

TOWN OF KENSINGTON
BOARD OF SELECTMEN
Meeting Minutes
Monday, February 1, 2016
Kensington Elementary School Library, 7:00pm

In attendance: Norman DeBoisbriand, Robert Wadleigh and Peter Merrill. **Norman made a motion to open the public meeting at 7:02pm. Bob seconded and all were in favor.**

Kathleen Felch arrived to the meeting at 7:15pm.

CITIZEN'S FORUM

DEPARTMENT HEADS

Police Department: Chief Scott Sanders-had nothing to report this evening.

Fire Department- Chief Charles LeBlanc- Chief LeBlanc presented an appointment for the fire department. Christopher Freddette is a resident of Exeter, NH. Chief LeBlanc told the Board that Mr. Freddette is level 1 fire fighter trained and EMT trained. He also works for Lifeline Ambulance Service but will be available when he is not on shift.

Chief LeBlanc informed the Board that the Wild Willow Tavern would like to expand their seating to include a fenced patio area outside. The Chief noted they would be able to have 20 people standing along the fence and would have room for (4) four top tables (seating for 4). He told the Board the Wild Willow Tavern would need a letter of approval from the Selectmen according to the state. When asked by the Board, Chief LeBlanc informed the Board that current seating capacity is at 120. If allowed to have outside seating, those patrons outside would not be allowed inside, perhaps for inclement weather, without exceeding the fire code. Chief Sanders added to the discussion that they would also need state liquor approval. The Chief of Police then informed the attendees that he has had several complaints by residents in the area including complaints of noise, fighting in the parking lot and increased traffic. The Chief offered his opinion that offering outside seating would decrease the quality of life for those who use their own yards during the summer. Norman Giroux, building inspector, voiced his concerns as well. He informed the attendees and the board that he did not complete a final inspection because his calls were not returned by the owners of The Wild Willow. He also questioned the existence of an occupancy permit. He also noted, as in past meetings, that part of the Wild Willow property sits in a flood zone. Peter Merrill asked a general question about outside seating being an expansion of use. Chief LeBlanc offered information regarding noise. He informed the attendees that regarding performers, the Wild Willow is limited to having a performer with an acoustic guitar and a small amplifier. There are to be no drummers, and no light show. This entertainment is limited to the bar area.

Norman suggested having the owners appear at a future meeting to address the subject of expansion. Chief Sanders suggested having the supervisor of liquor from the State of NH to attend the meeting as well. All agreed this would be a next step.

Peter then asked Chief LeBlanc about the protocol for cleaning blood or any biohazard in a public right of way. He then referenced a recent car accident at the corner of Hobb Road, Kimball Road and Route 108, where blood remains in the road. Chief LeBlanc told the Board that the FD generally washes it away. They can also use a bleach spray in anticipation of a cleaning service to come if necessary. Peter asked Chief LeBlanc to revisit the protocol. Chief LeBlanc said he would create a new protocol if necessary and speak to the fire fighters about it at his next meeting.

Building Inspector- Norman Giroux- Norman offered two building permits for approval. The first being defacto for 12 French's Lane. Mr. Giroux presented the permit at a prior meeting. The permit is for a temporary handicap ramp. Mr. Giroux had reservations because the homeowner did not want to install railings, which violated code. Since that meeting the homeowner has installed railings to the satisfaction of the building inspector. **Norman made a motion to accept the permit as presented tonight. Bob seconded and all were in favor.**

Mr. Giroux offered a second, more complicated permit. The permit is for the property at 239 South Road. Norman explained that the owners of the home had taken out a permit on February 10, 2015 in order to make repairs from damage caused by ice dams over the winter. They ended up gutting a lot of the house. The house is an 1800's home. Mr. Giroux looked at the house and noted many code violations. Due to the age of the home most of the codes do not need to be adhered to. Presently there is a perspective, new homeowner who is working with HUD to purchase the home. The perspective owner would like to have the house repaired to meet current code standards, which are also required by HUD. Mr. Giroux has had a difficult time pricing this permit. He has currently assigned the traditional 10 cents per square foot of not living space and 50 cents per square foot per living space. The Board agreed. Norman went on to explain he is going

to continue to work with the perspective buyer and the contractor to determine the need for permitting. He will continue to inform the board.

Emergency Management- Bob Gustafson- Mr. Gustafson told the Board the things are generally quiet now. He is getting ready for the final drill on February 10. He is currently reviewing documents with the state. He informed the Board that he has been invited to participate in the REP Executive Education Program at the Center for Homeland Security on the campus of the Naval Post-grad School in Monterey, California. He noted that all expenses are paid. The Board thanked Mr. Gustafson

Peter then asked Chief LeBlanc if he could circle back with Road Manager, David Buxton, regarding the protection of the dry hydrants during the snowplowing season. Chief LeBlanc said he was not sure which measurements were needed to create the steel guards. Chief LeBlanc then asked about signage to indicate the placement of the dry hydrants. The Board does not feel that is the best solution. Chief LeBlanc offered to take Alex around on Thursday night to the different hydrants to obtain the needed measurements.

Tax Collector- Carlene Wiggins- Carlene told the Board she sent 44 delinquent letters to tax payers. She also presented a refund due to a tax payer whose tax bill was returned undeliverable to the town. They asked for interest to be returned as the problem was not with the tax payer but rather with the mail.

Town Clerk- Dawn Frost was not in attendance; Harold Bragg spoke on behalf of the town clerk regarding the upcoming Presidential Primary Election. Mr. Bragg offered a map of the set up of the Kensington Elementary School's Multi-Purpose room, which will be voting site for this election. He will be setting up on Monday, February 8 at 6:30 pm. Mr. Bragg told the Selectmen that they have made several changes to the layout of the election floor to create an ease of movement for the voters and better accountability for the election officials.

Mr. Bragg then noted concern for the warrant article the Selectmen put forth regarding changes in the building permit process. He stated he does not think the warrant article can stand because it did not go before the planning board in the form of a public meeting. Mr. Bragg offered RSA 675:3 in which he highlighted the following : *No Zoning ordinance, historic district ordinance, or building code shall be established or amended at a town or village district meeting until the planning board holds at least one public hearing...*

He told the Selectmen he received this information during a conversation with the NH Municipal Association. Norman disagreed with Harold noting the warrant article did not change code but rather the building permit parameters. Norman noted the distinction between the two is code versus permit. Harold noted he cleared his information with the Secretary of State. Mr. Bragg and Mr. DeBoisbriand exchanged a heated debate on the issue. Mr. Bragg suggested the Selectmen seek council. Mr. Bragg also noted there is a procedure to remedy the defect. He gave the Board paperwork outlining the corrective action process. Norman suggested, once again, he did not believe there was a defect as the Board is not changing code. A debate ensued questioning the reasoning the town ordinance book makes reference to the permit process. The parties did not come to a mutual understanding. Peter Merrill suggested that the town be allowed to vote on the warrant article. Depending on the town's response, the Board can make a corrective action if it is deemed necessary by legal, or it could rest as a moot point. All agreed that the ordinance book be reviewed with regard to its reference to permits. All agreed that jurisdiction needs to be better defined with regards to permitting. Peter said he will check with the NH Municipal Association regarding this evening's disagreement for clarification. Mr. Bragg left the meeting at 7:57 pm but was not satisfied with his encounter with the Board.

Norman then asked about the town clerk with regard to a conversation at the last BOS meeting. He noted he asked Dawn Frost to get Byte Fixx to look at the computer for the election supervisors. Norman asked Kathleen if that had occurred. Kathleen was not certain. Norman asked if Dawn had purchased a new computer. Kathleen answered in the affirmative. Peter told Norman that Dawn called him and told him she had the money and was going to purchase a new computer. Norman expressed frustration, as the purchase of a new computer was not discussed at the last meeting. He then asked Kathleen if she knew where the computer was. She told the Board she was uncertain but possibly at someone's home. She noted she was under the impression that the other election officials may also have computers at their homes. The attendees of the meeting then discussed and expressed concern with having computers at people's homes that contain residents' information. All agreed this is an unsafe practice and more need to be done to protect the residents' identity. The Board feels a process needs to be put in place. Possibly a sign out system for the computers need s to be utilized. All agreed that once the town hall is complete there will be a greater level of protection put in place. The Board told the attendees that nothing will be stored on the computers; all town information will be deposited onto a server. Bob Gustafson noted using the cloud to hold information allows for more storage and safety. Chief Sanders agreed there are a lot of ways to ensure the safety of the information stored on the computers.

Norman asked Kathleen to talk to Dawn about the location of the old computer. She agreed to do so.

Recreation Department- no members in attendance.

Conservation Committee- no members in attendance.

Sawyer Kensington Trust- no members in attendance.

Alfred Felch had a chance to address the meeting regarding recycling in town. He informed the Board and the attendees that the return on scrap metal is down, mixed paper is down and aluminum is down. This is causing the cost in processing recyclables to go up. He did note that unless the cost of recycling goes up to \$68.50 per ton the town is still saving. Kathleen supported the argument by noting that current rates are \$22.50 a ton for recycling and \$65.00 a ton for regular trash. Peter suggested it may be a good time to re-educate residents about what can be recycled and what cannot. Chris Batchelder has noted an increase in recycling and trash over the past few months, Kathleen reported.

Kathleen asked the Board about the appointee for the fire department that Chief LeBlanc presented earlier. Peter asked Chief LeBlanc about background checks for the fire fighters citing they are often in homes or alone with patients in the ambulance. Chief LeBlanc told the board they do not perform background checks. He told the board there is a part on the application asking about prior trouble with the law, but he noted it is generally an honor system. He noted they have never had an issue with a fire fighter since the department came to be in 1948. He had no reason to conduct background checks. Norman suggested it may be time to revise the application. Chief Sanders suggested changing the question to one asking if the applicant had ever been charged with a felony. They discussion continued between the Chief of Police, The Chief of Fire and the Board. Chief Sanders told Chief LeBlanc he conducts background check through a company and it generally costs \$25.00. The Board noted Chief LeBlanc could add a line to his budget or take it from Administrative Support. Chief LeBlanc agreed it may be time to change the way he has been accepting applications. **Norman made a motion to approve the appointment of Christopher Freddette as presented by his application for membership. Peter seconded and all agreed.**

Norman made a motion to accept the current rate fee set by Comstar. Bob seconded and all agreed.

Norman made a motion to approve the intent to cut at 154 South Road. Bob seconded and all agreed. The intent to cut was put on hold at the last meeting pending information from Kathleen regarding unproductive farmland.

Norman motioned to approve the refund of \$43.25, which Carlene presented earlier in the evening. Bob seconded and all agreed.

Norman signed the BCBS rates from a notice to the town dated November 13, 2015.

Kathleen brought the park permit for a wedding in July back to the attention of the Board. This permit was put on hold at the last meeting for further review. The Board discussed the complicated nature of alcohol service at a wedding at the park. They expressed concerns which were shared by Chief Sanders. All noted it is difficult to control alcohol service and keep it contained to simplify a police detail. The Board discussed at length may issues including crowd control, parking, alcohol service, police detail, setting precedence for the park to become a wedding venue. After much consideration, they asked Kathleen to contact the permittee to express approving the permit but omitting the use of alcohol and see if they would like to proceed. They will wait to see what the wedding couple decides.

Kathleen presented bills for signatures.

OLD BUSINESS

Norman informed the meeting of tow quotes the Board had received. The first was for insulation for Wilson Doors, Inc. of Kingston NH. He told the attendees that this quote consisted of several different methods of insulation: blown cellulose to improve the envelope, traditional fiberglass, spray foam for the outside walls and foam board insulation to help isolate sound throughout the building. The second quote was from Granite State Fire Alarm, Security and Surveillance of Nashua, NH. This was a comprehensive quote including smoke and fire alarms, pull stations, CO detectors, batteries, back-up batteries, strobe lighting, permits and fees. This quote totals \$18,153.00. Copies would be made available for the Selectmen to look at. No decisions would be made at this time.

Norman gave the following building updates:

- Septic is in and will be inspected on February 2, 2016
- Roof has been taped
- Building would only take in a slight amount of water at this point in the event of rain

- Exterior trim is ready to be installed
- Ready for shingles on February 8, 2016
- Siding of main building will be addressed mid-February
- Once trim is on Norman Giroux will install windows
- Were able to maintain gutter system will need caps and downspouts
- 40% of electrical work is complete
- Rough plumbing is done downstairs
- Peter is working on a heating quote
- Looking to start work on sheet rocking
- Looking to start work on doors

Other business discussed at this meeting follows:

Norman told the attendees that Dawn and Harold have decided to use Mr. Russell Perry during the next two elections. Mr. Perry will serve as deputy town clerk during the Presidential Primary and as Town Moderator at the March 8th town election, as Mr. Bragg is unable to attend the town election.

The Board proposed the creation of a time capsule for the new town hall to be created by the current students and staff at Kensington Elementary School. Principal, Becky Ruel has expressed interest. The board has asked Holly McCann to be the liaison between the Selectmen and the school during this joint project.

Norman made a motion to leave the public meeting and enter into non-public session per RSA 91-A:3, II (c,e) at 9:45pm. Bob seconded the motion and all agreed. One matter of reputation was discussed and two legal matters were discussed. Norman motioned to leave non-public session and seal the minutes permanently at 10:10pm. Bob seconded and all agreed.

Norman told a few minutes to reiterate his point regarding Mr. Bragg and the warrant article. He noted the Board is not trying to change the codes that are enforced by the planning board but rather change the permit process. He also noted again that jurisdiction needs to be more clearly defined. The Board discussed asking the Planning Board to hold a public meeting to remove the permit process from the ordinance book. The Board will revisit the issue after the vote by the town.

Norman motioned to once again enter non-public session RSA 91-A:3, II (c). Bob seconded and the non-public session began at 10:26pm., with all in favor. One matter of reputation was discussed. The Board entered back into public session after a motion by Norman which was seconded by Peter all agreed. This occurred at 10:32pm. The motion included sealing the non-public minutes permanently.

Kathleen told the Board they would have to enter into non-public session one final time. Peter made a motion to enter into a non-public session RSA91-A:3 II (e). Bob seconded and all agreed. One legal matter was discussed. Norman motioned to leave non-public session and return to the public meeting at 10:45pm. Peter seconded and all agreed. The motion asked that the non-public minutes be seal permanently.

The meeting adjourned at 10:48pm. The next meeting will be held on February 15 at 7:00pm at the Kensington Elementary School Library.

Respectfully submitted,
Michelle Aiken