

**TOWN OF KENSINGTON
BOARD OF SELECTMEN
MEETING MINUTES
MAY 4, 2015**

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

CITIZEN'S FORUM:

Richard Elwell asked a question about the contract with Down To Earth that was signed on April 26th for the Town Park Maintenance. The citizen asked about a partial payment made to Down To Earth. Peter explained that the contract is under review as there may be an RSA precluding the town from accepting three year contracts and that a partial good faith payment has been offered to Down To Earth.

Susan Cassell asked about the town clean-up. She offered that Muddy Pond Road seems lined with garbage, she has walked the road and filled several trash bags. Peter noted that he too seems to have to clean up the roadside more than past years, it may be "just the world we live in". David Buxton mentioned the town clean-up day, which had already occurred on April 18th. David suggested that he and the selectmen entertain looking into getting a sign stating the maximum fine for littering which is \$188.00. Peter said they will look into getting some signs posted in town.

Norman offered that Susan and Shane Cassell had been asked to the meeting regarding the matter of an unpermitted wood selling operation on their property on Muddy Pond Road. Mrs. Cassell offered that her son, age 16, does split wood for the family consumption and for other family members. Peter asked the family about selling wood. Mrs. Cassell confirmed that her son does cut trees when asked by neighbors and is able to keep the firewood as payment for the tree removal. She also confirmed again that her son does not sell the wood. Robert Wadleigh asked about a business card that was posted on Craig's List, furthering the question of *selling* wood. Without completely obtaining confirmation of a "business" operation, Peter suggested that if there is selling out of the Muddy Pond property that would be considered a commercial operation. Chief LeBlanc noted that the family had received a grapple load of wood seemingly to be split and sold. Chief LeBlanc also offered that the family was cited for having unpermitted fires on the property. Chief LeBlanc named the conditions in place at that time, which would have required the family to obtain a permit for the fire in question. The Chief contends that he would not have authorized permit on that day with the conditions on that day. After further discussion the landowner, Mrs. Cassell asked if she could use the grapple load of wood, which had been delivered. Peter told her she could absolutely cut and split the wood for their personal consumption. Mrs. Cassell asked how her son could legally go forward if he wants to have a wood splitting business. Peter suggested that he should begin by approaching the zoning board as a first step to having a commercial wood selling operation. The family was cautioned not to sell wood off of their property. Mrs. Cassell then asked if she could have chickens on her property. Peter informed her that that was a permitted use of her property. David Buxton offered that she should check with the legality of the size of a hen house that she may be putting on her property. Mrs. Cassell was informed that she can check the town website for further information regarding compliance.

Anita Yarossi of 71 Wild Pasture Road asked that her concerns regarding broken granite fence posts on her property, which were noted in an email to the Selectmen, be addressed. Mrs. Yarossi read her email at the meeting. Her contention is the posts were broken during snow plowing during the past winter. David Buxton, road manager, noted that upon his visit to the property there is some question of boundary markers. Mrs. Yarossi showed the surveyors plot map of her property to the Selectmen. Mrs. Yarossi also presented a quote to the Selectmen for repairs. She has further offered to remove some of the fence to mitigate the cost of repairs. David noted that there is question of some of the posts being on the town right of way and he could not find all of the boundary markers on the property in question. David asked the selectmen if he could meet with the landowner and the surveyor, Peter Landry, at the property to come to consensus regarding the land boundaries and the towns' response to the landowner. Robert Wadleigh was asked to meet with the party as well and Norman suggested that all the parties meet to come to conclusion of the matter. David asked to obtain a quote directly from the fence company to ensure there is no "middle man" in determining the cost of repairs. All parties agreed to meet. The landowner asked for response from the town within 10 days.

Furthermore, David Buxton noted that in the three lot subdivision the boundary markers are not within the guidelines, which should be granite markers not iron pipes.

DEPARTMENT HEADS:

Police Chief- Chief Sanders: not in attendance

Fire Chief- Chief LeBlanc reported:

Chief presented an application for candidacy. Peter motions to accept the application for Justin Barker Bob seconds the motion all are in favor. Chief LeBlanc will send Justin to Dawn Frost at the town offices to be sworn in.

Building Inspector- Mark Sikorski:

Presented four permits to the Selectmen:

2 Muddy Pond Road, a composite deck. Peter made a motion to accept the permit, Bob seconded the motion. All were in favor.

73 Wild Pasture Road, an in-ground pool by Northern Pool and Spa Builders. Peter made a motion to accept the permit, Bob seconded. All were in favor.

56 Stumpfield Road, an 8' x 18' shed. Peter questioned if Mark had been to the sight. He questioned the setbacks. Mark offered to meet with the landowner.

6 Lamprey Road, two fingered permit for the demolition of an existing mobile home to be replaced with a 28' x 28' garage with a two-bedroom apartment above. The landowner claims to have been grandfathered to have a second dwelling on his property. The tax card was presented to the Selectmen stating such. David Buxton questioned the existing footprint and if a new structure has to maintain that footprint.

Without confirmation of intention Peter suggested that the zoning board should be involved. The permit was denied pending zoning board input. Mark will follow-up with the landowner suggesting they meet with the ZBA for review.

Road Manger- David Buxton:

David reported on the Drinkwater Road reconstruction. He noted there are 5 or 6 dead trees on the stone wall or in the town right of way that need to be removed. He also noted there is a dead tree at 91 Stumpfield Road that is in the town right of way and needs removal. He asked permission to seek a quote to remove the trees. He will get several quotes for consideration.

David offered that the state will allow for Road Maintenance Repair for the Kimball Road culvert project. He will be seeking quotes for the project for presentation to the town. Peter asked about increasing affluent capacity. David said that the town will not be increasing affluent capacity but rather an increase in the number of culverts instead. The information needed to seek quote will be dropped off to Kathleen at the town office.

David asked about the green paint on some of the roads. Norman noted that the green paint was for a road race and the town was assured that the paint will wash away. David asked that the town hold the deposit money until the paint washes away.

Peter made a motion allowing David to seek 3 or 4 bids for the tree removal project. Norman seconded the motion and all were in favor.

Emergency Manager- Robert Gustafson:

Robert reported that once Kathleen gets information regarding Kimball Road project, he will approach FEMA for reimbursement. He noted that the quote is essential in approaching FEMA.

Robert also noted that FEMA has been in touch with Kathleen at the town office and there is some indication that the town may receive some financial relief from the impact of the snow removal.

Robert informed the selectmen that he receives a flat fee from Seabrook to ensure the maintenance of the Emergency Management Center. He proposed that he is effectively a tenant at the fire station. He is hopeful he will be able allocate some money to the fire budget to offset some of the costs involved. He will continue discussions with Kathleen to determine the best and most effective way to allocate those funds. This should be an ongoing discussion.

Assessing- Kathleen Felch

Kathleen presented the Unitil and PSNH abatements to the Selectmen. She asked the Selectmen to deny the requests from Unitil and PSNH. Peter mad a motion to deny the PSNH abatement, Bob seconded and all were in favor. Peter made another motion to deny the Unitil abatement, Norman seconded and all were in favor. Norman made a motion to approve the elderly tax exemption that was presented, Peter seconded the motion and all were in favor.

Kathleen offered the approval of a credit card for the director of the summer camp. The selectmen signed the necessary paperwork to obtain a card with a \$1000.00 limit. Norman made a motion to approve obtaining a credit card for use by the director of the summer camp, Kesley Plourde. Peter seconded the motion. All were in favor.

Norman made a motion to approve an application for the Farm Stand to hold an open-air assembly on June 6th. Bob seconded the motion. All were in favor.

Kathleen asked for a signature on the Comstar hardship application. Bob made a motion to approve the hardship application. Peter seconded the motion and all were in favor.

Tax Collector- Carlene Wiggin- nothing

Town Clerk- Dawn Frost- Not in attendance

Recreation Department- Members were not in attendance.

Conservation Committee- Sydnee Goddard- Not in attendance

Sawyer Kensington Trust-Member, Mike Delsesto, was in attendance.

Mike DelSesto reported that he got together with directors from KYAA and EYLA. They cleared the schedule of conflicts for the months of May and June. He suggested that there needs to be a long-term solution for scheduling events at the park. He noted there is a lot of administrative work.

Norman noted that Bruce Cilley has invited the Selectmen to the Trust meeting on May20th. This will be a public meeting and they should discuss the future of the park schedule at that time. The Selectmen have agreed to attend the meeting with the Trust. Norman noted the schedule is a top priority.

Mike asked about concession stand at the park. Mike offered that the park was very busy with EXLA and it may be advantageous to have the stand open.

Mike offered his concern about the park maintenance. He questioned the contract with Down to Earth. Norman spoke to the contract with Down to Earth. He noted that the town has sought legal counsel regarding multiple year contracts. Norman noted that there is some confusion about multiple year contracts where monies have only been appropriated for a single year. He assured members and towns people in attendance that the Selectmen are looking into all multiple year contracts, not only the contract with Down to Earth. The town counsel will advise the selectmen the appropriate means of securing multiple year contracts so there is consistency in the bidding process and awarding of town contracts. Discussion ensued regarding the maintenance contract with Down to Earth. Peter noted that while the town counsel reviews the contract with Down to Earth a good faith payment has been offered to Mr. Harold Bragg to ensure the park receives he necessary services.

At this point of the meeting Mr. Bragg expressed his disappointment that the good faith payment seems in contrast to the events that transpired during the Board of Selectmen meeting on April 26, 2015. He expressed his concerns about the current time constraints for clean up being placed upon Down to Earth. Norman explained to Mr. Bragg that the contract in question sits with town counsel to determine its validity as a three-year agreement or not. The good faith payment has been with the memo citing BID. Mr. Bragg did not feel that wording is appropriate. Upon conclusion of the discussion, Mr. Bragg agreed to accept a good faith payment of \$4500.00 with a written memo that it is a good faith payment made pending resolution by town counsel, as to the status of existing contract. Peter made a motion to reissue the check with wording agreed upon by the Selectmen and Mr. Bragg. Bob seconded the motion and all were in favor.

A discussion occurred between Mike DelSesto and Norman DeBoisbriand about having a board member represented in the Sawyer Kensington Trust. Mr. DelSesto feels it is in the best interest to have a selectman on the Trust, Norman argues that it would be a conflict of interest. The discussion did not come to resolution.

Building Committee- Robert Wadleigh reported :

Peter Landry dug a test pit at the Town Hall and approved the site for a septic system. A leach bed would support the Police Station and Town Hall. He noted that they should also be able to enlarge the parking lot.

Citizen, Russell Perry, questioned the use of the \$30,000 warrant article passed by the town for the study to upgrade the Old Town Hall and its Meeting Hall. The discussion focused on the efficiency of the heating and cooling systems and the overall energy efficiency of the building. Peter noted that the work already contracted has greatly improved the existing structure. Peter and Norman noted spray foam insulation is being put in the downstairs and the ceiling of that portion of the building. Russell continued to express his concern for the actual Meeting Hall and its efficiency. Peter noted that part of the concern is to maintain the look and feel of the existing building for its historical significance while increasing the buildings efficiency.

NEW BUSINESS

There is a proposed road race on May 17th. It is a motorcycle cruise through town. It will require a police detail. The selectmen realized this had occurred in town before and have no reservations. There are approximately 300 people participating.

There was a request to use the roads in Kensington for the Granite State Quest on July 11th which is a bike race beginning at Timberland in Stratham. It coincides with the Kensington 5K. Chief Sanders has reservations because it runs at the same time as the town 5K. The Selectmen will ask them to seek an alternate date.

Bob made a motion to approve the motorcycle ride through town pending deposit and insurance. The motion was seconded by Norman and all agreed.

There was discussion about the rock wall repair. Mr. Mike DelSesto resubmitted his bid and it was accepted by the selectmen. Peter made a motion to accept the bid, it was seconded by Bob and all were in favor. The bid has been awarded to Hayden Hillsgrove Stone Masonry. They will repair two 12 foot sections on each end.

Norman made a motion that the Board attends the May 20th meeting with the Kensington Trust, the motion was seconded by Peter and all were in favor.

OLD BUSINESS

The Selectmen recognized that Dawn Frost has had her printer repaired to satisfaction.

The Pitney Bowes postage machine has been ordered for lease by the town of Kensington.

Kathy presented the bills to the selectmen. There was question of paying Mark Sikorski at an hourly rate rather than by the permit.

Peter made a motion to approve the bills for payment. Bob seconded the motion and all were in favor.

The selectmen signed commercial applications for residential homes in commercial zones.

Non Public Session RSA91A:3,II(a,b,c): Norman made a motion to enter into non-public session at 9:37 pm. It was seconded by Peter and all were in favor. The Selectmen discussed the items that included personnel matters and legal matters. Norman made a motion to leave non-public session and seal the minutes at 10:52pm.

The Selectmen agreed that the library basement needs to be addressed and cleaned for the department of labor visit.

Norman mentioned that the Kensington Trust has invited the Selectmen to meetings in the past, Norman maintained that he struggles with having an elected official serving on a private board.

Kathleen reported to the Selectmen that all considerations regarding the opening of the park have been taken care of, including the septic, water testing and food licensing.

The Selectmen will consider asking Terry to open the concession stand the next few Sundays, starting with Sunday, May 10th. They will offer hours from 8am to 4pm.

Motion to adjourn made by Bob at 10:55pm; seconded by Norman, all in favor.

The next meeting will be held on May 18, 2015.

Respectfully submitted,

Michelle Aiken