

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

**December 18, 2014**

***Approved January 5, 2015***

**In attendance:** Norman DeBoisbriand, Robert Wadleigh and Peter Merrill were in attendance. Norman called the meeting to order at 7:06pm.

***CITIZEN'S FORUM:***

Lauren Curtis informed the Board the road in front of the Legion Hall is treacherous. The Board will contact the State to investigate. She also advised that Mrs. Pereira's name is spelled incorrectly in past meeting minutes, it should be spelled Luisa.

Peter LaChapelle from Waste Management asked if the Board had any questions regarding the contract. Peter Merrill advised they will be signing the contract tonight and will submit it tomorrow.

***DEPARTMENT HEADS:***

**Police Department-**Chief Sanders reported:

- Trailer update:
  - Comcast is scheduled for installation.
  - A moving company came today to provide a quote.
  - Security installation is scheduled.
  - They will be ready to move on December 29<sup>th</sup>.
  - Norman advised the rear stairs won't be complete until after the 27<sup>th</sup>.
  - The ramp will be completed tomorrow.
  - IT will be ready on the 29<sup>th</sup>.
  - Peter confirmed they can start tearing down the current trailer on the 29<sup>th</sup> or 30<sup>th</sup>. Once the movers confirm a date, Lynne will arrange the pickup for January 5th or when they can get there. The insurance is already setup on the new trailer and the existing one will be removed once they pick it up. Chief will have the skirting removed. We may need to order a dumpster to get rid of the skirting.

**Fire Department-** Chief Leblanc reported:

- He read minutes from the last meeting and noticed the Board had questions regarding the EMT training. Peter asked if offering training would help with staffing. Charlie responded it requires a minimum of two years of full time schooling plus keeping up with certifications. Since we are only a volunteer department, people would look for a paying position elsewhere. The funds we pay Exeter ALS is only a pass through and doesn't affect Kensington's billing.
- About a year ago there was an accident involving a dry hydrant near Queensbridge and Mike Sielicki was looking into restitution but the driver didn't have any insurance or means to pursue. The Board reviewed an estimate from Peter Kuegel. He has enough funds in his budget for the repair. Peter asked Bob and Norman if they should have

Charlie obtain another bid. Dave gave some vendor suggestions. Charlie asked if the funds can be encumbered. Peter agreed and Norman confirmed there are enough funds in his budget. Peter made a motion to scratch the bid price from the minutes and set aside these funds for the repair seconded by Norman with all in favor.

- Norman discussed the ambulance warrant article. He believes it can be used for a future purchase of an ambulance and maintenance expenses for the current ambulance. Lynne advised he'd need to see if the governing body has the authority to spend it without a town vote.
- There was a structure fire on Tuesday evening. It was confined to one wall and there weren't any injuries.

**Building Inspector**-Mark Sikorski presented the following building permits:

- **Donovan, 44 Osgood Road, Rooftop solar array.** The installer applied for a building permit after work was started, they were not aware they needed a building permit and only applied for an electrical permit. Peter made a motion to approve the permit as presented, seconded by Norman with all in favor.
- **Town of Kensington, 95 Amesbury Road. Police Department Ramp and Steps.** The Board advised Mark the ramp can be inspected any time. The Board also submitted an electrical permit **to be inspected by the electrical inspector\*** for the connection to the pole that was already in place. The plumbing was run from the town hall to the trailer. Mark would like to keep documentation and information for a Digsafe folder. He would like a plot plan showing all connections to the trailer. They will use the one created for the holding tank. Mark also let them know they can use his NH Accessibility code handbook for ADA compliancy. Norman let him know all ADA requirements were followed and the restrooms were prebuilt compliant. Norman made a motion to approve the permit, seconded by Bob with all in favor. Norman made a motion to waive the fee seconded by Peter with all in favor. \*amended 4/6/15.
- **Town of Kensington, 95 Amesbury Road.** Peter requested Lynne submit an after the fact building permit for the renovations done at the town hall. Peter would like the work documented. Mark asked if the Board had any documentation for his folder. Peter suggested waiting on approving this permit and he can meet with Mark to review the work first. Norman made a motion to hold off on approving, seconded by Bob all in favor.
- **Cole, 244 North Haverhill Road, in- law apartment.** Mark reported this homeowner just received a variance through the zoning board for an in law apartment. Mark was asked by the zoning board to review the septic design and noticed the property has a wet area on the property. He would recommend requiring an approved septic design to manage the bedrooms in the house and the proposed new kitchen. This would be to have on hand until failure. He spoke with the owner's son who reported this is a seasonal stream. Mark thinks it's important to make a determination for soil types and if they will need a variance for the setbacks to the wet area. He's asking the Board for guidance to proceed. Peter looked at the current septic plan which shows construction will only be approximately 25 feet setback from the wet area. Mark said we can ask for guidance from DES but our ordinance states it falls on the applicant to determine soils, not the Town. Mark recommends having the homeowner hire a soil scientist do the marking to see if they need a variance. The Board agreed.

**Road Manager-**Dave Buxton reported:

- The Kimball Road engineering will start tomorrow morning.
- He obtained a quote from Cheeza's to have the storm brush chipped. They quoted 4-5 hours of work which they usually charge \$200 per hour for the crew with a chipper, but he will reduce it to \$150/hr. Peter made a motion to proceed seconded by Bob with all in favor.
- Peter asked if there was a timeline to finalize the plan for the culvert. Dave anticipates it taking a while with correspondence from the State. He should have the design portion by the mid to end of January and then they will submit it to the state. Dave will show them the Moulton Ridge culvert too.

**Emergency Management-** Robert Gustafson reported:

- The trailer is operational and registered. He thanked the fire department for installing racks and moving the barriers and cones in it. It was used for an incident last night. It still needs tie downs and chocks for wheels and locks. The forestry truck will need an extended hitch for hauling. Bob explained the protocol to Peter. Bob would like to move the trailer to a new location at the fire department for the long term where it won't interfere with the generator. He'll need to have stumps removed and install a locked gate. It also needs to be lettered.
- FEMA issued the final report on the Seabrook drill. We didn't have any ARCA's which are activities requiring corrective action and Homeland Security was very pleased.

**Assessing-** Kathleen Felch presented the following:

- The new updated tax maps. She would like to laminate a copy but it's expensive. Lynne suggested asking the school to see if they will let her use the school's laminator that was donated by the PTO.
- Avitar submitted a letter regarding taxing the pole licenses. Kathleen reported we'll need a public hearing for any changes and to notify anyone with current pole licenses. She sent Avitar a sample document. They suggested sending it to legal counsel. Kathleen needs to add one more sentence that she received after the document was created. Norman asked when this needs to be completed. Kathleen responded they want it on next year's billing so needs to be done by April 15<sup>th</sup> and she needs permission to send it to legal. Peter advised it can't be sent to legal until it's in its final form. Norman responded they can make a motion at that point.
- Ambulance write-offs for signatures. The Board would like to review the process. Kathleen offered to have the billing company attend a meeting. Norman suggested scheduling it for the end of March or early April. The Board did not sign the write off report.
- She sent out the address change forms for Rangeley Drive.

**Tax Collector-** Carlene Wiggin was not in attendance.

**Town Clerk-** Pamela Kehoe was not in attendance.

**Recreation Department-**Members were not present.

**Conservation Commission-** Members were not present.

**Sawyer Kensington Trust-** Michael DelSesto reported:

- They received three sealed bids for the mowing and turf care for Sawyer Park. The Trustees voted last night to approve recommending the following vendors to the Board of Selectmen: Down to Earth for the three year maintenance contract and Hillside Landscaping for the three year turf care contract.
  - **Maintenance Bid-** There was only one bid for the maintenance contract. Two companies attended the pre-bid meeting and the site visit. Down to Earth has been the provider for the last seven years. The bid is \$32,375.00 which is an increase of \$1,400 from the bid three years ago. This bid includes the overflow parking area which was not part of the bid in 2012. The last time this was put out to bid, they had five bidders. Down to Earth was the second lowest bidder, they disqualified the lowest bidder on experience and what they could do for the park. Down to Earth has provided free services for events and other things when needed and provide good service.
  - **Turf Care Bid-** Purely Organic \$7,282 (increase from \$6,950) Current provider.
  - **Turf Care Bid-** Hillside Landscaping Inc. \$6,529. They also installed and maintain the irrigation at the park and coordinated the wells and ongoing over-seeding and core aeration. He has loyalty and donated various services over the years to the park.

Norman inquired if the fertilizer is the same type of application. Mike responded it follows a specification and it's up to them to determine since it is a hybrid program now. Norman asked if it's organic. It's been hybrid last three or four years. Peter said when this happens it loses ability to be called organic. Harold Bragg explained what happened when there was a problem at the park. Being solely organic did not work for what was needed for sporting fields. There weren't any clippings during the months of May or June and they didn't want to lose the turf. It limited the field usage. Norman made a motion to approve Down to Earth for maintenance of the park seconded by Peter with all in favor. Norman made a motion to approve Hillside Landscaping for turf care, seconded by Peter with all in favor.

- Mike asked for the Board's opinion on filling a drainage swale and leveling an area at Sawyer Field to create a children's play area to keep them out of the parking lot during the ball games. They would need to extend the swale further into the tree area. They have an opportunity for free fill and the Trust will pay for a contractor so it wouldn't be any cost to the town. He is just looking for permission. Peter asked about storm water management repercussions. Mike replied they would just direct it out further from where it is now naturally filtering. Mike offered to walk the Board through it. Peter asked him to submit sketches. Dave suggested using a perforated pipe with crushed stone and fabric. Peter asked about adults watching their children at the park. Mike said they could place a sign at the park notifying them of the high traffic area. Norman suggested amending the application process for the renter to be responsible.

**Building Committee Update-** Norman reported there has been a contractor hired to stud the exterior walls of the basement portion of the town hall along with an insulation application. He has a bid to redo the downstairs stairway but the exterior wall application needs to be completed first. Peter reported they have used much of the warrant article funds. Norman said there is approximately \$12k remaining and recommends not spending it. They should take a close look at what to do with the building. Richard Elwell believes the article was created hastily because they thought the Board was going to do submit an article so at the last moment it was submitted. He thinks the Board accomplished more than they envisioned last year. Norman said the air test opens up a lot of possibilities. The Board along with a building committee and the town will make the decision for the best use. Robert Noll asked if the town offices would return there. Norman responded they could add a 1200 square foot addition to the town hall and it would be adequate for the police department with a conference area. Norman advised they voted to contact an architect for schematic drawings and a cost estimate. Linda Blood suggested taking as much effort as possible to discuss with townspeople what they would like to see there and get out to the public as much as possible which was a problem in the past with a lot of mis-information. Peter thought hosting public hearings just for the building is better than doing it with the selectmen's meeting.

**Cemetery Trustee-** Joan Webber attended to discuss their request to encumber funds from this years' budget for work to be done in 2015. They had reasonable expectation they would be able to spend that money. They use their resources very carefully for mowing, raking, and other things at the cemetery. In the past they've been able to encumber leftover money. They did not do any stone maintenance this year. The stone mason is difficult to hire because they need to be hired six months in advance. Many stones are leaning and once they start to fall over maintenance is important. Many have lichen on them which are activated by acid rain. They only ask for \$1k each year which covers a few stones. They have a fair amount of money left in their budget and would like to encumber funds for work next year. Lynne presented the bid from the contractor. Joan thought it was late to be told they couldn't use the funds. They try to save funds in case there's a catastrophe. Bob made a motion to encumber \$3,500 for stone maintenance seconded by Norman with all in favor.

### ***NEW BUSINESS:***

**Noise Complaint-** Mr. Chetsas of 172 South Road attended to discuss a potential noise ordinance violation with the Rosencrantz property. He's tried contacting the police department to no avail. There is a long history with this abutting property. The noise ordinance is in effect from 10pm-7am. He hears equipment operating at midnight and sometimes 2am. The first time he complained the neighbor was preparing for their annual event. Mr. Chetsas was under the assumption the neighbor would be bringing a form to the police department which allowed him to operate 24/7 since he's a farm. He spoke to Sergeant Cain and was told he would follow up, but Mr. Chetsas never heard back. He is asking for the Board's help before going any further. Norman asked what the neighbors were doing at night. Mr. Chetsas said he hears machinery and they are running tractors. Chief said the ordinance gives the officer the discretion to determine what is reasonable or not reasonable. He said whenever they've gone there, they've been in the act of farming so it puts them in a tough spot and is hard to enforce. Mr. Chetsas said the officer doesn't live there to be able to determine what is reasonable. Chief advised the ordinances need

to be updated with progressive fees added. Dave and Mike Schwotzer worked with Mr. Chetsas many years ago regarding the installation of the berm, lighting and noise issues. A new building was supposed to be erected for storage. Dave said Kevin is the farmer not James R Rosencrantz and Son. Norman asked about the commercial property status. Mr. Chetsas said they wanted to expand the business and the ZBA gave them a special exception but they had to build the storage building with a berm and trees but the building was never erected so they are in violation of the special exception. He doesn't care what they do, he just wants to have peace of mind and be able to sleep or he will go back to court. Peter suggested sending a letter for the ZBA violation and one from the Board advising them they are in violation of the noise ordinance. Peter thought it should fall on the Board rather than the police department but Norman disagreed since the police department needs to enforce the ordinance. Chief read the ordinance written in March 1988. Peter suggested asking the planning board to update an enforceable noise ordinance. Lynne advised the Board of Selectmen have been the ones to pass these ordinances. Norman would like to review how other towns' ordinances are written. The police department will document when Mr. Chetsas calls. If a letter is sent to the Rosencrantz's, the Board will copy Mr. Chetsas.

### **Encumber Funds-**

- Police Department- Norman made a motion to accept the proposal from the Chief of Police for \$17,505.92 for equipment, seconded by Peter with all in favor.
  - Defibrillators (2) \$3,292.50
  - Tactical Eqpt/Medical Supplies \$6,765.00
  - Rifles (4) and Magazines (20) \$3,488.00
  - Hand Guns (5) with trade in \$1,350.00
  - AimPoint Pro Optics (3) \$1,523.32
  - Holsters (5) / Flashlights (5) \$1,087.10
- Cemetery Trustees-\$3500.00 for conservation and repair of 25 headstones (approved above)
- Road Manager- \$7500.00 for three months loader rental. Peter made a motion to approve as requested seconded by Norman with all in favor.
- Fire Department-for water hole repair. (approved above- amount redacted)
- Fire Truck Warrant Article- \$60,740.00 Peter made a motion to encumber but it was not seconded. The Board decided they would like to review the warrant article, previous years encumbered funds and payments. Lynne reported the 2012 payment was paid in July 2013 and we've been paying in arrears because we weren't billed until we received the truck. They will address at a future meeting.
- Chief Sanders asked if the Board would encumber his cruiser lease funds of \$17,600.00. Peter made a motion to approve, seconded by Bob with both in favor. Norman opposed. His reasoning was because he would like to be current and not encumber funds for a future payment and compared it to the fire truck.

Norman signed a proposal from Bob's Septic Services, LLC for the removal of bio-wastes from the police department.

**Finalize Budget-** The Board finalized the budget so it will be available for the public hearing scheduled for January 5<sup>th</sup>.

- Chief Sanders asked if the Board approved raises for the police department employees. The raises were already in the budget. They will discuss in non-public later in the evening.
- The default budget was less than the proposed budget. The Board discussed the air packs in the fire department budget. Lynne advised the cost based on one recently purchased was \$5,886. Norman questioned the purchase without approval from the Board. He reported some departments get approval before spending and others just go out and buy things. Kathleen said there used to be a spending limit. Norman said there should be an approval process especially at the end of the year. Chief Sanders was told anything over \$2k should be run by the Board and bids obtained. Norman suggested removing \$32k from the SCBA line item. He feels it should be a warrant article. He noted the fire department has funds in both equipment repair and replace as well as new equipment. The cost for five new air packs is \$29,400. Bob suggested removing \$30k to leave \$2k for repairs. The Board will ask Charlie to submit a petitioned warrant article instead of the Board sponsoring it so he can explain why he needs them to the taxpayers.

**Non Public Session RSA91A:3,II(a):** Peter made a motion to enter non-public session at 10:15pm, seconded by Bob with all in favor. Two employee issues were discussed. Norman made a motion to leave non-public session and seal the minutes at 11:10pm, seconded by Bob with all in favor.

Peter suggested to Chief Sanders and the rest of the Board to host a celebration and open house for the new police department trailer. Chief will try to schedule it on a Saturday.

Norman made a motion to start automatic oil delivery with Midway Oil for the town hall seconded by Peter with both in favor. Bob abstained due to a conflict. They will talk to Charlie regarding the diesel delivery. Lynne will cancel the automatic delivery with Buxton Oil.

**Non Public Session RSA91A:3,II(c):** Norman made a motion to enter non-public session at 11:21pm, seconded by Peter with all in favor. A welfare issue was discussed. Peter made a motion to leave non-public session and seal the minutes at 11:30pm, seconded by Bob with all in favor.

### ***OLD BUSINESS***

**Administrative Assistant:**

- **Waste Management Agreement**-The Board signed the finalized agreement which was approved last night at the SRRD meeting through June 30, 2020.
- **Municipal Pest Management Permit Application**-Norman signed the application.
- **Septic Alteration**- Lynne sent the Board the response from the County regarding septic alterations. Norman would like to look into having the Town be responsible for septic approvals. He spoke with Peter Landry who was interested. Bob and Peter suggested having him submit a proposal.
- **Adult Rec. Softball Tournament**-The Board reviewed documentation relating to accounting of the tournament. All rec. events must follow the same gross basis accounting by submitting revenue to the Town and submitting expense reports for expenses.

- **Annual Report Dedication-** Lynne asked the Board if they would like to dedicate the report to anyone. The Board would like to dedicate the report to Marcia York and Dolly Felch. They suggested contacting Harold Bragg for assistance.
- **Safety Committee Meeting-** Kathleen asked for an update. Norman responded he will try to set one up within the next two weeks. They did not conduct a meeting in the third quarter, but there will be one in this quarter. NOT DISCUSSED.
- **Fire Truck Paperwork-** Lynne advised Norman he was appointed as the person in charge of contacting Lakes Region to resolve this issue. NOT DISCUSSED.
- **Daytime Ambulance Coverage-** NOT DISCUSSED.

**Bills & Mail-** Bills were approved and signed.

**Meeting Minutes-** Minutes were not approved.

**Next Meeting Date-January 5, 2015 7:00 pm** in the Kensington Elementary School Library.

*The Board scheduled tentative meetings in case they are needed for the police department move- December 23<sup>rd</sup> at the Farm at Eastman's Corner at 6pm and December 29th at 6pm at the Town Office.*

Peter made a motion to adjourn at 11:56pm, seconded by Bob with all in favor.

Respectfully submitted,

Lynne Bonitatibus  
Administrative Assistant