

**TOWN OF KENSINGTON
BOARD OF SELECTMEN
Meeting Minutes
Monday, May 2, 2016
Public Meeting, 7:00pm @ KES Library
Draft-subject to board approval**

In attendance: Norman DeBoisbriand, Robert Wadleigh and Peter Merrill. *Norman made a motion to open the public meeting at 7:00pm. Bob seconded and all agreed.* The meeting commenced.

CITIZEN'S FORUM

Mrs. Luisa Periera asked to address the Board. She introduced herself and then introduced Yvette Kazarian, business owner, and her husband Leo Periera. She asked permission for her husband to audio tape while she addresses the Board. The Board granted permission for Mr. Periera to tape. Mrs. Periera had a prepared statement which she started to read to the Selectmen. Mrs. Periera told the Board she had concerns about her property at 149 South Road. She informed the board that she felt her concerns regarding the former building inspector had not been properly addressed. She told the board she felt there had been an illegal meeting with two current Board members, Norman DeBoisbriand and Peter Merrill. She told the Board she had a meeting to express her concerns regarding the ethical conduct of Mr. Mark Sikorski. At the time when Mr. Sikorski was the building inspector and was conducting inspections at the site which is currently The Wild Willow Tavern, he made Yvette Kazarian feel threatened to the point that she was considering breaching the contract between herself and Mrs. Periera (property owner-149 South Road)

Norman asked Mrs. Periera about the meeting to which she was referring. He then told Mrs. Periera that his recollection was she had asked him to meet her at her property to discuss her concerns about the building inspector. Norman explained that the meeting occurred at Mrs. Pereira's request and it was a "chance meeting" not a meeting of a formal nature. Peter expressed that he was called to be a "witness" to the interaction 30 minutes before the meeting because of the issues that were expressed. And that there were no decisions made. There seemed to be some confusion about the meeting in question with regard to the date and the parties involved at the meeting. Mrs. Periera and Norman exchanged their differences about the meeting in a heated discussion. Mrs. Periera continued to contend that the meeting had occurred but her concerns had not been addressed because she had not seen any mention of her concerns in any subsequent meeting minutes from the Board of Selectmen meetings. Norman told Mrs. Periera that the Board had discussed her concerns regarding the personnel matter, but they had done so in a non-public format.

Mrs. Periera continued to tell the Board that she felt disrespected and treated unfairly and unjustly by the Board when she had asked them for help to prevent Yvette Kazarian from breaching the contract she had in place to open the Wild Willow Tavern at her property. Mrs. Periera once again told the Board that she felt frustration because of the treatment of the former building inspector which she considered to be one of a harassing nature.

At this point of the meeting, Peter suggested the current discussion did not warrant the amount of time it may need to be resolved and that Citizen's Forum was not the place to try to come to a resolution. He suggested that Mrs. Periera ask to be put on the agenda of a BOS meeting. Mrs. Periera told Peter that she had called the town and left several voice messages. The Board then noted that Mrs. Periera was on the agenda for a special meeting held earlier in the month but neglected to attend. She told the Board she did not get the notification of the meeting. Peter then told Mrs. Periera the meeting would have to move forward according to the meeting agenda and told her she could be heard later in the meeting at the other business portion of the meeting. Mrs. Periera said she understood and would wait to be heard again at the end of the meeting. The meeting then resumed for the Department Heads at 7:25pm.

DEPARTMENT HEADS

Police Department- Chief Scott Sanders-

Chief Sanders informed the Board he has applied for two grants. He said the first is a sustained traffic control grant for \$10,000 to support the enforcement of seatbelt laws, traffic control and speed enforcement. He told the Board the second is a DWI grant in the amount of \$7800.00 to help support increase patrol on Thursday, Friday and Saturday. He noted the reimbursement would include financials supported by the town such as retirement.

Chief Sanders told the Selectmen he and Bob Gustafson met with a field representative from Homeland Security. He was made aware of grant monies that could help support the laptop replacements for the cruisers. The grant would be a 50/50 matching grant. Chief Sanders told the Board he has spoken to Adamson Industries about the replacement computers. The approximate cost of replacement would be \$4000.00 for computers and \$2000.00 for installation. He said he would be pleased with the grant money to cover half of the cost. He said that in his meeting with the Homeland Security representative, he learned there could also be grant money available to replace the Fore Runner as it is the vehicle most used by the Chief and could be considered the command/control vehicle, meeting the requirement outlined by the grant parameters. Money could be available to help cover the cost of outfitting the vehicle with the in-kind match being the cost of the vehicle. He will keep the Board informed of his findings.

Fire Department- Chief Charles LeBlanc-

Chief LeBlanc offered the application of Alexander Roberts. The Board asked to hold the application until the background check has been completed. Chief LeBlanc agreed.

Road Manager- David Buxton-

Mr. Buxton told the Board he had two bids to present this evening for shimming the soft shoulders in town. Before the bids were opened Norman asked David if there was any benefit to consider a culvert on Shaw's Hill Road, David told the Board he did not think it would solve the problem of running water on Shaw's Hill and that a paved swale would only encourage the water to run faster and overflow at the intersection creating a more hazardous situation than what currently exists. Bob open the bids presented by Mr. Buxton. The bid from Matrix came in at \$4330.00, and the bid from Sandbox was for \$5948.00. Both bids were to repair 1487 linear feet. ***Bob made a motion to award the contract to Matrix. Peter seconded and all agreed and the motion passed.***

Mr. Buxton told the Board he had spoken to Daniel Syvinski regarding the newly enforced truck route from the Ricci pit on Drinkwater Road. The new route states trucks should leave the pit and take a left onto Drinkwater Road and a left onto North Road to access the state roads in the shortest distance. David informed the Board that Mr. Syvinski was in attendance and had requested to speak to the Board.

Mr. Syvinski told the Board he had quoted two jobs prior to the new truck route being put into place and it was going to impact his cost negatively with the additional mileage he would now incur. Mr. Syvinski asked the Board to consider a compromise to help his situation. Mr. Syvinski also noted the truck re-routing that is currently occurring in Exeter. After some discussion, the board offered to allow Mr. Syvinski to use Drinkwater Road on his return trip to the pit as he will have an empty truck and will not exceed the load limit riding empty. The Board asked Kathleen to amend the letter that had been originally sent to Mr. Syvinski, noting he could use Drinkwater Road during the time he is completing the two jobs in consideration. Bob informed Mr. Syvinski this exemption is only good for the roads in Kensington and he would have to get approval from Mr. Jay Perkins in Exeter. Mr. Syvinski thanked the board and told them he will seek approval from the town of Exeter. The Board noted this exemption was case specific.

Emergency Manager- Robert Gustafson-

Mr. Gustafson told the Board he had a meeting on April 20th for the E-Notification System. The purpose was to gain common understanding of the system and its use and limitations. He explained it is the "reverse 911" system. He noted it only works on landlines, which are becoming fewer in use. He noted the system works with cell phones but only with user participation. He told the Board the issues will continue to be addressed. Bob told the Board he also attended the quarterly meeting for Seabrook. He told the Board everything is running at 100% capacity.

Bob informed the Board he is ready to breach into grant applications for the Town Hall. He noted that the work at the Town Hall will not meet the requirements outlined by the Hazard Mitigation grant as he has thought in the past. He will continue to inform the Board.

He told the Board he will attend a meeting of the Seacoast Health Network on May 12, 2016. On May 24, he will attend the Unifil Emergency Response meeting to discuss their preparedness plan. On June 7th he will attend a meeting of the Health Network which will discuss the strategic stockpile of medical supplies and vaccines.

He told the Board there is opportunity for reimbursement for the rebuilding of the EOC. He will need costing per square foot and an idea of the entire scope of work to see if the town meets requirements. Norman told Bob he can get him any costing information he may need.

Town Clerk- Dawn Frost-

Kathleen informed the Board that Dawn was unable to attend the meeting but would like to get approval to post the job opening for Deputy Clerk. Kathleen and the Board discussed a timeframe. They determined after little discussion that two weeks of advertising (week of May 11 and May 18) with a respond date of June 3, 2016 would be sufficient. Linda Blood asked if the position had to be held by a town resident and the Board answered affirmatively. The Board agreed the wording of the last posting of the position would still be acceptable as long as the dates were changed.

Recreation Department- no members in attendance-

Kathleen presented the permit for the annual road race that takes place during "Kensington Days" in July. ***Bob made a motion to accept the permit from the Recreation Department for the use of the park for the annual road race on July 9, beginning at 8:00am.*** Peter seconded and all agreed. When asked Kathleen told the Board that Chief Sanders is aware of the event.

Kathleen told the Board that Bruce Cilley is looking into some lights that are not functioning properly at the park. Kathleen told the Selectmen she is looking at the park schedule to determine a way to have the lights come on at dusk at

different intervals to cut the demand charge associated with the utility bill for the light at the park. Dave Macek had made this suggestion to the Board at a prior meeting. As of this meeting the lighting schedule had not been set.

Kathleen informed the Board the park will be in use the weekend on May 7th and 8th for softball and other events. Norman offered to check the bathrooms at field C. Norman also offered his services and the services of Holly McCann to help with some of the janitorial needs at the park until someone is hired. Kathleen will continue to reach out to potential workers to cover the duties previously performed by Terrie Steeves. Chief Sanders told the Board he will have his patrolmen open and close the bathrooms as well.

The Board received an email from a resident with concerns about the speed tables at the town park. They reported damage to their vehicle because they could not see the tables and asked if there are plans to have the tables re-lined or painted. The Board recalled an earlier discussion about having the tables painted. They agreed it would be a good idea.

Conservation Committee- no members in attendance.

Sawyer Kensington Trust- no members in attendance.

NEW BUSINESS

The Board invited Bill Letsky of VTS to discuss an option for the new town website. The new site would be one of a virtual town hall. Mr. Letsky told the Board and meeting attendees that VTS has offered services to 525 communities, many of them in our seacoast area. Mr. Letsky was able to show examples of some local websites. Mr. Letsky shared he has been in the business for 12 years. He noted he would like to help the town build a new, user friendly site that would also offer training to staff and live support.

Mr. Letsky presented to the Board via his laptop and the use of the white board in the KES Library. Mr. Letsky made the following points to the Board:

- VTS would like to give the town an updated, user friendly website
- 525 communities have signed on to use VTS
- Will train staff to update website
- Will offer continued support
- Will offer a daily back-up
- Open source technology
- Notices public want information that is easy to access
- Offers a FAQ page
- With each use the user builds redundancy
- Offers monthly webinars for new employees or existing employee training
- Drupal based offering superior security (used by many government agencies including the White House)
- Offers email notification for those that offer email information
- Allows for pre-determined scheduling date (for monthly/annual events)
- Offers a business directory for town businesses/local businesses
- 12 week implementation
- \$4500.00 set up cost with ability to spread payment over 1, 2 or 3 years.
- Annual cost \$1500.00

Mr. Letsky offered himself to questions. The Board thanked Mr. Letsky for his presentation.

The regular meeting resumed after Mr. Letsky's presentation.

Kathleen offered the Board a park permit from EJBSL for various dates at the park. Peter asked about the number of residents that participate in Exeter Junior Baseball/Softball Leagues. Kathleen said she was not sure. Peter asked if the town could find out going forward. ***Norman made a motion to approve the EJBSL permit for the use of field A as presented. Bob seconded and all agreed.***

Kathleen presented a permit for the use of the pavilion at Sawyer Park for a birthday party on May 8, 2016 from 2-5 pm. ***Norman approved the application as presented. Bob seconded and all agreed.***

Kathleen presented another permit for use of the pavilion for May 22, which is being held pending the receipt of fee and insurance.

Kathleen offered an intent to cut permit for Muddy Pond Road. Bob questioned the logging route for the truck. Kathleen was asked to go back to the permitted to ensure the quickest route to state route 107. Peter made a motion to approve the intent to cut pending the approval of the route condition. Bob seconded and all agreed.

Kathleen gave the board a permit for use of the Grange Hall for a wedding luncheon. The permit was submitted by June Pinkham for the date of June 12 from 1-3pm. Norman made a motion to accept the permit to use the Grange Hall on June 12. Bob seconded and all agreed.

Mr. Skip Heal was introduced and invited to approach the Board. Norman told the attendees that Mr. Heal was graciously donating several lanterns for the outside of the Town Hall and a grand chandelier that will adorn the inside of the Town Hall. Mr. Heal presented a picture of the three-tier chandelier that he is making for the Town Hall. The Board thanked Mr. Heal for his generous donation. Mr. Heal told the Board he was working on the chandelier, but has the outside lanterns ready. Mr. Heal joked with Board that he hopes the chandelier will fit through the door. Norman made a motion to accept the offer for outside lanterns and the chandelier from Mr. Skip Heal. Bob seconded and all agreed. The Board again thanked Mr. Heal.

Norman offered a building update, noting the following:

- Delivery of the door frames will occur on Friday, May 8th
- Painter will start week of May 9th
- Upstairs flooring samples have been shown to employees; decision has not yet been made. Tile would be more expensive but durable, hardwood may need attention yearly. Approximate cost of hardwood is \$1900.00
- Original floor in hall can only take a very light sanding
- Once paint is finished- fire, plumbing, and security can be completed
- Starting to consider installation of the elevator
- 3 phase service to be completed at the end of May
- Expecting handicap ramp proposal
- Need to complete walk-around for gutters
- Excavator removed forms for original site of handicap ramp, hauled offsite, town will get credit as excavator can use at another job site
- Loam will be graded on Wednesday, finished by Thursday
- Looking for 2 more bids on hydro-seeding.

Norman said he would like pre-approval to sign a hydro-seeding contract not to exceed \$900.00.

Peter made a motion to allow Norman to sign a contract for hydro-seeding not to exceed \$900.00, Bob seconded and all agreed.

OTHER BUSINESS

Mrs. Periera once again addressed the meeting. Norman told Mrs. Periera that he recalls the meeting she requested, he noted that she expressed legitimate concerns and he also noted there was nothing illegal about the “chance meeting” that she requested. He also noted that her concerns had been addressed in either a public or non- public forum as appropriate. Mrs. Periera continued the heated discussion by telling the Board that there have been many issues since Yvette has opened the restaurant and she feels that her concerns need to be addressed because it is affecting the business at the restaurant.

Mrs. Periera noted the following concerns:

- She has many concerns about Police Chief Sanders, she feels he is over-policing the area of the restaurant
- She said the police often sit across the street from the property
- Police often drive by the restaurant and flash their blue lights
- The restaurant has had many visits from the liquor commissioner, she feels at the prompting of Chief Sanders

Mrs. Periera noted that these issues are causing a lot of stress for herself and Yvette as they try to operate the business of the restaurant. She noted that she does not think the town is being open about what is happening at the place of business. She told the Board she found it interesting that she got a call from a lawyer regarding the case of Lynne Bonitatibus and the town. Peter immediately told Mrs. Periera very firmly that the Board is not in a position to comment on any possible litigation concerning the town. The conversation ended abruptly.

Peter addressed Mrs. Periera by recalling a conversation where Mrs. Periera expressed concern for materials that had been stolen from the work site during the renovation of the restaurant which likely prompted a greater police presence in the area.

Norman again addressed the issue of the meeting noting that it was called by Mrs. Periera to speak about concerns she was having at the time and no decisions or determinations had been made at the time of the meeting. Mrs. Periera and the Board disagreed about some of the details of the meeting. Mrs. Periera said she had taped the meeting so she could go back and find out who was at the meeting and what was discussed. Chief Sanders asked Mrs. Periera if she made those in attendance aware of the taping. He noted it is a class B felony to not inform someone they are being taped.

Mrs. Pereira and Chief Sanders exchanged a heated communication. Mrs. Periera contended the Chief is over-policing the area of the restaurant. She again noted 6 visits from the liquor commissioner one she feels at the prompting of Chief Sanders. Mrs. Periera read a passage from an email exchange she had with the liquor commissioner which noted that Chief

Sanders had directed his patrolmen to increase their presence from Highland Road to the East Kingston town line. Mrs. Periera noted that her property lies within that portion of South Road.

Mrs. Periera told the Board she feels Chief Sanders is systematically trying to eliminate her and Yvette as business owners in town. She asked the Board when the problems will stop. She noted she has had no violations, and cooperated with the building inspector.

Peter asked Mrs. Periera if she was asking the board to ask the Chief of Police not to patrol the area of the restaurant. She insisted that she would never ask the police not to patrol, she told the Board she was a big advocate of law enforcement. She asked the Board just to be reasonable with her. She asked that from "today and going forward" that she be treated reasonably. When asked about legal action that she had threatened against the town, she noted she would never do that as it would utilize taxpayer dollars and she would not do that to the taxpayers of the town. She asked that the Chief of Police no longer make derogatory statements at a public meeting about the restaurant. She noted that 6 police officers came to the restaurant on New Year's Eve and that was not appropriate.

Mrs. Periera continued to voice frustration about her treatment with regards to the BOS and the Police department. Mrs. Periera voice concern about the meeting minutes because they do not seem to reflect what actually happens at the Board of Selectmen meetings. She said they appear to be a washed down version. Peter noted the meeting minutes are meant to capture the intent of a meeting not every single word of a meeting. They are meant to summarize. Norman told Mrs. Periera that the Board does not have a special agenda to go after Wild Willow. He noted the Board acts in the best interest of the town, and has a fiduciary responsibility to the town. Peter told Mrs. Periera that the police do their job based on current trends of a serious nature, he noted two of them being speeding and drunk driving. Mrs. Periera noted again that she feels there is a systematic process by the Chief of Police to harm the business of the restaurant. She noted it is extremely stressful for her and Yvette.

She told the Board that the reason she is at the meeting is because she can no longer be silent because she has done nothing wrong. She then quoted the Chief of Police from a prior meeting where he stated the quality of life will diminish in the area of Wild Willow, referring to a prior discussion about the restaurant serving on the outside patio.

Mrs. Periera noted once again that she only wants a resolution and she wants the Board and Chief Sanders to have consideration for the fact that she is trying to rebuild a business. She would like to lay to rest the issues she has had to deal with since opening the restaurant. She expressed that she would like to see Yvette have success at the restaurant.

One final time, Mrs. Periera told the Board and the Chief of Police that she would like to simply ~~like to~~ help Yvette succeed and she would like to see an end to the perceived harassment. She said she would like to have a positive relationship with the Board and the Police Chief and his department. All parties agreed they would like to see a positive resolution.

Mrs. Periera thanked the Board for their time. She then shook hands with each Selectman, Kathleen Felch, Michelle Aiken and Chief Sanders.

Mrs. Periera then asked about the use of the patio. Peter told her there is a process and it would begin with going before the planning board. Mrs. Periera told the board they are not planning to expand the patio. Peter noted that serving alcohol on the patio would be a change to the original use of the patio. Chief Sanders reminded Mrs. Periera about the noise ordinance in town, and she told him she was aware. Peter also told the women there would likely have to be some mechanism for the control of alcohol. After a brief discussion, Mrs. Periera and Yvette said they would go before the planning board if they decided to expand.

Norman made a motion to enter into non-public session at 10:09pm per RSA 91-A:3, II(c). Bob seconded the motion and all agreed. One matter of reputation was discussed.

Norman made a motion to leave non-public session at 10:19pm. Bob seconded and all agreed. Norman made a motion to seal permanently the non-public minutes.

The public session resumed.

Kathleen presented a Lowe's receipt, which needed to be claimed by one of the Selectmen. Kathleen presented bills for signatures.

Kathleen told the Board EYLA (Exeter Youth Lacrosse Association) has agreed to pay a portion of its fees upfront for field usage this season.

Kathleen told the Board she has a bill from CBS for \$8,000 for siding. The Board agreed they were aware of the bill. ***Norman made a motion to approve the \$8,000 payment. Bob seconded and all agreed.***

Kathleen presented a bill from Wilson Doors for insulation. The bill total was \$7685.00. ***Norman made a motion to approve the Wilson Door payment as presented for the amount of \$7685.00. Bob seconded and all agreed.***

Bob signed the Health Officer paperwork for the state.

Norman made a motion to move the start time of the Board of Selectmen meeting to 6:30pm. Bob seconded and all agreed.

Kathleen noted the next meeting already has been noticed as a public hearing and would commence at 7:00pm.

Norman made a motion to adjourn. Peter seconded and all agreed. The public meeting ended at 10:35pm.

Norman motioned to re-open the public meeting and further motioned to use VTS to set up the town website. Bob seconded and all agreed.

Norman again motioned to close the public meeting. Bob seconded and all agreed. It was 10:41pm. The meeting ended.

The next meeting will be held on May 16, 2016 at 7:00pm in the KES Library.

Respectfully submitted,

Michelle Aiken