained. The department is looking into an emergency management page. Selectman Cole will be involved in monitoring storms, and designating an emergency operations center, if needed. This is helpful if there is a disaster funding. The info will also be on Kensington website if necessary. Example given for weather forecasted for 11/20.
- Chief True provided the Selectman with a copy of letter showing the approval of grant to updates the Town's Local Hazard Mitigation Plan. This plan is required to be submitted by January 2021, but Chief True would like to involve both the current board and future boards in the decision making process.
- **Charette Committee** – Chief Jon True reported as follows:
 - There are two letters dealing with a traffic and trail committee, all are recommendations at this point. Bob asked the board to lead this so that there is a diverse representation on that committee because there are various groups that might use the trails. Bob said that he will take lead on trails and Ben will take the traffic issue. The board will begin work on this issue.
- **Road Manager** – Dave Buxton was not present
 - Ben gave an update on the Old North School to do some minor excavation to get the water flow moving again. There would be discussions with the Historical Society before there is any excavation done.
 - Chief True said that since Route 150 was paved there are drainage issues in front of the Fire Station.
 - Bob said that for the Holiday Stroll on Sunday, the parking lot at the Town Park will need to be cleared. Ben Cole will get in touch with Dave.
- **Tax Collector** – Carlene Wiggin had nothing to report
- **Building Inspector** – Norman Giroux reported as follows:
 - 18 Cottage Rd – Norman visited the property and felt it was in worse condition than 6-8 months ago. Ben Cole spoke to landowners who plan to sell. Ben will follow up with the landowners to see if they will be filing for demo permit. Mike gave a brief history of property and believes at this point the town need to take action. Norman said that he thinks the property needs to be safe for the neighborhood, and currently it is not. **Ben motioned at 6:55pm for Norman to take necessary steps for immediate steps to remedy. All in favor.**
 - Norman feels he should have the authority on Cease and Desist, but he wants to be clear that the board is in agreement that he can do that. Mike has the minutes from the previous meeting regarding permit violations, RSA 676:17. Mike believes should be on an individual basis. Ben asked Norman how often C&D violations are happening. Norman said 4 times in 3.5 years. Ben is torn and he feels if they are routinely happening, this is something Norman should have authority to do. Mike and Bob suggested that an emergency meeting could occur because a C&D order could involve legal counsel as well. Discussion ensued on how the process would work with Norman and the Selectmen.
 - Currently Kensington doesn't require plumbing permits. Norman believes there should be a permit that needs to be requested. In Kensington, there is no permit for plumbing, but the plumbing has to be inspected. Other towns have a \$25 application fee for plumbing permit,

some towns have a \$25 per fixture requirement. Discussion on what would be considered a fixture. Other towns have plumbing, building, and electrical inspectors. Norman explained that plumbers will call and ask the process for applications, but there is not one in Kensington. Mike asked what we need to start the process for a plumbing permit. Norman said we will need a plumbing application similar to electrical and that at some point in the future the town may need to add a plumbing inspector. Discussion on fees and fee schedules. Board would like to learn more before making a decision. This will be discussed again at the next meeting Norman is present for.

- Mechanicals – Kensington also does not have a permit for mechanicals and Norman suggested that the town look into this in the future too.
- Resident Bruce Cilley asked if there is a plumbing permit fee, would the square footage fee be decreased, because currently the plumbing is included in the building permit as part of the square footage. This would need to be discussed again as more information is gathered.
- Currently building permits good for 1 year and Norman says he is not being called for final inspection of smaller items such as decks, solar panels, etc. Norman proposed that for smaller projects, issuing permits with different lengths of time, for example 3, 6 and 12 months. Discussion followed. Bob agreed with the different lengths of time permitted, but believes it ties in with the entire permitting process, and would rather have a comprehensive plan for permitting for the town. Mike volunteered to work with Norman on this. Ben concerned with shorter period and that it may make it difficult to finish a project. Norman said there is no fee to reapply after the year. Norman has also been working with Chief True on permitting processes. This topic will be further discussed in the future with Mike assisting.
- Resident Dan Sweet reminded Norman that about ODD fund if there is an oil tank on the 18 Cottage Rd. property that leaks. Chief True asked that the fire dept be notified if there is a leak. Discussion on storage tanks at the property at 18 Cottage Road.
- **Treasurer** – Not present.
- **Town Clerk** – It was reported that there were three applications for Deputy Town Clerk. Carol will be conducting interviews and will make the recommendation of a candidate to the BOS.
- **Recreation Committee** – Elaine Bodwell reported as follows:
 - There was a meeting 11/14. Members present were Elaine Bodwell, Donna Carter, and Robert Long. There were three attendees from the public. Elaine felt it was a very productive meeting. Each of the public attendees had opportunity to give opinions and share ideas. Lili Spinoso would like to become more involved and would like to be considered for appointment as member of committee. Bob wanted to convey thoughts on the role of members vs volunteers. Elaine read the Recreation Committee's Mission Statement.
 - The Ski Program and Adult Basketball programs will be offered this winter.
 - The idea of a tree lighting in conjunction with the Holiday Stroll was presented. There are not lights left over from years past. The Recreation Committee worked with Chief True to identify a tree that would be used. Donna Carter suggested pinecone ornaments to hang on the tree. Lili worked with the student council at KES, and they have created over 50 pinecone and sunbutter ornaments to decorate the tree with and feed the birds with. The stroll will begin at 4:30 at the park for any children who want to hang the ornaments on the tree. The horses will arrive at 5pm.

- The Father Daughter dance will be February 8 from 5-8pm. Details will be discussed December and January Recreation Committee meetings.
- Ideas for a Mother Son evening are being discussed.
- The next Recreation Committee meeting is 12/12.
- Mike had a note that there was \$3200 left in the Special Event Fund. Bob confirmed that that is correct. Bob asked if anyone has looked at cost of lights as the current lights are likely not functional. Bob asked for permission to buy strings of lights for the holiday stroll and be reused for future years. **At 7:31pm Bob motioned to purchase the new lights for the town, Ben seconded, all voted in favor.**
- **At 7:32, Bob made motion to appoint Lili Spinosa to Recreation Committee, Mike seconded.** Ben asked Lili Spinosa to confirm that she wants to serve on the committee. Lili confirmed. **All voted in favor.**
- **Conservation Committee** – not present
- **Kensington Trust** – not present
- **Kensington School Board** - Ben reminded the Board that they have been invited to attend dedication of the Multipurpose Room to Paul Flynn tomorrow 11/21.
- **New Business** – Mike reminded public that this is a Public meeting RSA 91A – speak at public meeting questions and comments addressed to board.
 - Discussion with Dave Macek – Mike informed Macek that under RSA 91A this discussion can be in non-public session. Macek confirmed that he wanted to have this discussion publicly. Dave confirmed that Mike had sent him a report. Mike read his report and this summary: **“Mr. Macek’s involvement with the Adult Softball Program was separated on June 6, 2018. After conducting an audit, and a review of the available documentation, I believe that there was no misappropriation of funds but the manner in which Mr. Macek conducted the Adult Softball Program could have been improved in order to protect the Town and to increase transparency. Additionally, I assert that the then Board of Selectmen did not intend to create any impression that they believed that there had been dishonest action or any misuse of funds for Mr. Macek’s personal benefit.”** Mr. Macek stated he agreed that he could have done things better, and apologized, but asserted that he did not steal money from the town. Macek states that the external audit report he received has never been made public, and people have asked Macek what is included in this report. Macek suggested to the BOS that this report is made public. Macek thanked the board for their handling of this matter.
 - Establish Fees for RTK Requests- Mike reports in the last two weeks, the town has received five right to know requests. These requests have pertained to two subjects: Mr. Macek and Ms. Carter. BOS is tasked with all emails/correspondence that occurred between BOS and the subjects in addition to info included in files for these issues. One requester stated that if there is a fee for searching the records please inform them if there is a cost above \$10. Mike has asked the Police Department how they handle requests for similar reports. Mike read Section 91A RTK law aloud. Bob supports the establishment of fees, as there is a need for staff to organize and print and that cost should be reimbursed to taxpayers. Ben is comfortable establishing a fee for paper copies, only, consistent with state law. Mike recommends the report fees the police use. **At 7:52, Mike motioned to put the report fees into place, Bob seconded, All voted in favor.**

- Office Hour Request- Dan Davis, a newly elected state rep for District 16, also representing Deborah Hobson, also a state representative. Hobson would like permission to hold office hours one day per month where residents have access to her in person to discuss any concerns or issues. Davis asks the BOS for permission to publicize one hour per month on a Monday for the previously stated purpose. Davis was unsure of how to schedule which Monday of the month. Ben said he can coordinate schedules. Ben will be in touch with Davis. Bob had concerns; he liked the idea, but worries about precedence and wants to make sure that this does not morph into campaign center. Davis confirmed that it was not for campaigning, and suggested even suspending during campaign season to prevent any campaign related discussion. Mike confirmed that the board is agreeing one hour per month.
- Date for Trust Agreement Public Meeting – Discussion on how to give the townspeople idea of public hearing/presentation on the draft agreement with the Lewis foundation and the Trust in advance of the next BOS meeting. Bob said that the objective of the meeting would be for the BOS to review and see if BOS can approve or if it will require a warrant article. However, regardless, education to the public is critical. Mike suggested scheduling for the 12/3, but will need to reach out to Mr. Butters first if it will be called a public hearing. Preliminary meeting to be scheduled for 5:30, then BOS meeting at 6:30 for 12/3. Resident Richard Elwell asked if the document was on the website. Ben confirmed it was.
- 98 Amesbury Rd – Mike has had email correspondence on this issue with Bruce Cilley. Cilley wrote to the board asking that they be notified when one of their properties is being discussed at a meeting. Cilley says they had not received notice that they were on the agenda for tonight's meeting. There are possible violations of approval including the replacement of the open sign and outside dining service on the porch. Discussion followed. Mike said that in his opinion, this is a legal matter that should be sent to town council. Cilley says his issue is that he was not notified that his property was on the agenda for the meeting. Bob asks if for any of the issues, has there been a complaint from an abutter. Mike says it doesn't matter because this has been an ongoing issue. Ben says there is a Selectboard role of enforcement for this but that he would prefer to have Cilley go before planning board to reach a resolution prior to hiring attorneys otherwise the BOS will have to pursue enforcement. Mike says he will see if it can be addressed and will work with Cilley to see if a resolution can occur other than getting lawyers involved. Cilley agreed and shared that the dining services ended for the season, but would like a resolution prior to April. Resident Elaine Bodwell asked if public ever has input on something like this, because it affects the public. Mike explained there are Rules and Regulations the Planning Board has to follow and explained the nonconforming use and the concern to Elaine.
- Mike read an email dated Monday November 13. Email was copied to Bob Wadleigh and Linda Blood. Subject: Non public session. The former BOS members would like to request a non public session regarding actions about the town. The email references possible legal action. Bob says he would like to ask them why they feel a non-public session is required. Ben suggested scheduling a meeting with previous board members, open to public, and if it needs to go into non-public session then the conversation could go into a non-public session, but he does not feel comfortable committing to a non public session without knowing what is to be discussed. Previous BOS member Linda Blood was present for the meeting but had no comment. Ben will take the lead to coordinate schedules and correspond. Resident Glen Greenwood asked if there would be a noticed public meeting, which was confirmed by Ben.

Citizens Forum

- Richard Elwell 8 Amesbury Rd- Elwell said that during the discussion with Macek, there was a comment about the auditors report being made public. Elwell stated that there was a Facebook Page “Kensington Squawks” where someone named Dave Macek posted screenshots of images with a description that the images were from the Auditors Report, making portions of the report public. Elwell suggested that the Auditors Report be released so the townspeople could view it. Mike said the Auditor’s Report is a public document and should be posted on the website. Resident Macek said that in the final audit report for 2017, the Adult Softball Audit Report was not published.
- Glen Greenwood, 132 Amesbury Rd – Greenwood asked for clarification on the report Mike read earlier regarding Dave Macek. Greenwood wanted confirmation that the BOS was not stating that Macek had misappropriated of funds. Mike re-read the assertion of the last two sentences of the report.
- Jen Kirby Macek, 8 Hidden Pasture Rd – Kirby Macek read a two-page response to M. McCann’s letter of opinion read at the November 5th BoS meeting. She requested that her statement be attached to the BoS meeting minutes.
- Richard Elwell asked why other people are required to be put on the agenda to speak for longer than three minutes but some can do so without being put on the agenda. Ben asked that in the future for Citizens Forum to be used appropriately, presentations should be limited to three minutes each and of matters to be discussed with the board but were unable to be included on the agenda; issues should be urgent in nature and require immediate attention.

Old Business

- **Employee Manual** – Continued discussion on the current vacation and sick day policy for town employees. Employees do not use the sick leave incentive and it is unclear why it is in the policy. Ben says there is not much logic as an incentive and would suggest removing it. Discussion on how much time should be given and how it can be used (hourly, half day, or daily). Additional discussion on buyback programs and rollover time. The board discussed changing from separate vacation and sick time to have all benefit time off as Paid Time Off, no longer differentiating. Ben will research and come up with a policy to be discussed by the board in the future.
- Assessing office - Kathy Felch
 - Explained that there was a request from a retiree that self pays but is still on the town insurance. The retiree is beyond the cost that he can afford at the increase of 10.5%. The retiree is wondering if the town would add to the current policy in support of retirees a program that costs less. Kathy contacted the insurance company asked the insurance if it would be an added cost, and it would not be, but we can add it to our policy for retirees only, the town just would have to offer it. **Mike made motion at 9:01 with verification no added cost to the town, to add Medicomp 3 without prescription coverage to benefits for retirees, the program in question. Bob wanted confirmation on current benefit years, but also future benefit years that there would be no added costs to current employees. Bob Seconded, all in favor.** Kathy will have confirmation on the cost. **Mike motioned at 9:03 that the chairman sign the appropriate medical insurance addendum as applied by the insurance company, Bob seconded. All in favor.**

- Check for Bradford Ski Area– Kathy wants to hold off on the check until Tuesday of next week, for any final applicants to get information in. **Bob made a motion at 9:04pm to preapprove a check to Bradford Ski for Tuesday. Mike seconded, all in favor.** There are eight people currently signed up, with several other expected.
- Resident Donna Carter presented to the board that there are 3.5 pages of accusations against her and only 22 words of her own words in the minutes from the last meeting. Carter doesn't feel like the minutes are reflective of the true picture because there are opinions and misconception of facts. Carter recognizes that this issue needs to end but that it is being handled fairly. Ben said that it does say in the minutes that Carter disputed the accusations. Carter acknowledges but feels that people will not see the full picture. . Discussion ensued. Mike would like to delay the approval of the minutes in question and the board will revisit the minutes.
 - Dan Davis asks can the board make a motion to accept an addendum based on the inconsistencies. Ben says that we would then be entering a new document based on something that would be said based on responses to accusations made. Ben said that if there is rejection, there is rejection.
 - Glen Greenwood stated to the board that it is not unusual for the minutes to be transcribed verbatim. In his opinion, Carter should be asked to be on the agenda to read the response. Glen said the minutes should instead reflect the point by point rebuttal because that is what happened. Bob brings up differentiating an opinion versus something being part of the minutes. Mike said there is no difference whether it is in document form or the recorded audio, they are accessible to the public. Ben confirmed meeting audio recordings are not currently being deleted.
 - Jen Kirby Macek said that she wrote her letter because of the attachment in the last meeting. She said that if the other attachment was taken out of the minutes, she would be happy to remove her letter from these minutes.
 - Pat Bonnevie, French's Lane – Read from the minutes, said the word "many" should be changed to "all" in regard to the statement that Donna Carter disputed "many" of the comments made, when she in fact disputed "all".

Ben motioned to approve the minutes from 11/6 at 9:19pm, Mike voted in favor, Bob abstained.

The board reviewed and approved the bills.

Mike motioned to adjourn the meeting at 9:27pm, Ben seconded, all in favor.

Respectfully submitted,

Chelsea Lalime