

**TOWN OF KENSINGTON  
BOARD OF SELECTMEN MEETING  
Kensington Town Hall  
95 Amesbury Road  
Kensington, NH 03833  
MONDAY  
February 20, 2017  
Meeting Minutes-Draft  
6:30 pm**

**In Attendance: Norman DeBoisbriand, Chair; Peter Merrill; Robert Wadleigh**

Norman made a motion to open the meeting at 6:30pm, seconded by Bob, all in favor.

Norman stated that there was a need for one nonpublic before the meeting. The board exited the meeting to have the nonpublic. **RSA 91-A:3, II (c) Peter made a motion to enter nonpublic at 6:31pm, Norman seconded, all in favor.** One issue was discussed. **Norman made a motion to leave nonpublic at 6:43pm, seconded by Bob, all in favor. Norman made a motion to permanently seal the nonpublic, seconded by Bob, all in favor.**

There was no one to comment during the Citizen's Forum, but Norman used this time to discuss the deliberative session comments. He recalled the board's meeting from December 19, 2016 where the board held the public hearing on the budget and that the warrant articles were not discussed due to the fact that they were still in preparation, and not due at that time. The January 16, 2016 meeting was posted as a regular meeting and not a public hearing for the money warrant articles, and the board voted if they were in support of them or not. The problem arose because the meeting was posted as a regular meeting and not as a public hearing. As a result of the deliberative session question that was posed the board went to the counsel and the DRA (Department of Revenue Administration). The DRA has determined that they believe that this will be determined a minor procedural irregularity, and the DRA will be giving the town guidance on how to correct this, and should be received in the next couple of days. Norman wanted to thank the individual who brought it forward. Norman continued that the board is a volunteer board and they rely on one person within the office that they put a tremendous burden on. The board currently has Kathy doing 3 jobs that they allow her 36.5 hours to do that job in. The board should have realized the error and he stated that it was not Kathy's error on her own, but there were unique circumstances at that time. There were board members that were sick and one with an ailing Mother-in-Law, where they had to travel, and has since passed away.

He continued that he took exception to the comment on how the board does the budget. It was stated that the town needs a citizen's committee to protect the town's interest, and he took exception to that. He stated that this board makes a diligent effort to do the budget, and the 3-yr average was not done in other years to help determine what the budget would be. They are always trying to protect the interest of the citizens of this town. He stated that you can take that and compare with the past budgets and that they have decreased the amounts as opposed to increasing them. Linda Blood asked that if the budget committee makes a suggestion does the board have to follow or are they advisory to the board. Norman explained that no, that they are advisory only to the board and that it is not a budget committee, but a budget advisory to the board. Peter expressed that in the previous year's budget committee meeting, there had been discussions that have been very positive.

Norman recalled from the budget process in 2015 for 2016, that there was a committee member that wanted pay raises and not all the board agreed, but they listened to the individual and later both agreed to the raises. There is a give and take with the committee and the board. If there is a business reason to do something, and there is logic to support it, then it would be considered.

Dave Buxton commented that he has sat on the board of selectmen before and the town is experiencing growing pains and where the town is not ready for a town manager, with a part time board and secretary, and he can understand how things can be missed. It was agreed that this was an irregular situation, and not a normal year.

Peter explained that the communication received from the DRA states that it was an oversight and these things happen. There is a remedy because the town is not the first ones to walk this path.

Mike asked if the board had received communications from the DRA and what is that the determination? Peter responded that we have received communications from them in emails. Kathy commented that the DRA has responded that they were going to give the town a decision soon. Mike reiterated that the town is still waiting for further information. That was confirmed. Norman stated the RSA that was quoted to the board from the DRA was RSA 31:5B, the board explained that they went to town council and the DRA and they are trying to do their best for the town, and this procedural defect will be fixed. The DRA will be in touch with the town to let them know the steps. The board will try their best and when counsel is suggested, they take it seriously and will review.

Chief Scott Sanders recalled the snow storm from two weeks ago, where he manned the Police Department 24 hrs a day and was in constant contact with Dave and Chris. He wanted to commend Chris and the B&S crew for their hard work on keeping Kensington roads cleared.

The department has taken the delivery of the Tahoe, and has taken it to Adamson for the equipment to be installed.

He is pleased with the revenue coming in from special details that has increased due to the rate increases made. The Tahoe lease is being paid for out of the special detail fund as intended with no tax impact. Peter asked the Chief to explain where the money is coming from. He explained that when the department does a detail for a company they pay the funds for the detail to the town, which is then put into the special detail fund.

Fire Chief Charlie LeBlanc explained that the fire department is looking into fund raising through the association, and anything purchased will be donated to the town. They are thinking of doing a spaghetti dinner, and was wondering if it would fall under the town's insurance. Norman asked again who was doing the event and Charlie stated it would be the association. Norman then stated that if it is the association that is doing the fundraiser then they would not be covered under the town's insurance umbrella because they are a private entity.

Norman continued that the board could look into the fire department doing fundraisers for donations.

Dave explained that there are private insurance companies out there that would insure them for the event.

Peter reminded Charlie that if there is fund raising being done for equipment for the fire department, then there is a process for the town accepting those donations, which needs to be followed.

Charlie asked that if the funds were raised for the fire department where would the funds go and how could they spend them through the town accounts.

He then stated that he had met with Lars Larsen and he was very helpful with getting his new computer configured.

Dave Buxton explained that he met with the Librarian and she understands the safety issues and is fine with how the shoveling and plowing is, so they will continue. There was a town resident that had a mailbox knocked down, and he wanted to inform the board about it. Peter expressed that there is no guidance for the mailboxes on the curves through the post office recommendations.

Norman commented that there is currently \$53,785 spent out of the \$95,000 allotted for the plowing and sanding account, and that puts the town in a good position. David signed off on the plowing and sanding bills.

Peter expressed that there are other towns using alternative road pretreatment additive, such as molasses, instead of salt for the colder days, and asked Dave if he has looked into it. Dave stated that the town is using a different mixture of straight salt to the load to enhance the ratio of salt applied to the roads on the days that the temperature is around 32 degrees. Peter was wondering if he was using magnesium on the colder days. David stated that it is not cost effective for the town and would cost the same as the molasses, but thanked Peter for asking, and looking into the alternatives.

Bob Gustafson reported that the grant for the sound system is still in the office and will be processed. It should be a 50% match with the town.

Carlene had nothing new to report.

Linda reported for the Recreation Department that the Father Daughter Dance went well and there were approx. 62 people in attendance for the event.

Sawyer Kensington Trust- Bruce had sent an email to Norman and he will be getting in touch with Bruce.

Mike Schwotzer the town treasurer thanked the board for adding him to the agenda in case there is something that comes up in the future for him to address. He stated that he is getting set up for the NHPDIP accounts transfers, and Kathy will have a view only mode. He wanted to verify when the auditors will be in and Kathy stated that they started today. He complemented Kathy on making the schedules work for signing of the checks. He also thanked the board for signing the manifest for the monthly checks.

Norman asked Mike about the PDIP funds marked Cemetery Fund with approx. \$1700 in it, and what has made up the current balance of that cemetery account. Mike explained that he and Kathy will look into that, and they are typically established by a warrant article, and they have either a purpose or another warrant article to close them out. Norman further stated that there is money in the Trustee's for the Trust Funds for Perpetual Care, and he knows that can't be used for maintenance, so what is that fund used for? That would be a question for the Trustees, so they will be asked.

The majority of the public and department heads exited the meeting at this time.

The Lambert Subdivision Easement was discussed. The board has had an easement for the maintenance of a water diversion system that they were going to install, and now the town is not installing that. He is under the impression that there is now a berm being installed at David's expense. Why does the town need an easement to get onto the property for the maintenance? Bob G. stated that the easement would be a contract for specific needs. Peter speculated that because the berm was a requirement, even though the berm is constructed by Mr. Lambert it will need to be potentially maintained by the town for tree encroachment or to do something if needed. Bob G. asked if that would be a change in design from what was originally called for? Norman stated that both systems were in discussion, the berm or the piping. And are they committing future boards to an expense and do they legally have the authority to do that. If the berm goes in and the town relocates the pipe under the road, does the town have the right, or does the town need an easement to dump the water onto Lot 5? Bob G stated that you are going under the street, and has Mr. Lambert given you

permission to do that? Norman stated that there is no written agreement to that yet, Bob G commented that the town would need that. Norman is trying to get a process so that if they dig up the road and that the town has something in place so that they can state they have the right to do this, could this all be bundled up into one agreement? The current situation is not good on how the water is diverted. Norman is happy with the plan and the way the culvert was designed on lot 6 because it was designed as a natural barrier to dumping all the water at the school house, which they still need to address to make sure the water gets out. He is unsure if they need a legal document from Mr. Lambert about the water being dumped on the property, but it was discussed at the planning board meeting. Bob W explained that there would be two pipes installed under the road with the current plan, and all the water will be going through the culvert and it will increase the flow of the water. Bob G explained that if the owner of the property agreed to it that might be enough. Norman explained that the moving of the pipe is a board issue not a planning board issue, Bob W agreed. Peter explained that no, the at the planning board the original plan was done because it was then going to empty into a pipe that was going to be buried under the berm, and that was the original plan that was put forth. If there was an agreement to anything it would be to that, and the planning board meeting is tomorrow night. Bob W stated that they should still be able to move the pipes and direct them to the berm and have it above ground without the piping and the town would not have to maintain the underground pipe. Peter stated he believes that this would land with the planning board and they have the meeting tomorrow night that he would like Norman to attend and ask the questions. The board will submit a letter to the planning board because there is not enough time to notice two board members to attend the planning board meeting tomorrow night.

Norman explained that this example 12-month plan through Primex is for setting a vision for what the board would like to accomplish within the year, where each board member can state what they want to have done. Peter suggested at the last meeting and Norman saw this outline. The board is hoping to make this a working document and have it updated on the new website. Bob Gustafson suggested that it be tied into the hazard mitigation plan for the town as well. The board liked that idea and will be looking to the department heads for their input into what they have needs for. They will discuss next meeting and see if the board is interested in implementing this process.

Norman explained that the police department will need some repairs made including installing a glass door to the entrance of the police department area and the catwalk in the attic as well. Peter asked if there were other doors that could be used, and it was explained that the headers are not the same, so they would be unable to be used in the area needed.

**Bob made a motion to have Chris Chevalier do the repairs, doors and catwalk area, Peter seconded, all in favor.**

Kathy presented the 2017 audit agreement form. **Peter made a motion for the chairman to sign the audit agreement form for the board, Bob seconded, all in favor.**

Kathy explained that Matt Andrews had agreed to be the second contact on the Mammoth alarm system. **Norman made a motion to sign the updated form, Peter seconded, all in favor.**

Peter asked about cell phone use of the fire department, and does the town pay for any other member's cell phones besides the Chief's. The board answered that they do not, and that will have to be looked at in the future. Peter asked if the points could be payment for the cell phone use. The board will have to look through the point allocations in the fire departments SOG and see what it states. A policy may need to be created.

Norman explained that at the request of the board he is reworking the employee handbook, and that would be included in there. There are now things that have evolved since the original handbook, so it needs to be reworked.

Joan Whitney's appointment to the **TAC** (transportation advisory committee) is up and when Kathy contacted her, she stated that she would like to discuss it at the next planning board meeting. Peter explained that this is a group that keeps the towns up to date on the road issues that are being looked at through the state. Norman recalled that there was an issue in front of Unitil that will be fixed.

The bills were reviewed and signed.

The board discussed the Cascade system that is being donated to the fire department and instructed Kathy to get the information from Charlie to add the equipment to the insurance.

**RSA 91-A:3, II(a,b,c,e)** Norman made a motion to enter into nonpublic session at 7:54pm, Bob seconded, all in favor. Four issues were discussed. Norman motioned to close the nonpublic session at 8:32pm, Peter seconded, all in favor. Peter motioned to seal the session, Norman seconded, all in favor.

**Norman motioned to leave the public session of the board at 8:32pm, Bob seconded, all in favor.**

Respectfully submitted,

Kathleen T Felch