

BOARD OF SELECTMEN MEETING  
Kensington Town Hall - 95 Amesbury Road, Kensington, NH 03833  
MONDAY, DECEMBER 17, 2018 – 6:00pm  
Minutes - DRAFT

In Attendance: Robert Long, Ben Cole, and Mike Schwotzer  
Approximately 6 residents in attendance.

Mike opened the meeting at 6:00pm

Pledge of Allegiance held until after the public hearing.

**Public Meeting with Avitar for Contract**

- Loren Martin attended the meeting as a Representative from Avitar.
- Previously the town had paid a monthly flat rate, the option for the flat rate is no longer offered by Avitar. Loren suggested to the town that they use a Capital Reserve Fund or Expendable Trust to continue to fund in a level manner each year.
- Loren also made the suggestion that due to pending legislature, HB324, if the town opts for the 5-year contract, to go without the utilities included. Loren explained that HB324 is new legislation pending for 2019 that if passed, would likely be a resolution for utilities that would be part of the normal contract and assessing, with no need for a separate use report.
- Loren explained that the services included in the proposed contract are essentially the same services Avitar has provided to the town in the past and include, but are not limited to: day to day assessing needs, annual pickup work, Abatement requests, equalization survey, data entry, cycle inspections, site visits, and any assistance Kathy would need. In past years, services were handled on as needed basis. The proposed contract also includes 1 scheduled day per month that Avitar would be in town and accessible to taxpayers for any questions or concerns.
- The town received a notice from the State of NH Department of Revenue Administration dated October 19. The letter suggests adding intermediate dates to any plans/contracts for assessments. Avitar will add a statement to the contract so that the town feels confident that they are meeting the requirements of the State. Loren will work on the necessary verbiage to add to the contract to meet this requirement and will resend an updated contract.
- Ben had concerns on page 3 of the proposed contract regarding specific timelines for MS1. As the proposed contract reads, it seems that all work will be completed to the town before the end of the calendar year. There was further discussion that this would need to be revised to include a deadline in August for the town to meet the MS1 September 1 deadline and a statement should be added to say that all necessary work will be completed in order for the town to meet all state required filing dates. Loren assured the BOS that all required tasks would be completed in time in order for the BOS and Kensington Assessor to meet all the state required dates.
- There was brief discussion about how the contract will work with new construction. Loren assured the board that tasks will be completed in time for the first tax bills, and the assessing will not always be triggered by the occupancy permits.

Mike explained the budgeted cost for the current year is \$45,840.00 which included the additional 5<sup>th</sup> year pickup, knowing the cost would drop back down the following year. Robert asked if the town had mechanisms to allocate funds now that Avitar was not offering that option. Mike explained that would need to be a warrant article and that the only year changed by utilities is the 5<sup>th</sup> year. To continue to plan using a flat fee per year, it would amount to roughly an additional \$6,000.00 per year. Mike expressed that the difference of \$6,000.00 per year won't mean as much today as it will in 5 years when there would be a significant increase in the last year. Mike suggested changing the budget down to the contractual amount of \$14,964.00 per year. Mike asked if the Board felt it would be worthwhile to pursue a \$6,000 warrant article because in the 5<sup>th</sup> year it would become an issue. Loren suggested to the Board that when writing the warrant article, the Board should leave themselves the right to expend the funds in the 5<sup>th</sup> year if not passed. Mike

asked for an example of the warrant article language. Bob asked if these monies would be earning interest. Confirmed. This would be earning interest and flat funding for this requirement. Mike will work on drafting a warrant article.

**At 6:22pm, Mike motioned to approve a 5 year contract for the annual cost of \$14,964.00 without utilities and to authorize the Chairman to sign said contract if the amendment is agreeable. Bob seconded, all voted in favor.**

• **Kensington School Board** – Jennifer Ramsey, Chair of the Kensington School Board reported as follows:

- SAU16 has switched to a new software, and as a result there have been some obstacles with the budget as the budget process is now done differently.
- Wednesday, 12/19 at 9am at the Tuck Learning Campus (SAU16 Offices) there will be a Budget Meeting. Items for discussion include the possibility of establishing 2 reserve funds for KES, one for special education and one for capital projects for the building. The board anticipates large expenses for building in the coming years. Jennifer explained that most schools have a Special Education reserve account as a way to address the situation of a student needing special education services in the middle of the school year. If the school could not meet the needs of that student, the school would be required to pay tuition to a school that could meet that student's immediate needs and could provide required services.
- School Board is considering proposing a budget increase to the town in the range of 5-8% due to projected increased enrollment figures. The increase would include adding another teacher, but keeping the cost per pupil the same as it currently is. Bob asked what the current total enrollment is and what is projected for next year. Jennifer said total enrollment is approximately 122 students currently, and is projected to be 130 students next year, clarifying that these figures include preschoolers.
- Lauren Curtis, Amesbury Rd asked what are the expenditures anticipated for the building. Jennifer responded that in the future the board anticipates a boiler replacement, partial roof replacement, and the need for installing a circulation system for section of building that does not currently have one.

Brief recess prior to the Public Hearing.

#### **Public Hearing 6:30pm- Unanticipated Funds**

**At 6:31pm, Mike motioned to open the public hearing for Unanticipated Funds, Ben seconded, all voted in favor.** Mike explained that there is a requirement of the State of NH that if funds exceeding \$10,000.00 are received, the town must go through the process of a Public Hearing for this purpose. The following was granted to the town: FEMA March 2018 Disaster Grant in the amount of \$16,585.98, Emergency Management Grants made of up two pieces, the first dealing with Seabrook Station and the second dealing with the sound system, totaling \$31,767.65 in Emergency Management grants. **At 6:36pm, Bob motioned to accept the grants totaling \$48,353.56, Ben seconded, all voted in favor.** It was also mentioned that there was a highway grant received last year that was over \$44,000.00 that had a positive effect on costs this year. Mike opened the meeting to the public. Resident Lauren Curtis thanked Chief True for his efforts towards these grants. The BOS echoed her sentiments.

**At 6:37pm, Mike motioned to close the public hearing. Bob seconded, all voted in favor.**

Pledge of Allegiance

#### **DEPARTMENT HEADS:**

• **Police Department** –Chief Scott Sanders reports as follows:

- He has submitted last few bills for 2018
- He projects that the department will come in under budget this year.
- The department is completing trainings this week, and will then work on year end compliance to make sure good standing is maintained by all.
- Chief Sanders announced to the public that he has been offered a non-law enforcement position in the private sector, and has accepted that position with a start date in March. Chief Sanders feels that there has been significant accomplishments while he has led the department and has enjoyed his time serving the town. The BOS expressed their gratitude to Chief Sanders for his work and wished him the best of luck. Chief Sanders

reiterated that he is committed to the town for the next 10 weeks and will work with the BOS to have a plan going forward.

• **Fire Department** – Chief Jon True reported as follows:

- Chief True is looking into updating the 1998 ambulance the department currently has with a 2006 ambulance under a sealed bid. The plan is to then sell the 1998 ambulance under the sealed bid process and return those funds to the account. Chief True feels this will buy time toward purchasing a brand-new ambulance within the next few years.
- He reminded everyone to keep live Christmas trees watered and away from radiators and heaters. In addition, he reminded the public to not leave candles unattended and to be aware of removing wood and pellet stove ash as CO can build up if the hot ash is stored inside.
- Reminded the public to keep both front and back doors shoveled for safety
- The department has completed some joint training with surrounding towns, this is great for the department and will help communities work more efficiently.
- Mike asked if the 2006 ambulance would be purchased empty and will the department's existing equipment work in it. Chief True said that the ambulance will be purchased empty, but the department's existing equipment will transfer over, and there is likely only a few things needed for the new ambulance. The new ambulance will fit in the fire station.

• **Emergency Management** - Chief Jon True reported as follows:

- Chief True is working on grant for funding for a town safety information page. Bob asked how this pertains to Nixel. This page would be completely different than Nixel.
- Mike asked Chief Sanders for an update on Nixel, Chief Sanders still needs to reach out on the cost. We can still send texts for emergency notifications. But as of today, other texting capabilities are no longer available. In the meantime, Chief Sanders is confident we can still reach people.

• **Road Manager** – David Buxton reported as follows:

- There are several bills that have not been submitted, which will be addressed during the encumbrances.
- David was asked to look into the crosswalk. He spoke with TEC out of Andover, MA with office in Hampton, NH designs state approved crosswalks. There is a concern about sight distance for the crosswalk, and there is not enough distance required by the state. David asked TEC to provide a proposal for engineering costs. After seeing that proposal the board and David could determine if a site visit would be worthwhile, and then eventually proceed with a contract.
- Ballpark estimate provided for 1 crosswalk, lit, signed, and blinkers, painted, would be approximately \$30,000 per set.
- Chief Sanders added that the state memorandum is no longer approving the warning light systems for new designs. There is an approval for the Farm at Eastman's Corner, and there was also a site visit done for the area in front of the town hall. There is documentation of correspondence with Director of Traffic that exists.
- Mike said we need to start with an estimate and the board will talk about drafting a warrant article for the project. David said he will confirm TEC's knowledge of modernization of existing conditions. Confirm what is included by the beginning of the week. David will coordinate with Kathy for the documentation that already exists.

• **Tax Collector**- Carlene Wiggin not present

• **Building Inspector**- Norman Giroux not present

- Ben reported that the BOS had voted to condemn the property at 18 Cottage Rd, but then realized that was a health officer task. The sale of the property fell through last week, and the new closing is scheduled for this Friday. The BOS will then work with the new buyer. Bob asked if new owner has seen letter sent by the BOS, Ben was not sure if the new owners had seen the letter, but the new owner is aware of letter. Mike suggested getting contact information for new buyer and sending the letter directly to them.

- **Treasurer-** Sara Belisle not present
- **Town Clerk –** Carol Beers Witherell not present
- **Recreation Committee-** Elaine Bodwell not present
  - Ben updated the Board on behalf of the Recreation Committee. The holiday stroll was successful! There was discussion on improving the process for the BOS to approve Recreation Committee expenditures. Ben suggested possibly approving budgets with spending limits for specific events, rather than all individual expenses for every event. Mike said that they should look at the way the warrant article is written. The committee has several ideas for new events including an EGGstravaganza, square dancing, family archery, family hip hop. Plans have started for summer camp and the tentative date for the town festival is July 13.
  - January meeting dates TBD
  - Propane tank at the town park is at 5% and needs to be filled before winter because after it snows, the truck will be unable to get in. **At 7:08pm, Mike motioned to fill the propane tank at the town park, Ben seconded, all voted in favor.**
- **Conservation Commission –** not present – Ben reported attending that meeting, and that the Commission is working with Chief True and Sue Varn on the fire pond on Drinkwater Rd.
- **Sawyer Kensington Trust-** Committee Review – not present, most recent meeting was rescheduled.

#### **NEW BUSINESS:**

- **Septic Waiver- 5 Muddy Pond Road**
  - **At 7:11pm, Bob motioned to open as the Board of Health, Ben seconded. All voted in favor.**
  - Micah Denner from Septic Designs of NH approached the board requesting a variance from Article VII; Section 7.1 D 3 VI “Be designed based on a four foot minimum separation between the bed bottom and average seasonal high-water table levels. Slope averaging shall not be allowed.”
  - Micah told the board that the septic has failed, and the State has automatic waiver for failed septic. It is a sloping lot, and space available for a septic is restricted due to trees, and there is a potential high cost of fill burdening the homeowners due to the slope. Mike asked what the timeframe for this project is. Micah responded that this is an urgent issue and he hoped the board would approve it this meeting so the homeowners would not have to wait until after the January meeting to begin work.
  - Bob asked where existing septic is. Micah referenced the plot map and explained that the proposed septic is in the same area as the existing system. Micah confirmed it is a pump system because the house is on lowest spot on property. The well is in the front yard, the only flat part of yard. Mike asked David if he felt the town would have liability by doing the waiver, to which David was undecided. Ben asked to confirm the town requirement is more stringent than the state. Micah referenced the 50% rule. Discussion on where liability would fall. It was concluded that the liability would be back on the homeowner, or the designer, not the town.
  - **At 7:21pm, Ben motioned to approve the applicant’s request to allow the variance. Mike seconded, all voted in favor.**
  - **At 7:22pm, Ben motioned to close the Board of Health. Bob seconded, all voted in favor.**
- **Towle Hill Road Drainage**
  - Ben stated to the board that a citizen came into talk with Ben regarding drainage issues on Towle Hill Rd.
  - Ben and David walked the site and David marked some spots where water is missing the catch basins, Ben went back to put some gravel down later and Ben walked the site with Mr. Jefferson, the homeowner.
  - Mr. Jefferson at that time provided photos to give board a sense of what is going on. Water is washing down the road and missing the catch basins, possibly more than Ben and David initially thought.
  - Ben expressed to the Board that his concern is that they take Mr. Jefferson’s concerns seriously and asked the Board to consider whether this road should be a priority for reconstruction next year.

- David suggested a solution to the Board, explaining that there was a similar issue on Muddy Pond Rd. The solution would be to install a Cape Cod berm. Ben asked for a ballpark cost of that and David thought that a Cape Cod berm would be approximately \$4.50 per foot. David expressed that the driveway would need to have culvert reconstructed.
- Ben had asked if there is a 4-5 year program/plan for road reconstruction, David responded he doesn't like to publicize the plan due to concern of possible lack of voter support if exact details are provided; i.e. voter's road is not included in the plan at this time.
- David has no concerns installing the Cape Cod berm, but reiterated that the driveway needs to be able to accept the water that is also coming from the backyard, and not have that go into the street.
- **At 7:31pm, Ben motioned for the installation of the Cape Cod berm at Towle Hill Rd, Bob seconded, all voted in favor.**
- Mr. Jefferson addressed the board stating that there is an additional pipe that there are concerns over, Ben replied that he is still working on that issue. Mrs. Jefferson addressed the board stating that there has never been moisture in their basement until recently, and this is a problem affecting her health.
- Bob asked if the town's building specifications always require a culvert over driveway crossing drainage. David said every situation is different. The town requires a negative pitch from street, and the Jefferson's driveway has a positive pitch. In this case, there is not room for a 12 inch culvert. Mike said when a subdivision is approved these questions should be taken care of and addressed to meet requirements of town. Brief discussion followed on the drainage in other areas in town.
- **Review of Noise Ordinance -regards to explosive devices**
  - Residents of 84 Lamprey Rd contacted the BOS with explaining an issue with regard to explosives being detonated in the area and the possibility of amending the Noise Ordinance in town. As a result, the BOS looked into amending the Noise Ordinance, but that would require a warrant article for a change.
  - The option of a second ordinance was presented. Ben said his concern is that a noise ordinance could be interpreted as a way to regulate target shooting using explosives. Chief Sanders said he was understanding of parallel issues and that if the BOS were to have a second ordinance, they would need to ensure the language is written so as to not hinder recreational activity. Chief True brought up that under SAFC 1600 Explosives, permits for explosives can be submitted and approved or denied.
  - Ben will continue to work on this with Chief Sanders and Chief True.
  - Mike suggested getting a warrant article together, Ben will work on the warrant article. Bob asked if the draft is based off of ordinances from other communities. Discussion on what the draft of the warrant article contains. Sanders suggested considering verbiage that the firework ordinance is excluded.

### **Encumbrances**

- Mike received all expenses through today and created a Budget Spreadsheet.
- There are 3 areas of concern, Legal Expenses, Health Insurance, and Retirement Systems that account for \$40,000.00 that was not budgeted for. Overages in health insurance and retirement systems are likely due to adding an additional police officer.
- Payroll was calculated with 3.2 weeks remaining, however it was determined during the meeting that there are actually only 2.2 weeks of payroll.
- Mike reiterated that if the town did not receive grants, the town would have had a \$70,000.00 negative balance.
- Because the town was awarded grants, there will likely be an approximately \$21,000.00 surplus, however there are costs that need to be encumbered from that including: \$1,200.00 for salting the roads, \$4,850 for the dock, \$2,500 for the loader rental, and \$3,129.00 for Fire Department equipment on order.
- Mike suggested approving an encumbrance of \$11,679.00 to approve the above
- Bob asked what happens between now and new year if there is a storm in the new year. Discussion followed on the accounting practices, can only encumber what has been booked.

- **At 8:04pm, Mike motioned to encumber \$11,679.00 consisting of public works and fire department expenses. Ben seconded, all voted in favor.**

#### OTHER BUSINESS

- The town received an email from Nathan Kingsley representing Lit One, LLC requesting the use of a pond in Kensington for a pond hockey skating tournament fundraiser. There was no additional communication or details. There was brief discussion regarding the lack of details for the requested use. **At 8:08pm, Ben motioned to respond that the town is not interested at this time in allowing the use of town ponds for this purpose. Bob seconded, all voted in favor.**
- During the last meeting, Dave Macek spoke regarding concerns about the November 5 minutes where he is mentioned and expressed that he felt the minutes include allegations that are not accurate. Ben suggested to the BOS and reported he told Dave that he personally feels the minutes should not be changed, as the allegations addressed in the minutes were made and discussed at the meeting, which makes the minutes accurate, although perhaps uncomfortable; the minutes reflect the allegations that were made, not whether the Board agrees or disagrees with them. Discussion on the changes to procedures with minutes going forward that was discussed last meeting. Mike agrees that at this time, the minutes are accurate. Bob said the board can reiterate that they have done a review of the minutes and that the board cannot stifle free speech, and there is a citizens forum, the minutes are a reflection of what was said. Board has looked at their decisions regarding minutes and stand by the decisions.
- The town received an email regarding Spring Flag Football field use. They asked for field use at Sawyer Park running for 9-10 Saturdays in the spring, from 9am-5pm. Kathy reminded the BOS that this field is shared with lacrosse. Ben said field use requests were previously handled by Holly Mccann. Ben and Bob both felt that it is unfair to consider this request without considering other requests, and that tentative schedules need to be submitted. Discussion followed on the field use scheduling process. Bob suggested having a system to help with the field use scheduling and stated that he felt the park was for the residents of Kensington first and foremost. Mike asked if that was in charter/statement of purpose for the park. Bob said not that clean of language but it was in comments. Bob suggested providing Holly with guidance for what the BOS expects when considering field use requests. Mike suggested compiling all requests first, then looking at in priority for Kensington residents (local organizations), ones that have focus and inclusion of Kensington residents, then nonprofits, then for profits, NH organizations vs. out of state organizations, etc. Kathy said the other issue that came about last year was the lines (different spots need different lines). Additional discussion followed on how the fields are used, how they are cared for, etc. Kathy will respond to the email and Bob will be copied.

The BOS discussed the Municipal Workzone Agreement with NHDOT, in regards to curved roads and the request to install curve signage on two lane roads. Kathy reported that the Chief did not have any concerns with this, as all patrolmen are certified if they needed to be there. **At 8:23pm, Ben motioned to approve the State's proposal to install signage. Mike seconded, all voted in favor.**

CITIZEN'S FORUM – No speakers

#### OLD BUSINESS:

- **Employee Handbook**
  - Ben has worked on updates to the employee handbook from the last meeting. The Paid Time Off (PTO) policies (including vacation and sick time) were combined into a single policy, but no benefits are changed so that there is no negative impact to any employee. Additionally, minor revisions were made such as drug testing policies were combined, along with minor grammatical changes and addition of a table of contents. Discussion on the existing policies, accrual policy, and number of days earned by employees. Ben expressed that the concern of removing the accrual policy is that it would reduce employee benefits for an existing employee. Bob and Mike did not disagree and suggested grandfathering by hire date. Ben will make an amendment creating a new policy for new employees and grandfathering employees hired prior to January 1, 2019.

- **At 8:36pm, Ben motioned to approve the Employee Handbook with the amendment for existing employees, effective 1/1/19. Bob seconded, all voted in favor.**
- **BOS Policies and Procedures**
  - Ben reported on his work for creating an Email Use Policy for Board members, at the request of Mike. Ben expressed the importance of setting policies, rules, and procedures for board members, amendable by future boards, that could be on the town website so the public knows how the Board operates, and to help future Boards if they find it useful. He reported this is common in other towns.
  - Discussion followed on proposed Policies and Procedures for BOS. **At 8:45pm, Mike motioned to approve the Policies and Procedures for BOS as presented, with an addendum to remove the reference to ZBA *ex officio* membership under committees, Bob seconded, all voted in favor.**
- **Evaluations**
  - Ben has asked the employees who the BOS directly supervises, to complete a self-evaluation. Mike suggested that it would be easier designate one person to go through the reviews/self-evaluations with the employee and if there was an issue, then going into a non public session. **At 8:49pm, Bob motioned to delegate the authority to Ben to represent the board in conducting reviews and to bring any issues back to the board for non-public session if necessary. Mike seconded, all in favor.**

On January 9<sup>th</sup> at 7pm there will be a Public Hearing on Budget and Warrant Articles.

Medicomp Medical Billing form was signed.

Municipal Pest Form – This is a mosquito contract for the State of NH. The State requires original signatures on their copy. **At 8:57pm, Mike motioned to authorize the Chairman of the Selectman to sign the Special Permit Application for Mosquito Black Flies and the applicant will be the Town of Kensington and Mosquito Pest Services INC. Bob seconded, and asked if this was park related. Kathy clarified this is for a permit to file with state to do testing. All voted in favor.**

MS601A Auditor option schedule allows for an elected official to complete the town audit or a CPA. Previously the town has used Vachon Clukay, CPA. **At 9:00pm, Bob motioned for the chairman to sign the form. Ben seconded, all voted in favor.**

**At 9:02pm, Bob motioned to approve minutes from the Sawyer Park Trust Agreement and BOS Meetings on December 7<sup>th</sup>, and the BOS Meeting December 3<sup>rd</sup>. Ben seconded, all voted in favor.**

**At 9:03pm, Mike motioned to post the minutes from December 12 budget meeting. Bob seconded, all in favor.**

The Board reviewed the bills and mail.

There was brief discussion of books, manuals, documentation to be passed on to the new BOS. Ben made the suggestion to have town owned, basic, laptops issues to the BOS then returned to the town at the end of the term. Mike suggested a memo regarding town owned laptops to the next BOS, but all agreed that the books and manuals should be available at the beginning of March. Ben would also like to organize a new board orientation.

Peter Merrill has agreed to continue serving as the Representative for Kensington to the Rockingham Planning Commission. **At 9:14pm, Mike made motion to reappoint Peter Merrill as Representative for Kensington to the Rockingham Planning Commission, provided that the Planning Board makes their recommendation of the same. Ben seconded, all voted in favor.**

**At 9:17pm, Bob motioned to adjourn. Ben seconded, all voted in favor.**

Respectfully submitted,

Chelsea Lalime