

**TOWN OF KENSINGTON
BOARD OF SELECTMEN
MEETING MINUTES**

July 21, 2014

Approved August 18, 2014

In attendance: Scott Lowell and Norman DeBoisbriand were in attendance. Norman called the meeting to order at 7:30pm.

CITIZEN'S FORUM-

Since this was Scott's last official meeting, Norman thanked him again for his time and dedication he put into his position and wished him well. Scott responded the town has a lot of hurdles to overcome but it has been interesting and enjoyable.

Luisa Pereira, owner of 149 South Road, formerly the Queensbridge and Revorno restaurants, attended to issue a complaint regarding an incident with the building inspector and her new tenant. Ms. Pereira reported the new tenant was alone cleaning the building this afternoon when she noticed a man looking around the property. He did not immediately indicate he was the building inspector and her tenant was concerned for her safety. Mr. Sikorski asked what she was doing and if she applied for any permits and she responded permits aren't necessary at this time. She told Ms. Pereira he stated she couldn't open the restaurant because of new laws put into place recently with wetlands and aquifers. The tenant contacted her and now wants to back out of the lease. Ms. Pereira asked where he obtained this information and why he didn't immediately reveal who he was. She also stated the property is grandfathered as a restaurant. She is requesting the board assist in resolving this. Norman indicated that this can be addressed during the Building Inspector's portion of the meeting.

Dickie Welsh asked why there is shooting in the Kuegel pit as he believed this was no longer permitted. He stated he is not against guns but he lets kids on horses travel over his land and he's concerned this will spook the horses and someone will get injured. Sergeant Sanders responded there was a civil agreement with an easement on the driveway with the Bunnell's, but now that he doesn't use their driveway he has given people permission to shoot again. Mr. Kuegel is the property owner and is within the law as far as the state requires. The police department doesn't have authority to pursue civil issues and there aren't any penalties. As law enforcement they can only document the complaints.

Scott Lowell asked Sergeant Sanders to explain the regulations for shooting. Sgt. Sanders responded the state requires 300 foot setbacks from occupied dwellings without owner permission and doing so safely which is interpreted as shooting into a back stop. Peter Merrill asked about restrictions on single shot shotgun type of rounds and semi-automatic and automatic weapons. He then reported the bond has lapsed for over a year now. Norman replied a call was made to the State to see if he met the requirements and once we receive the report we will have more information. Norman's concern is if he had an agreement that they wouldn't allow shooting and now he's reneging on that agreement. He suggested he could talk to Peter Kuegel and get his rationale. Peter Merrill asked if we can look into what type of weapons can be used. Sgt. Sanders will obtain the information.

Bob Nigrello from East Kingston introduced himself as our state representative who also handles East Kingston and South Hampton. The selectmen in East Kingston formed an energy committee to buy electricity. He contacted the County and they put this out to bid every year or so. He stated Nashua has done a great job to save thousands of dollars and if we're interested, he would be more than happy to include us in the next meeting or conference call. He thanked the Board for allowing him to speak.

Kensington Congregational Church – Mike Schwotzer and Richard Powers who are on the Board of Trustees at the Church were invited to attend to discuss a letter the Board sent them in April asking permission to use the well for supplying running water to the police department trailers. Mike stated the cabinet met and discussed it, but they were concerned with wear and tear on the pump, higher electricity costs, and increased use of the water. They didn't want to be a bad neighbor but they have been helping out with the use of bathrooms and have a significant increase in electric costs. They looked at the increased costs and the unknown age of the pump and quality of the water and how long the pump could last. That is why they decided to decline our request. They felt the two trailers would increase the water consumption. They know we have the town hall access for the well even though we'd need to cross a state highway. They are willing to listen but can't make any decisions tonight. Rich added they are a small church and it's a big building and they have been operating at a deficit for many years now and they don't have funds to replace a well if something should go wrong. Dave Buxton reported it's an artesian well that his uncle donated to the church so he thinks it was installed sometime between 1997-1999 and it's registered with the State of NH. Norman stated their request was made because we are in violation of sanitation laws for the existing trailer and we need to have a facility up and running by the end of November. He stated they looked at drilling a well but are trying to find a way to save funds for the Town. The Board realized it would be an increased cost for the Church and the Town would be willing to assist with these increases and if feasible they would work with the Church on repairs. The Board is more than flexible to work with them on their concerns and this would only be temporary. Mike stated they will take this information back to the cabinet and discuss it again and let us know if they will consider our request. Rich asked the Board to send the information from the State on the well to them. The cabinet will meet again the second Sunday in September. The Board thanked them for attending.

DEPARTMENT HEADS:

Police Department- Chief Sielicki was not in attendance.

Fire Department- Chief Leblanc was not in attendance.

Building Inspector-Mark Sikorski presented four permits for approval:

- Perkins, 20 Stumpfield Road, in-ground pool with decking. Norman made a motion to approve the permit as presented, seconded by Scott with both in favor.
- Lucas, 21 Trundlebed Lane, back door portico. Norman made a motion to approve the permit as presented, seconded by Scott with both in favor.
- Osciak, 2 Muddy Pond Road, install door with structural change. Norman made a motion to approve the permit as presented, seconded by Scott with both in favor.

Luisa repeated her concerns to Mark. She thinks he should've presented himself as a Town official. Most concerning to her was his statement that they can't open. She asked where this information was from and that he was intimidating and unprofessional.

Mark responded that last Monday he received a phone call from a plumber inquiring about obtaining a permit for a restaurant and since he wasn't aware of any in town, Mark told him there weren't any permits in place. As he was driving down Route 107 today he noticed there was a car in the parking lot. Yvette, the tenant, came out and asked what he was doing and he responded he's just checking it out and didn't know the Italian restaurant was being re-opened. She confirmed it was, but that it will be a steak house. He never entered the premises. Mark went on to say there was a tall gentlemen with her who came out during the conversation and both had masks on holding sledgehammers because they were taking down sheetrock. Mark let her know there weren't any permits in place and she responded that it was a restaurant before and it's grandfathered so she can reopen it as a restaurant.

Luisa interrupted and asked if she needed a permit to do demolition because she knows when to apply for them and Luisa has been working closely with Yvette. Luisa also replied that Yvette was the only one working in the building when Mark went there. Both sides disagreed. Norman interjected since there won't be an agreement he thinks best way to resolve is to move on and have a meeting and determine when permits are required. Luisa went on to say that if the tenant pulls out of the deal it will be Mark's fault. She would like to talk with Mark and her tenant in a meeting. Luisa had one final question regarding his claim about wetlands and aquifers. Mark responded he didn't say it couldn't be open because of a flood plain. He was letting her know that since we are now part of the NFIP, there are new requirements in place for properties with waterways, aquifers and flood zones. There is a possibility part of the property could be in the zone. He looked at the FEMA map and the permitting process could be affected and showed her the map he obtained. She wasn't concerned since she believes the restaurant is grandfathered. Norman said a meeting will address concerns and a selectman may attend as well if requested.

Road Manager- David Buxton reported

- A tree on conservation property had fallen on Norman's property. Dave received a price quote from Cheezas to remove the tree for \$500. Dave said we've shopped his pricing before and comes in as low bidder two out of three times. Since it's on conservation land, Dave doesn't have the authority to go on their land. Bob Gustafson has looked at the tree and the conservation commission has no issues with it being removed, but no one asked them to pay for it. The prime stewards are Southeast Land trust and he believes the funds are restricted. Dave suggested talking to Sydney.
- Dave is obtaining pricing to remove limbs at the school house and grange.
- Eric Young called him from a detail on Muddy Pond Road to report there is a culvert 3 ½ to 4' edge without a shoulder that needs some type of catch basin. The one they just installed on Wild Pasture was quoted \$3900. He will obtain another quote but received permission to proceed if the pricing he receives is higher.
- Drinkwater Road had shoulder work completed and more work is scheduled for Stumpfield Road.
- Roadside mowing has commenced.

- He obtained one quote for trimming brush with a machine, and is awaiting a second quote
- Dave spoke with Charles Zilch regarding the Kimball Road culverts. Four have failed due to the bottoms rusting. They were installed in 2000. NH DES has confirmed they failed and if they remove the mud from the beavers they would collapse. NH DES will evaluate it and see if we can install four plastic double walled culverts instead of concrete material which can cost \$77k. The plastic scenario may only cost \$17k in comparison. If the beavers are maintained the culvert should last a long time.
- 139 Wild Pasture- Drainage is almost complete. Two concerned neighbors called him to make sure silt doesn't run into the pond. Another neighbor thought more water on his property. Dave described how he has addressed these concerns.

Emergency Management-Robert Gustafson reported:

- He signed the application to Homeland Security for the Local Emergency Operation Plan. It was last updated in 1991 and needs to be done every five years which allows us to be eligible for grant funds. He anticipates this will take 15-16 months to complete. It will be fully funded by a 50% soft match and 50% grant from FEMA.
- He is attending a full day exercise tomorrow at Frank Jones Center for the first step in the Seabrook drill.

Assessing- Kathleen Felch did not have any new information on the abatements yet.

Tax Collector- Carlene Wiggin did not have anything to report.

Town Clerk- Pamela Kehoe reported:

- Residents were issued fines for dog licenses. A lot of residents registered online so she will be able to send email reminders next year.
- Effective September 16th her office will be open until 8pm on Tuesdays.
- Dana will be starting training with the State on August 18th for motor vehicles. Since vital records are changing their software, there is a hold on training.
- The Accuvote system should arrive next week however the State informed her LHS in Salem is the only company who can program the chip and since we bought it from another vendor she's trying to get this resolved. We may need to mail it to Nebraska for programming so she's not sure if it will be ready for the September primary.

Recreation Department- Members were not present.

Conservation Commission- Members were not present.

Sawyer Kensington Trust- Bruce Cilley was not in attendance. Lynne reported:

- Mosquito spraying will be done on field C tomorrow morning.
- The board approved updating the park permit to include extreme weather cancelations.
- Lynne left a message for the company that may have installed the railing and also asked if Art could look at it to see if he's able to repair. Carlene reported Art noticed the railing was bowed and didn't notice it was loose. He suggested contacting the original installer.
- The new sign has been ordered.

NEW BUSINESS:

Candidates for Appointed Selectman- Norman stated the Board posted notice they were looking for interested individuals and asked them to come in and provide their background and answer a few questions. Five individuals submitted their names.

Wayne Antal –Wayne is a new resident who moved here a year ago from Upstate New York. He was on the planning board in Berkshire NY. He has experience as a program manager and customer service manager and holds a degree in political science and business administration. He applied because he wanted to help out. Norman asked if he volunteered or worked in small government. Wayne responded just volunteering on the planning board for two years. Norman asked if he has any budget experience. Wayne responded he runs an \$11M business unit for the eastern region of the company where he is currently employed. Scott asked if schedule is flexible and he confirmed it was. Scott let him know there is more time involved than just meetings. There may be research and preparing for a meeting. Also, if something happens at the park and he's around he may need to go there.

Chris Albers- Chris has lived in town for three years and is from Southern New York. He met his wife who is from the seacoast at UMD where he obtained a major in marketing with ethics in law. He has a 16 month old daughter and submitted his name because he wanted to be a positive influence in the community where he wants to raise his family. He's been in project management with large budgets and budgeting across different departments. He is an analyst at a research and development company so he is comfortable working with department heads and has flexibility.

Norman asked if either Wayne or Chris has managerial experience, Wayne responded he manages four people right now and Chris does not have any direct reports. He asked if either has implemented any policies or procedures and both replied they worked on ISO9000 audits. Wayne also updated the laws with the planning board in New York. Norman then asked if they dealt with unions. Wayne took a course and Chris hasn't worked directly with unions.

Stefanie Baker- Stefanie introduced herself. She lives on Trimble Trail and has been here for 13 years. She has three daughters who all attend schools within the SAU. She has a business degree, law degree and is currently work for a company in Beverly. She stepped down from the Board 1 ½ years ago after being a Selectwoman for nine years so she is quite familiar with the process, the commitment and could easily transition into the position. She's worked with all of the Town's committees, boards and town counsel.

Peter Merrill- Peter lives on Route 108 and been a resident since 2000. He has been a member of the planning board for twelve years and chairman for the last fifteen months. He has been very involved with the town issues over the years and is aware of the general process and the departments we work with. Peter has worked professionally in medical research and biotech sales and as a manager in a worldwide distribution network. When the company was purchased by a larger firm he negotiated the termination agreement for the sixty people that worked for him. For the last seven years, he has been working in renewable energy wanting to offset his carbon footprint. He is happy to volunteer and would like to do so for the current slot. He is

flexible since he works from home and sets his own hours. He is aware of the current issues facing the board and would act on them with fresh and experienced eyes to fix the problems.

Robert Wadleigh- Robert has lived in town for 59 years and served as a selectman about 15 years ago. He operates a crushing crew in Seabrook with four employees. He's old school compared to everyone else but would like to help out.

Norman asked Bob what he thought the major issues facing the town are. Bob responded the biggest issue in town at this point in time is taxes and there isn't an easy answer. Older residents have a hard time. It's not an issue for commuters, but it is for locals. The police department issues also need to be addressed.

Peter responded to the same question: The big issues are the police department and finding a solution for them. The Department of Labor violations affect numerous facilities and how they are being managed, cared for and operated. The current ongoing issue with the town hall is now on a good path with the current assessment as how to fix it.

Stefanie responded to the same question: Obviously the property taxes and the budget always need constant review as well as trying to find revenue streams to offset property taxes. The police department and the Department of Labor violations need to be addressed immediately.

Chris responded to the same question: - Since he's been here, the issue has been the state of the facilities in the town. Once they get passed it will be a great win for everyone involved. The epicenter of the town needs to work effectively and efficiently as possible.

Wayne responded to the same question: Not only Kensington, but many other towns are managing the budget and reducing the risk to the people of the town. He is a problem solver and would like to reduce exposure that will put our budget at risk.

Norman said it's refreshing to see five people submit their name who want to help and let them know if they aren't chosen, they should run in March for one of the two seats that will be on the ballot. At the next meeting Russell and Norman will evaluate each candidate and ask Scott for input, although he will not have a vote on who will be selected.

Scott Lowell stated he's lived here 33 years and knows there are a lot of people who have been here longer. The thing that bothers him most is seeing people who lived here all their lives that never lived beyond their means are now having a hard time competing with demographics surrounding them now. It is hard for him to leave knowing they struggle at no fault of their own and hopes whoever replaces him keeps this in mind.

Appointment- Norman reported there will be a vacant position as Chief of Police and he would like Russell to be in attendance to make it a unanimous vote. He wants to make a motion to promote Scott Sanders as Acting Chief and when the new member is on and Russell is here it will be changed to permanent. It will be effective August 1st, with an expiration of September 1, 2014, seconded by Scott with both in favor.

Recycling Facility- Lynne presented two quotes for recycling. The Board will review and do a cost analysis before making a decision.

Town Hall Update- Norman received quotes from two local electricians for moving the wires and panels:

- Celtic Electric \$850
- Bernier Electric \$1700

Norman made a proposal to hire Celtic Electric, seconded by Scott with both in favor. Funds are part of the warrant article.

WH Demmons came to review the heating system and they don't think there is going to be a major overhaul needed. Some of their suggestions weren't implemented that could potentially help with the humidity. They provided an estimate to remove the baseboard heating which was damaged as a result of pulling sheetrock. The cost obtained was \$3200. He only contacted them because they were the ones who installed it and they know the system. Dawn Frost who worked in the building and reported several times when the air conditioning was running, it would cause the heat to run in the bathroom. Norman explained he was told the a/c throws off the balance of the humidity and it requires a certain temperature to maintain it. Dawn asked if another company will give an assessment. Norman replied it would cost a lot more money to get someone else in. They are assessing to make sure the equipment is working properly. Kathleen Felch was concerned because of the utilities we consumed. After it is up and running they will perform an air quality test. They will make sure the ducts are totally clean. Kathleen wants to know if she can enter the building for access to her records. Norman responded when he spoke to the Department of Labor inspector said she did not look at that building. He said we had an air quality test that was positive. Norman gave Kathleen permission to enter the building as needed. Norman proposed to accept the quote from WH Demmons, seconded by Scott with both in favor.

OLD BUSINESS

Department of Labor Inspections- The Board signed the response letter to the Department of Labor.

Non Public Session RSA91A:3,II(b): Norman made a motion to enter non-public session at 9:51pm, seconded by Scott with both in favor. A hiring issue was discussed. Scott made a motion to leave non-public session, seal the minutes and return to regular session at 10:07pm, seconded by Norman with both in favor.

Scott made a motion to appoint David Hersey from a part time police officer to a full time police officer, seconded by Norman with both in favor.

Non Public Session RSA91A:3,II(e): Norman made a motion to re-enter non-public session at 10:09pm, seconded by Scott with both in favor. One lawsuit was discussed. Scott made a motion to leave non-public session, seal the minutes and return to regular session at 10:15pm, seconded by Norman with both in favor.

Administrative Assistant:

- **MD&A**-The Board reviewed the summary Lynne wrote up for the MD&A and approved it to be submitted to the auditors.
- **Legislative Policies**- Board members did not have any input.
- **Library Heating**- The library requested funding assistance on maintenance to their heating system. The Board declined as this should be in their budget.
- **Shredding Company**-Sarah Wiggin suggested the Town hold a shredding event. The cost is \$250/hour with a three hour minimum. The Board may look into it next year.
- **Road Race Markings**- A bicycle race came through Town last weekend that did not have a permit and left numerous permanent yellow markings on our roadways. There was a permitted race that also came through but they were not responsible for defacing our roads. The Board suggested having Sgt. Sanders look into it.
- **Road Usage Request**- A permit was signed for a charity Motorcycle Ride on September 6th.
- **Safety Committee Meeting**- Scheduled for July 29th 7:30pm at KES Library
- **Lost Park Key**- Keith Palmer loaned his key to an EJBL representative for their tournament this week and it has been misplaced. He is requesting another key. The Board asked Lynne to refer him back to the Trust.

Bills & Mail- Bills were approved and signed.

Next Meeting Date-August 18, 2014 7:30pm in the Kensington Elementary School Library.

Approval of Minutes –Norman made a motion to approve the June 30th and July 7th meeting minutes, seconded by Scott with both in favor.

Scott moved to adjourn at 10:59pm, seconded by Norman with all in favor.

Respectfully submitted,

Lynne Bonitatibus
Administrative Assistant