

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

October 13, 2014

Approved January 5, 2015

In attendance: Norman DeBoisbriand, Robert Wadleigh and Peter Merrill were in attendance. Norman called the meeting to order at 7:02pm.

CITIZEN'S FORUM:

DEPARTMENT HEADS:

Police Department-Chief Sanders presented:

- Grant paperwork for the Copsync emergency program for the school for signatures. The town of Kensington Board of Selectmen in a majority vote, accepted the terms of the Emergency Management Performance Grant (EMPG) as presented in the amount of \$2,796.00 for the purchase of Copsync Software. Furthermore, the Board acknowledges that the total cost of this project will be \$2,796 in which the Town will be responsible for a 50% match (\$1398.00). Of this \$1,398, the Kensington Elementary School will be responsible for \$882.00 and the Police Department soft match is \$516.00. Norman made a motion to accept the grant seconded by Bob with all in favor. Peter asked if the board was responsible for anything else. Chief responded once the paperwork is submitted and accepted, he will schedule training for the police department and have it installed on their computers and the school can do the same.
- He asked if the board made any decisions on his request for cruisers. The deadline is the end of this month. Norman responded they will discuss it at the end of the meeting.
- Double Wide Trailer Update-
 - Norman advised the temporary trailer will be located behind the town hall.
 - Peter Landry called him Friday and stated he completed the septic design and we can use the approval number from the first approval. The tank will be installed near the crypt and will not interfere with accessing it.
 - He obtained three estimates for a water filtration system and running the line to the trailer. One company didn't provide trenching and one didn't submit a bid. Norman requested an approval to proceed on the bid he received since the Department of Labor will assess fines if they aren't moved by the end of November. The cost to run the line to the trailer and install a water softener and sediment filter is \$4,850. He proposes since they are strapped for time to accept it and move on and get estimates for installation for the septic tank.
 - Dave Buxton asked for clarification on placement of the trailer since he hasn't heard anything since they met. Norman previously received estimates for the trailer from Chief Sanders. He'd like to compare pricing with other companies to verify the cost is legitimate. Peter requested the cost of the handicap ramp be broken out. Chief Sanders reported they could build one much cheaper. Dave may be able to get a 60 foot ramp donated. Peter said they could decide on that at the next meeting. Norman was given permission to check pricing for trailers.

- Bob Gustafson inquired if DES approved the septic design since it will be located near wetlands. Peter and Norman confirmed it was and the approval is only for two years.
- Bruce Cilley asked if the costs include patching the hot top. The board responded they will have to patch after the water is transferred. Norman confirmed Peter's questions that contacting Digsafe is the contractor's responsibility. Chief asked to hook up the phone line and ADT as soon as possible. Norman said an electrician should be researched too.
- Chief also advised they need to move the generator from the town hall and hook it up to the trailer. He said they were awarded this through a grant after the 2008 ice storm so they would have power during outages. Peter asked the capacity of the generator vs BTU requirements. Bob said it's not big enough to do job and if they disconnect it, they would lose water. Peter asked if it made sense to pull the power over with the trench and it would solve the problem. Chief suggested contacting the person who set up the generator originally. Peter made a motion to accept the bid from Comac, seconded by Norman with all in favor.

Fire Department- Chief Leblanc reported:

- He confirmed with Lakes the \$1,066 credit is due to the Town for equipment or services from Lakes Region which they can use for pump testing, etc. Norman suggested developing a procedure for the disposal of assets so this doesn't happen again and Peter agreed. Norman asked if the Town can be issued a check for that amount. Charlie believes there is an agreement that no funds change hands. Peter asked if he will use the credit. Charlie responded it costs \$250 per truck for pump testing so they would use $\frac{3}{4}$ of the funds soon. Norman noticed the sale price did not coincide with the document. Peter would like to get all of the actual numbers in front of them. The Board decided to postpone until the next meeting.
- He met with restaurant operators and let them know the hand drawing wasn't sufficient. He gave them the specifications from the state and a list of square footage needed as well as a list of fire protection engineers which is their responsibility to hire. As of now, he is unable to permit 172 occupants. He is allowing 120 occupants until a detailed plan is received. Charlie would like to use an assembly permit per room instead of per building.
- He presented his first draft of the 2015 fire department budget for review.

Building Inspector-Mark Sikorski presented the following building permits:

- Lawson, 253 South Road, Swim Spa on a concrete slab. There aren't any setback issues. Peter asked about the weight and Mark confirmed it will be done appropriately. Norman made a motion to accept the permit as presented, seconded by Bob with all in favor.
- Pinnacle Leadership Center, 16 Cottage Road, Recreational Conference Center. They met with the planning board and it's the formal approval of the permit for work. All plans are engineered, signed and certified. Peter asked if Chief Sanders should update one of the documents that was signed by Chief Sielicki. Chief and the board members agreed he would sign under Chief Sielicki's name. Norman asked if an assembly plan is needed, Peter let him know the site plan was done by the planning board. Charlie stated a permit for assembly like the restaurant will be done when it's built. Norman made a motion to accept the permit as presented, seconded by Bob with all in favor.

- Mark met with the owner of 242 South Road to survey the property. She gave him permission when he called her. There are three bedrooms upstairs of which two share a bath and the third has its own. This is separated from the rest of the house where the homeowner lives. She rents room space to people on term basis and there are currently only two bedrooms occupied. He reviewed the zoning ordinance with her that she is on the edge of the ordinance for the amount of people she can rent rooms to. She claims she spoke with Denise and Bill Grant. He asked her to find any paperwork that indicates their arrangement. He stated there is a State of NH registration of a trade name that was applied for in 2009. A rooming house is defined as renting to three or more people. Currently there are two in residence, but three rooms are available. The Board will wait for her to submit documentation.
- **149 South Road restaurant-** Mark reported he is waiting for more detailed plans from the applicant. Norman asked why it would hold up a building permit if she is working with the Fire Chief. Mark responded that he doesn't have a plan that clearly defines any of the exits. Norman reported that he and Peter had a meeting with her. He stated it wasn't a meeting that required public notice. This was a one-time meeting that she requested. She worked with Chief LeBlanc on the exit plan and there was a note that in the lounge area the door opened inward. She confirmed it was a problem and was willing to replace the door. She went door by door with Charlie. Mark interjected and stated when someone makes application for a public commercial building with that amount of people in the plan, he thinks is very important. He feels approving a permit is being satisfied with the plans of what is to be constructed. If he recommends approval, it's hard to chase afterward. There's just not enough information given on a hand drawn 8 x 11 piece of paper. Norman stated that he approves structural and building codes, but Charlie approves the fire code. Norman is trying to stop the town from a lawsuit. Mark advised he doesn't have a plan signed by the fire chief or any other inspector and he won't approve because we don't have controls in place yet. He is awaiting a plan from her. He needs details and he has nothing to measure against. Mark stated if we approve as is and someone dies, there will be a lawsuit. Norman responded if she wasn't cooperating with Charlie, he would have a problem with it, but she is. She's never said she wouldn't do something. Dave Buxton asked if this hinged on an Occupancy Permit. They all agreed. Mark said this is important because of the type of facility. Dave said it can be approved contingent upon acceptance of the plan. Peter agreed this demonstrates a good faith action. Mark said he will agree however not without something at least somewhat detailed so he can monitor completion, because if something doesn't meet requirements later, they will need to back up and correct. Peter said it can be contingent upon the acceptable plan of Charlie's review which puts in the checks and balances. Norman said they have a fiduciary responsibility to avoid lawsuits against us and make sure she complies with building codes and the fire plan. As of now she says she will comply if she doesn't, she will never occupy the building. With cooperation he thinks it could be a workable situation to help someone who is unhappy into a workable situation. Mark asked who is going to draft the contingency letter for approval. Charlie said they should only approve renovation of walls, ceilings, floors, but no seating arrangement. Once it's renovated he can confirm occupancy per room. Her fire system needs to be UL listed and have central station monitoring. She needs to make sure the lower dining room has a clear path to the parking lot. The bar is different from the state fire code so she needs 24" per

bar space, which would allow five people for a ten foot bar. If they have more than one guitarist, they must have sprinklers per state law. Norman inquired why its contingent on what Charlie is going to approve since he has the responsibility as fire chief and takes it serious. Mark approves building permits and Norman understands his concerns that checks and balances are in place. Norman asked why the Pinnacle permit didn't have any issues. Mark responded they went through the site plan review with the planning board and provided engineered drawings from certified fire engineers. Dave suggested progress approval by the building inspector and fire chief are a requirement to obtain this building permit. This can be included on the card that is posted in the window and she can read before accepting it. Mark advised, normally an operation has 30 days to approve permits and he wants to make sure we have everything in order. Norman replied that Charlie can shut it down if there are issues. Bob made a motion to approve the permit verbally tonight as soon as Charlie gets paperwork to Lynne and they can sign the permit, seconded by Norman with all in favor. Norman understands Mark's concerns and thinks enough safeguards are in place. Mark stated that he doesn't want the requestor being scrutinized, however any place with this size that serves alcohol, and because of recent events in town it behooves everyone to get things in writing.

Road Manager-Dave Buxton reported:

- Sand and salt were delivered and some has been mixed.
- Sewall will start brush cutting this week.
- He received a call from a resident with a complaint about drainage on their property and he hasn't spoken with him yet. David reviewed the documents and it was built to specifications and any adjustments that need to be done will be at the owner's expense and needs to be approved by Dave. He will advise the resident he may come to a meeting if he has any questions.

Emergency Management- Robert Gustafson reported:

- The Seabrook practice drill on October 8th was better staffed.
- He was invited to listen in on a conference call last Friday for Homeland Security regarding infectious disease for Ebola and Enterovirus.
- He asked for an update on the proposal for the town employees' involvement in the EOC. He reiterated the Emergency Operations center location isn't supposed to be there because if there was an incident at the school it would not be operational nor would fire department be able to operate out of the station. His long term plan if possible is to be located wherever the town offices are located. That way he can take advantage of the staff to get them involved in the loop. Peter asked what the contingency plan is and Bob responded right now they use laptops. The new LEOP plan requires a plan for continuity of government to show how you would operate the town during an incident. We'd be given a room in Manchester to work out of but we need a plan in place.

Assessing- Kathleen Felch presented the following:

- Charlie needs to contact Exeter Hospital who can grant the billing company the ability to obtain personal information for the ambulance billing.
- Quarterly payroll report review.

- Request to be paid bi-weekly instead of bi-monthly. She tried implementing it recently but they can't start until January and may need permission from the Department of Labor. Chief Sanders reported it's the easiest way to manage the pay schedule. Norman asked if it will increase processing fees. Kathy thinks it's minimal but will research. Peter was in favor to proceed and Bob agreed.

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

Town Clerk- Pamela Kehoe was not in attendance.

Recreation Department- Members were not present. The Pinnacle Center submitted an Open Air Assembly permit in conjunction with the rec. department for the Halloween party and haunted hayride. The Board asked Lynne to include a section on the form for hours. Norman made a motion to approve the permit seconded by Peter with all in favor. Bruce Cilley reported the hours will be from 5:30pm-9:00pm.

Norman asked if there were any updates on who built the bridge on Mr. Prescott's property. Lynne reported she contacted many people and organizations in town and no one was aware of who built or repaired it. Norman will let him know that we did our best to research but don't know. Kathleen stated it's been there a very long time. Bob suggested finding out if the Town would have an insurance waiver so the kids could still use it if the owner agreed since it's a safety issue. Peter said check with our insurance agent but first see if the owner would allow it.

Conservation Commission- Members were not present.

Sawyer Kensington Trust- Bruce Cilley reported:

- Down to Earth completed the final trimming of the trails, cut the perennials back, and mowed the meadow for the final time. Mowing will continue through the end of the month and fall cleanup will be completed by the 3rd week of November.
- Hillside did the aeration in mid-September and is coming tomorrow to close the irrigation. Core aeration will be done prior to November 15th.
- Purely organic completed all four treatments.
- The contracts for both turf care and park maintenance expire this year and as long as the board didn't object, he will follow the same procedure as in the past. Lynne will post the bid and spec. sheets and obtain sealed bids. The selectmen will be invited to attend the meeting and the Trust will submit a recommendation to them. A walk through date will be set for the bidders.
- The Farm donates 5% to the Kensington Sawyer Trust for maintenance. To date, \$36k has been donated and they've spent under \$12k to pay for infield mix for all ball fields, the air condition unit at the concession stand, upgrades for the new concession stand, repairs to infields for tournaments, \$900 for aeration and over-seeding, and they plan to paint the trim on field C dugouts. They also have long term plans.
- Norman asked who restriped the speed bumps and Lynne advised Dave had it done.

Town Hall Update- Lynne presented the pricing for the testing company. The cost for the upstairs and downstairs is \$1100 or just the basement is \$990. Norman made a motion to accept

the bid for \$990 from RPF for the basement air testing, seconded by Peter with all in favor. Lynne will schedule as soon as possible.

Peter reported the insulation company will submit a bid for both 1" and 2" rigid foam insulation. This type of insulation would be better before studding is done and provides uniform coverage. They will use metal studs. Richard Elwell asked if the cleanup was complete and Norman confirmed Art finished it about a week ago. He reported some of the dust is now upstairs. Peter confirmed with Norman that new filters will be installed. Norman will work with contractors on bids for having the steps reinstalled.

NEW BUSINESS:

Appointment- Sawyer Kensington Trust-The Trust recommended appointing Dave Macek as a trustee since he already has vast knowledge of the park and uses. He is the president of the KYAA and runs the adult recreation softball league. He thought it would be helpful with communication and coordinating field cleanup and prep day. Norman made a motion to appoint Dave Macek as a Sawyer Kensington Trustee with an expiration date of October 2016 seconded by Bob with all in favor.

General Warrant- The Board signed the warrant and Lynne will post. The board asked Lynne if the voting machine will be ready for the election. She was told they received it and had training but a part was not working properly so it's being repaired. Peter volunteered to be present at the election.

OLD BUSINESS

Electrical Bid- Peter has been working with Bob Nigrello who was in attendance regarding the Rockingham County Complex bid. We were able to be part of the process which includes providing a coordinator at the complex with our Unitil account numbers and two year history of consumption. They will include these accounts with the bid to get a lower electricity rate. There is a possibility of a 40% increase by Unitil and he thinks this is a prudent thing to do. He'd like to proceed with getting this into the bid process and move quickly to meet timing requirements. Peter made a motion to proceed with providing information to the Rockingham County Complex to get a bid seconded by Norman with all in favor.

Budgets- Norman stated it is almost budget season and wanted to suggest forming an informal budget committee. Peter was in favor of asking more knowledgeable people for help. Lynne gave a brief overview of how the budget season has worked in the past. Kathleen said Mike Schwotzer may be interested. Norman made a motion to have an informal budget committee work with the selectmen and Lynne for the 2015 budget, seconded by Bob with all in favor. Lynne will post it on the website. There will be a basic meeting in November and budget meetings will be held separately from selectmen's meetings in December.

Department of Labor- Norman readdressed the issue of securing the tax collector and town clerk's offices as required by the Department of Labor. They will look into a mechanism for

Carlene's partition and Pam's door. They just want to be sure someone can't reach over their desk. Peter asked Lynne to see if the Inspector has any suggestions.

2014 Investment Policy Renewal-The Board signed the policy.

Daytime Ambulance Coverage-Peter requested more information from Charlie before meeting with Exeter. The Town report doesn't break out the calls in detail. He asked Charlie to pull the 2012 and 2013 statistics and break out the rescue calls versus fire calls. He would also like response times which Charlie mentioned a few months ago. After the data is received, he will talk with Exeter to see if there is a potential for coverage and to look at what would be involved for coverage during the day when we are sparse with numbers or capabilities. Charlie replied it's not necessary but Peter responded it's not for Peter to decide but he needs to follow up. Charlie reported it's a slap in the face for the whole fire department and since Exeter is larger than Kensington, when they are busy, who would they call? He continued that if we hire out services, our mutual aid goes out the window. We'll also lose revenue when another ambulance transports. Peter let him know that he has a responsibility to the townspeople. Charlie will submit the requested information.

Administrative Assistant:

- **149 South Road Liquor License-** Chief Sanders met with Peter and presented his concerns for a liquor license but it was after the deadline. Peter reported Chief was concerned with the aspect of the line of site in the parking lot. Lynne contacted the State and is awaiting a response. Another concern is the establishment serving liquor where there is the potential for people leaving after hours of some coverage on some nights. We would now be reliant on the State police to cover those nights and he felt uncomfortable with there being a much more definitive responsibility.
- **18 Cottage Road-** Charlie was asked to inspect the propane tanks. Charlie was no longer in attendance so it was not discussed.
- **Field Rental Fee-** EJBL asked for permission to have fees waived for not using one for the fields during their tournament. Lynne produced an email that she misread which showed cancellation on July 22nd so the Board approved the discount in the amount of \$720.
- **ZBA Rehearing-** Lynne presented the findings from the attorney and results of the ZBA hearing. The Board agreed not to pursue. Peter suggested asking the ZBA to craft amendments since they interpret the ordinance. Bob and Norman agreed.
- **Electrical Inspector Appointment-** Bob asked Lynne to see if Jim Boyd was interested in being reappointed. Norman made a motion to appoint Jim Boyd for one year if he is interested, seconded by Peter with all in favor. They asked if he declines to suggest someone else. Peter asked if they are providing a copy of the signed permit to the Town and applicant. Since they aren't, the Board would like to create a town policy for this. They will hold off on this for now.
- **Safety Committee Meeting-** Norman was out of town for safety committee meeting but he will try to set one up in the next couple of weeks. Charlie suggested a Wednesday night at the library. There should be two members from each department including a supervisor and employee.

- **Grange Cleaning-** Carl Rezendes asked for permission to have Art clean the Grange Hall since it hasn't been done in several years. Norman made a motion to approve the cleaning seconded by Bob with all in favor.
- **Skateboard Park-** Carlene reported that Art repaired the skateboard park after Lynne received a complaint.

Bills & Mail- Bills were approved and signed.

Meeting Minutes- Norman made a motion to approve all the minutes since August 18th except last meeting on September 29th, seconded by Bob with both in favor. Peter recused himself.

Non Public Session RSA91A:3,II(a,c): Peter made a motion to enter non-public session at 9:49pm, seconded by Norman with all in favor. Employee and Reputation issues were discussed. Peter made a motion to leave non-public session and seal the minutes at 10:04pm, seconded by Bob with all in favor.

Next Meeting Date- November 3, 2014 7:00pm in the Kensington Elementary School Library.

Bob made a motion to adjourn at 10:08pm, seconded by Peter with all in favor.

Norman made a motion to reopen the meeting at 10:08pm, seconded by Norman with all in favor.

The board reopened the meeting because they forgot to discuss the police cruisers. Bob felt that Chief Sanders did a good job researching and providing figures but didn't feel they needed four cruisers and he felt if the Crown Vic was going to be sitting it would deteriorate quickly. Peter realized they are now out of sequence on the replacement of the vehicles but felt Chief needed a stronger case on why they need two new cruisers. Norman was in favor of one cruiser this year and keeping the Crown Vic as a backup. He suggested trading it in next year for a new cruiser. Bob was curious if the \$10/hour revenue earned on the cruisers for details includes the maintenance and fuel. If a second cruiser is leased, the Board confirmed they would like it to be on a four year cycle and to keep the mileage low. Norman suggested obtaining fleet cards for gas instead of the officers driving farther for fuel. Bob made a motion to purchase two new cruisers and get rid of the Toyota and Crown Vic or one new cruiser and get rid of the Crown Vic seconded by Norman with all in favor.

Norman made a motion to approve reorganization of the police department, seconded by Bob with all in favor.

Peter will meet with Chief Sanders tomorrow to relay this information.

Lynne advised the Board she felt the meeting they had with the restaurant owner with two board members who are a quorum had violated the right to know law and should've been posted. Norman disagreed and stated he felt since no decisions or deliberations were made, it wasn't a meeting. He informed her he read the RSA and if you meet by chance or a social encounter with another board member it's not a meeting and no decisions were made. Lynne advised she interpreted that as running into someone at a party and not discussing town business. He stated

the woman from the restaurant and the owner wanted to meet with him so he called Peter and asked him to come along so there would be someone with him.

Norman offered to go with Peter tomorrow to see Chief Sanders.

Norman made a motion to adjourn at 10:45pm, seconded by Peter with all in favor.

Respectfully submitted,

Lynne Bonitatibus
Administrative Assistant