

TOWN OF KENSINGTON
BOARD OF SELECTMEN MEETING

Kensington Town Hall
95 Amesbury Road
Kensington, NH 03833

MONDAY

January 29, 2018

Meeting Minutes-Draft

6:30pm

In Attendance: Norman DeBoisbriand, Robert Wadleigh, Linda Blood

Others in attendance: David Buxton, Carlene Wiggin, Chief True, Harold Bragg, Peter Kuegel, James Haynes.

Norman called the meeting to order at 6:30pm, Bob seconded, all in favor.

No one was present for citizen's forum.

Sawyer Park Bids and Town Mowing Bid Opening- Bob opened the sealed bids for three vendors. The board reviewed the bids after opening, and Bob read all bids to the public.

Park

- Leahy Landscaping- Lynn Ma \$58,900
- Down to Earth- Kensington \$38,900
- K&B Landscaping- East Kingston \$36,025

Bob explained that K&B is low bidder and they will have to now examine the bids before they make a decision.

Town and Cemetery Mowing and clean up:

- K&B Landscaping- East Kingston \$15,400

The board will call the individual contractors if they have any specific questions. They will review the bids to be sure that they are all using the same bid sheets and specifications and will award the bid on the 12th of February 2018. Everyone will be contacted to let them know the outcome.

Final Inspection Report- Kuegel Pit

Mr. Kuegel stated that the planning board has requested that Christian Smith from Beals Associates reword his letter to the town on the final inspection of the gravel pit off of Osgood Road. Bob stated that he will be getting ahold of Christian to have that ready for the next planning board meeting.

Round Hill Road- Mr. Kuegel stated that he would like to ask a question on the driveway off of Round Hill Road. He feels that the planning board denied the permit to take the easy way out. He is not disputing that part of the road is abandoned, but not sure that the entire road is abandoned. He asked the board to read all the letters that they have, and he believes that this will present reasonable doubt, he does not feel that the lawyer got all of the information, or read it all. He explained that they okayed Mr. Welsh to move Round Hill Road for his driveway, so therefore it could not have been abandoned. They did close it as far as the Rowe's property, but they are saying from the Rowe's house past the Welsh house is what is in question. Donna explained that the votes were taken:

- 1947 there was a town vote to close the road from Osgood Road to Amelia Rowe's house. They are not disputing that.
- 1948 they voted to change the vote from 1947 which according to Donna they are not allowed to do so they closed it subjects to gates and bars.
- 1966 there was another town vote for Mr. Welsh to move Round Hill Road.

Donna explained that the only way to abandon the road is to have another vote, which has not been done. They believe it is closed to gates and bars, which means that any individual can use it, and the town does not have to maintain, but that the town does still have jurisdiction over the driveway permits. She has copies of the town votes from 1947, 1948, and 1966, and nothing has been voted on in reference to that road since then.

She continued that they were not allowed to see the legal interpretation, but were told that according to the town tax map the road is closed.

Norman asked if there was an extension to the road that comes out to 150, it was explained that was not part of Round Hill Road.

Donna believes that they are talking about Amelia Rowe's property. In 1966 it was called Round Hill Road, so if it was abandoned, why did the town recognize it as a road within the warrant article. In 1948 there seems to be no record on if it passed or failed. The board will take a look at the materials. Donna asked if there was a process to appeal the decision. The board will look into the process to appeal this type of issue.

David explained that the Planning board gave him authority to approve the driveway permits, but he brought this one to the planning board because it was not cut and dry, and the planning board chairman agreed. He has been told before that the first thing to do is to define what a road is.

Donna commented that if the status of the road is closed subject to bars and gates then the selectmen would oversee it.

David stated that there is a regulation that states that you have to have frontage on a town road, and if you can have two driveways to one parcel. This will have to be researched as well. You have to have a certain amount of frontage on the road to have two driveways off of one parcel.

Norman would like to send this off to legal to see what the process of appeals would officially be, and to review the information. Donna asked what the time clock is on this process. Norman will try to get this out to legal as soon as possible.

Mr. Kuegel is asking the board to see what Round Hill Road is, he feels that this is cloudy, and is just asking them to review what is in writing to see if it warrants to be sent on.

Donna stated if it is closed subject to gates and bars the RSA's state that the board has say over the driveway permit. Even if it is totally abandoned and are able to use it, do they still need a driveway permit if they are allowed by statute to use it. Anyone that holds frontage on it can use it? Is this a civil matter? Donna will hand in the information for the board to review. They thanked the board for their time.

DEPARTMENT HEADS:

- Fire Department – Chief Jon True- He reported that the washing machine should be fired up soon.
 - Updated the billing contracts and fees for the ambulance
 - Trying to get numbers up, scheduled trainings coming up.
 - Creating a mass casualty program that the board will have to review.
 - Christmas trees were burned at the Elementary School

- Emergency Management - Chief Jon True-
 - Ice storm, had a few injuries, but no major injuries.
 - Large maps will be coming to the town tomorrow.
 - Scheduled training tomorrow night for WEBEOC, which is Emergency Management software.
 - Training drill is February 14th.
- Road Manager – David Buxton-
 - Ice storm was terrible; all surrounding towns were fighting the same thing and it was hard to combat. Matrixx and B&S were called to the town hall to remove excess ice.
 - Town wide patching has been done.
 - Street signs will be done this week.

Norman would like to take this time to address the school plowing. He believes that there were some inappropriate comments in the school board minutes. He is going to start with the following:

- April 24th the board requested a letter be sent to the school explaining that they would not be including the school plowing and for them to consider it in their budget.
- In July the chairman of the school board came to the Selectmen's meeting and she was briefed on why this was to be done. The two reasons being proper accounting, that the town has its budget and the expenses related to the school should be applied to the school budget and the second issue is liability. If something happened with the plows at the school then the town would be liable. That was another issue why the board wanted to segregate it out of the towns budget and to put into the school budget.
- There were then some comments made by the school board that the town was not working with them, and that they would not discuss the contract.
- Mr. Cole came to the meeting on the 23rd of October, and made the statement that the school board was in agreement with what the selectmen want to do.
- Norman believes that there is a lot of confusion, he does not think that the school board understood the process.
- Chairman of the board stated that the "Kensington Board of Selectmen were disturbingly unethical." The board does not see where that came from in this process when the board is trying to do proper accounting and trying to work with the school board. He does not think it is unethical.
- David explained that this is not the first time that separating the two entities has been discussed. This has been talked about for many years. The school has a budget and within their budget they should be maintaining the building and the grounds, as they do with the lawn care. The school has complained about this in the past. He believes that the board is moving forward with the first steps.
- Norman stated that we don't own the Fire Department or the Library, but we have structured an agreement with them to lease the buildings and in those agreements the plowing is included. He believes that the board has been upfront with them and they gave them an estimate.
- David explained that the quote came from a local company and the quote was legitimate, you have to do the walks and be on call. He has heard that the contractors that gave them quotes were way too high, but that is up to whoever bids it.

- Norman would like to construct a letter to send to the school board expressing the boards concerns, and that they have acted in good faith.
- There were some statements made at the last school board meeting, which the minutes are not posted online yet, but the board is getting residents complaining that the town is pulling the plowing from the school.
- Linda stated that years ago before the big parking lot was done at the school to enlarge the parking lot there was not the expense, but now there is a need for the loader and more plowing. They currently pay for the mowing within their budget, why is the plowing different.
- David stated that his budget is decreased more than it goes up, so the school should be carrying the financial responsibility for plowing their parking lot.
- Linda stated that there was a complaint about the side streets not being plowed or sanded. She expressed that people have to understand it depends on when the storm starts. David stated that a big problem with Kensington is that the town wants to keep the canopy and this doesn't allow for the sun to melt the ice and snow as fast.
- Norman continued that he was at the meeting in July and she wanted to come back to the board in August and the board did not hear from them on a date. But in their September minutes it states that the School Board Chair confirmed that the plowing was budgeted and set for the upcoming season. It also stated that the chair tried to talk to the selectmen and they did not want to discuss the plowing issue with the school board. Norman was confused by this statement and the board is not sure where that is coming from.
- Norman went back and this has been discussed 4 or 5 times in eight months and a member of the school board attended 3 of the meetings.
- In an earlier meeting the school board expressed to the selectmen that they could not do the plowing in this year's budget so the board said that they would cover them for another year. And for them to be sure to include it in the next years budget. There is a business reason for doing this and the town is not trying to make their budget look better.
- Bob explained that the board gave them a ball park figure for their budgeting purposes.
- David stated in the minutes that he would work with the contractor to establish a more accurate price.

Ground level storage containers at the Salt Shed, they are full and there is usually room for the patch machine. He asked the board to investigate to see what is in there. Bob went over and has removed a bunch of things. The items in the container will be looked at so that the patching machine can be stored. Bob will work with David and the police department on this.

- Town Clerk – Dawn Frost-they are getting ready for the deliberative session and the town election.

There will be a new check in procedure for the deliberative session.

- Recreation Committee- work session for application date
 - The board scheduled a regular and work session this Thursday night at 6:30pm with the recreation committee.
 - The board will discuss and sign appropriate forms at the next meeting.
- Sawyer Kensington Trust- Bob has read through the agreement and the board will discuss in the near future.

• Other Department Heads- **Building Inspector-** Norman Giroux-The board has not had a chance to look at the fees. Norman Giroux stated that with new homes there is no need to tack on the additional fee, because they are not getting the occupancy permit without a final inspection.

Building inspector letter to resident-Bob made a motion to send the letter from the Building Inspector to the Littlefield's. Bob made a motion to send the letter to the Littlefield's, Norman seconded, all in favor.

Mr. Giroux wanted to see what the board's thoughts were on the letter that was sent a while ago and he has not heard if the board will be taking any further action. In his letter to the resident it stated that they needed a permit for the swimming pool. He is worried that where the board is aware of this there could be some liability for the town. He is asking for a letter from the board asking him to get a permit for the pool. The board reviewed the letter, and Norman asked him to summarize the letter by bullet points for the lawyer. The board will put a letter together and review the information. There are a few things in the letter from the building inspector that the town can't enforce. Mr. Giroux is also concerned with the unregistered vehicles on the property.

He also requested that the map of the FEMA Wetlands map be hung up in his area. Kathy believes that is in the storage room with the town records.

NEW BUSINESS:

Warrant, Budget, Default Budget-DRA forms-

The board decided to have a vote on the articles that were not voted on during the last meeting.

Article 09: Citizen's Petition to Establish a Heritage Commission.

Norman read the article to those in attendance.

Bob motioned not to support this article. Linda seconded, all in favor.

Article 11: Citizen's Petition to Rescind SB2

Norman read this article to those in attendance.

Linda voiced her support for this article. Linda made a motion that the board support this article, Norman seconded.

Linda affirmative, Bob not in favor, Norman affirmative. Voice vote 2-1.

The board reviewed and signed the Town Proposed Budget, Default Budget and warrant for posting.

Recycling Contract- Norman asked Kathy to call and find out a good time to discuss this contract, possibly Thursday night. The legal advice will be summarized.

Avitar Contract- Revaluation- Legal has sent the board some suggested changes to the contract, Avitar agreed with the changes and made the appropriate changes in the document. The DRA had suggested changes as well and those were done as well. The agreement is now at the top of the page and the bond section was clearer. They did advise the board to set up a capital reserve fund for the revaluation in 2023, so funds can be placed in this fund yearly.

Bob made a motion to sign the Avitar Revaluation contract, Norman seconded, all in favor.

OTHER BUSINESS:

- Bills- the bills were reviewed and signed.
- Non Public Session- RSA91A:3, II (a,l)

Norman made a motion to go into non-public at 7:40pm, Bob seconded, all in favor.

Two legal issues and one employee issue. Norman made a motion to leave and seal nonpublic at 8:01pm; Bob seconded all in favor.

Bids- Process of the Board:

Norman asked how the board was going to go through the bids. All the sheets add up and there is a small difference between the two lowest bids. The board will check the references and award the bid at the February 12, 2018 meeting. No decision was made at this time.

- Next Meeting Date –February 1, 2018 @ 6:30pm.

Norman made a motion to leave the public session, Bob seconded at 8:12pm, all in favor.

Respectfully Submitted,

Kathleen T Felch