

Kensington Voter Guide: March 2019

Prepared by the Kensington Board of Selectmen

This guide is intended to provide factual information and important context related to the warrant articles under consideration in the March 2019 town meeting and local election, to enable informed decision-making by citizens as they prepare to vote. This document is available in electronic form at: https://www.town.kensington.nh.us/sites/kensingtonnh/files/uploads/voter_guide_draft_020619.pdf

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Article	Estimated Cost	Tax Impact per \$1,000 val.
Article 1. Elect Officials	N/A	N/A

Wording: *"To choose all necessary Town Officials for the year ensuing."*

Explanation: election of multiple town officials. This year is unusual in that all three seats are open on the Board of Selectmen, serving one-year, two-year, and three-year terms: voters will be asked to vote for one selectman for each of these three open positions. Note that the short-term positions are to stagger future elections; these positions will revert to three-year terms at the town election when the shortened terms are completed. So, for example, the one-year term position will become a three-year term position after the election in March 2020.

Article 2. Zoning Article on Accessory Dwelling Units

N/A

N/A

Wording: *“Are you in favor of amending the current Zoning Ordinance Section 3.2.3 Accessory Dwelling Units to incorporate the detached Accessory Dwelling Unit Petition Warrant Article 2, which was approved by voters at March 2018 town meeting?”*

The planning board is in favor of this article. This article has no tax impact.”

Explanation: amends the town zoning ordinance for accessory dwelling units (ADUs) to include detached accessory dwelling units, consistent with the warrant article approved by voters in 2018 allowing detached ADUs.

Article 3: Zoning Article on Wetland Setbacks

N/A

N/A

Wording: *“Are you in favor of amending Article VI Natural Resource Protection Regulations, Section 6.1.6 from the existing wording to the proposed as stated below.*

Existing:

6.1.6.C No Structures of any kind shall be constructed within 100 feet of Hydric A soils with the exception of structures no greater than 400 square feet.

6.1.6.D No structure of any kind shall be constructed within 50 feet of Hydric B soils with the exception of structures no greater than 400 square feet.

Proposed:

6.1.6.C. No structure greater than 400 square feet shall be constructed within 100 feet of Hydric A soils. Structures of 400 square feet or less may be constructed within 25 feet of Hydric A soils.

6.1.6.D. No structure greater than 400 square feet shall be constructed within 50 feet of Hydric B soils. Structures of 400 square feet or less may be constructed within 25 feet of Hydric A soils.

The Planning Board recommends this article. This article will have no impact on the tax rate.”

Explanation: revises the setback requirements for structures specific to distances from wetlands (Hydric A soils) and poorly drained soils (Hydric B soils). This proposed revision will establish a minimum 25-foot setback for structures of 400 feet or less from wetlands and poorly drained soils to prevent such structures from being impacted during flood events and times when groundwater is high which raises water levels in wetlands and poorly drained soils.

Article 4: Budget

\$1,788,415

\$0.371

Wording: *"Shall the Town of Kensington raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$1,788,415 (one million seven hundred eighty-eight thousand four hundred and fifteen dollars)? Should this article be defeated, the default budget shall be \$1,751,150 (one million seven hundred fifty one thousand one hundred and fifty dollars) the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.*

The Board of Selectmen recommend the appropriation.

The proposed operating budget is an increase of \$143,618 from the budget adopted last year of \$1,644,797. The net estimated impact is \$.371 per thousand dollars of valuation. (thirty-seven point one cents per thousand dollars of valuation.)"

Explanation: the Board of Selectmen has proposed a budget of \$1,788,415, which reflects actual spending levels and is an increase of \$143,618 over the 2018 budget. The 2018 budget (\$1,644,797) was insufficient to meet actual expenses by approximately \$94,000, and the Town had to rely on unanticipated federal grant funds in order to remain solvent. Other costs were paid for from revolver accounts, such as those set up to fund the police cruiser, ambulance, and recreation activities, in order to remain solvent. Some increases in the proposed budget reflect levels of actual spending in 2018 and recent years, much of which was not reflected in previous budget proposals. The new budget is also affected by many increases that are beyond town control, including a 10.5% increase in health insurance premiums, changes by the NH retirement system, and higher costs of consumable goods like fuel, sand and salt. Some major increases reflect contractual obligations, such as a new full-time police officer hired in early 2018 but not budgeted for, and higher costs of recycling. The budget proposal also requests funds to pay for urgent deferred Fire/EMS expenses, including a partial roof replacement to fix a serious leak, replacement of fire hose, and budgeting for a salary for the fire chief that has been paid from, but not previously included in, the Town's operating budget.

These increases are partially off-set by savings in election costs, financial administration, and parks and recreation (reduction assumes that park agreement is passed). Notably, the Fire Chief also brought in grants in 2018 more than twice his annual salary, and is continuing to prioritize grant applications in 2019.

As a consequence of the above, the Board voted unanimously to recommend the proposed budget of \$1,788,415, as noted in the warrant article.

If this proposed budget is defeated, the default budget of \$1,751,150 will go into effect. The default budget includes the approved budget for 2018, minus one-time expenses, plus any increases or decreases required by law or contractual obligations. The full budget was presented at public hearing, line-item by line-item, and is available for review [here](#).

Wording: *"To see if the Town of Kensington will vote to authorize the Town, through its Selectmen, to enter into a thirty (30) year agreement among the Kensington Leadership Center Trust ("KLCT"), the Sawyer/Kensington Trust ("Trust"), and the Town of Kensington ("Town") so that Sawyer Park continues to be managed and maintained for park and recreational purposes for the benefit of Town residents and the general public, and further to raise and appropriate the sum of \$30,000 for the first year's payment to the Sawyer/Kensington Trust for that purpose. This agreement contains a nonappropriation clause.*

The agreement provides that the Trust will manage and maintain Sawyer Park for park and recreational purposes for the benefit of Town residents and the general public, and KLCT will fund the internal operating costs of the Trust. KLCT will also hire a Park Manager to serve and assist the Trust in the maintenance and management of Sawyer Park. Additionally, the agreement provides that the Town will provide \$30,000 annually to the Trust for the duration of the agreement. These funds will be raised through and included in the Town's annual operating budget. If the Town legislative body, through Town inhabitants qualified to vote in Town affairs, fails to pass appropriation of funds to be paid by the Town to the Trust as contemplated by the agreement, the agreement shall terminate. KLCT agrees to provide all remaining funds necessary to maintain Sawyer Park. All permit fees shall be remitted to the Trust. The agreement also provides that the Trust will consist of five (5) trustees; three (3) elected at Town Meetings and the other two (2) will be appointed by KLCT. Four (4) Trustees constitute a quorum and four votes are needed to take any action on behalf of the Trust. Upon approval of this warrant article, the Selectmen shall enter into the proposed agreement amongst the parties.

The Board of Selectmen support this warrant article.

The tax impact of this article will be an increase of \$0.00 per \$1,000 valuation (zero cents per thousand dollars of valuation)."

Explanation: between 2017 and 2019 the Board of Selectmen negotiated a new thirty-year financial agreement with the Kensington Leadership Center Trust (KLCT) and the Sawyer-Kensington Trust (SKT) to fund Sawyer Park over the long term. The proposed agreement limits the Town's financial responsibility to \$30,000 per year for thirty years, requires the KLCT to hire a park manager to oversee the park under the supervision of the SKT, holds the KLCT and SKT responsible for all additional park maintenance costs, and allows the SKT to retain revenues generated by park fees. The SKT will include five trustees, three of whom will be elected by the Town of Kensington in order to protect the interests of the Town in the management of the park. Whereas a 4/5 majority is required for SKT action, at least two of three elected Town representatives would need to support an action or any spending before it could be undertaken, and expenses of more than \$15,000 would require approval of the Board of Selectmen. The agreement includes a non-appropriation clause as well as an arbitration process in the event that obligations are not met.

If this agreement is not passed, the Town would be responsible for the full cost of the park. Costs and revenues have fluctuated dramatically, but on average over the last nine years, the park has cost the Town approximately \$34,400 per year net (after revenues), and on average over the last five years the park has cost the town approximately \$42,400 per year net. These figures do not include time and energy by volunteers or by town employees managing volunteers, both of which are needed for revenue generation. See a more detailed cost analysis [here](#). Given these recent trends, the town expects this agreement to provide 15-25% cost savings immediately, and to provide substantially higher cost savings to the Town over the long term, while ensuring the park is properly maintained and managed for the enjoyment of the citizens of Kensington. The full agreement is available for your review on the town website [here](#).

Article 6: Election of Town Representatives to Sawyer Kensington Trust

N/A

N/A

Wording: *"To see if the Town will create three elected trustee positions ("Trustee positions") to represent the Town on the Sawyer/Kensington Trust. Initial Trustee positions shall be for one, two, and three years, respectively, so that only one Trustee position is generally subject to reelection in any year. Thereafter, Trustees, upon being elected by the Town legislative body, shall serve three-year terms. The election of the initial Trustee positions shall occur at the next Town meeting in 2020 and, upon expiration of a Trustee's term, elections for a Trustee position shall occur at Town meetings thereafter. These elected trustees will replace the Town-appointed trustees serving on the Sawyer/Kensington Trust. In the event of a vacancy of a Trustee position or in the event that a Trustee position is not filled by election at a Town meeting, the Selectmen shall appoint an individual, within 45 days of the date of the position's vacancy or the position's failure to be filled, to serve until the next Town meeting.*

The board of selectmen recommend this article. This article has no tax impact."

Explanation: in accordance with Article 5 and the new park agreement, this article would convert the existing (appointed) town trustee positions on the Sawyer Kensington Trust to elected positions with staggered three-year terms, beginning in March 2020, as with other trusts in Kensington. These positions would initially have 1-year, 2-year, and 3-year terms so that generally only one trustee position is elected per year, consistent with similar positions within Town. The Board of Selectmen will be responsible for appointing trustees if an elected position falls vacant, within 45 days of a vacancy. Three current (appointed) trustees will serve until March 2020.

Article 7: Fire Pond Maintenance

\$25,000

\$0.065

Wording: *"To see if the Town will vote to raise and appropriate the sum of \$25,000 (twenty-five thousand dollars) for fire pond and cisterns maintenance or replacement, where needed. The sum will be used to upgrade or replace fire ponds and cisterns that have fallen in disrepair. This will be a non-lapsing appropriation as per RSA 32.7, VI and will not lapse until December 31, 2020. This has become a safety issue and is needed to maintain adequate fire protection. This article is in addition to the operating budget article.*

The Board of Selectmen recommend this appropriation. The tax impact of this article will be an increase of \$.065 per \$1,000 valuation. (six point five cents per thousand dollars of valuation)"

Explanation: sets asides funds for maintenance and repair of fire ponds and cisterns, several of which are severely degraded and which are needed for water supply in case of fire. These funds could be used through December 2020.

Article 8: Final Lease Payment for Fire Truck**\$60,740****\$0.108**

Wording: To see if the Town will vote to raise and appropriate the sum of sixty thousand seven hundred forty dollars (\$60,740) for the final payment of the seven-year lease/purchase agreement for a fire truck, approved by the voters in 2012 and to authorize the withdrawal of nineteen thousand dollars (\$19,000) from the fire department equipment capital reserve fund with the rest to come from taxation. If this article is not approved, the fire truck will have to be returned.

The Board of Selectmen recommend this appropriation. The tax impact of this article will be \$0.108 per \$1,000 valuation (ten point eight cents per thousand dollars of valuation)."

Explanation: approves making the FINAL fire truck lease payment, including \$41,740 from 2019 town funds and \$19,000 from the fire department's capital reserve fund. If this article is not approved, the fire truck will be returned.

Article 9: Road Reconstruction**\$200,000****\$0.517**

Wording: "To see if the Town of Kensington will vote to raise and appropriate the sum of \$200,000 (two hundred thousand dollars) for road reconstruction and maintenance of town roads. This will be a non-lapsing appropriation as per RSA 32.7, VI and will not lapse until December 31, 2020. This is in addition to the operating budget article.

The Board of Selectmen recommend this warrant article. The tax impact of this article will be an increase of \$0.517 per \$1,000 valuation. (fifty-one point seven cents per thousand dollars of valuation)"

Explanation: as per previous years, this article appropriates \$200,000 for reconstruction of town roads, shoulders, road drainage, and related road maintenance, as part of a long-term road reconstruction and maintenance plan. These funds could be used through December 2020.

Article 10: Tax Collector Salary Increase**\$3,768****\$0.010**

Wording: "To see if the Town will vote to raise and appropriate the sum of \$3,768.00 (three thousand seven hundred and sixty-eight dollars) to increase the Tax Collector's annual salary from \$14,500 to \$18,000 plus the applicable payroll taxes. This pay increase would be effective January 1, 2019. This article is in addition to the operating budget article.

The Board of Selectmen recommend this appropriation. The tax impact of this article will be an increase of \$0.01 per \$1,000 valuation. (one cent per thousand dollars of valuation)"

Explanation: increases the tax collector's annual salary from \$14,500 to \$18,000, plus taxes.

Article 11: Town Clerk Salary Increase**\$3,230****\$0.008**

Wording: "To see if the Town will vote to raise and appropriate the sum of \$3,230.00 (three thousand two hundred thirty dollars) to increase the Town Clerk's annual salary from \$15,000 to \$18,000 plus payroll taxes of \$230.00. These increases would be effective January 1, 2019. This article is in addition to the operating budget article.

The Board of Selectmen recommend this appropriation. The tax impact of this article will be an increase of \$0.008 per \$1,000 valuation. (0 point 8 cents per thousand dollars of valuation)"

Explanation: increases the town clerk's annual salary from \$15,000 to \$18,000, plus taxes.

Article 12: Make Deputy Town Clerk-Town Office clerk/dual position	\$39,675	\$0.108
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Wording: *“To see if the Town will vote to raise and appropriate the sum of \$39,675 (thirty-nine thousand six hundred seventy-five dollars) to increase the Deputy Town Clerk’s hours to full-time (36-40 hours per week), assign additional duties in the Assessing Clerk office, and pay an annual salary consistent with the Town’s administrative assistant payscale, plus full-time benefits and applicable taxes.*

The Board of Selectmen recommend this appropriation. The tax impact of this article will be an increase of \$0.108 per \$1,000 valuation. (10 point 8 cents per thousand dollars of valuation)”

Explanation: in order to significantly increase hours in the Town offices, update long-neglected town records, and undertake important and long-delayed work for the town clerk and assessing clerk, the selectmen and town clerk are proposing making the deputy town clerk a full-time position shared between the town clerk office and assessing clerk. This position would be paid according to the administrative assistant payscale adopted by the town, and as a full-time position would include benefits and payroll taxes. The additional cost of this position in 2019 is \$39,675.

Article 13: Add to Revaluation Capital Reserve Fund	\$6,300	\$0.016
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Wording: *“To see if the Town will vote to raise and appropriate the sum of \$6,300 (six thousand three hundred dollars) to be added to the Revaluation Capital Reserve Fund. This is the first of five years additions which will be used to pay the assessor’s cost for the State of NH required revaluation due next in 2023. This is in addition to the operating budget article.*

The Board of Selectmen recommend this warrant article. The tax impact of this article will be an increase of \$.016 per \$1,000 valuation. (one point six cents per thousand dollars of valuation)”

Explanation: Kensington is required to undergo property revaluation every five years, which last occurred in 2018. While assessing services are included in the annual budget, the fifth year of the revaluation process is substantially more expensive than the first four years. This article sets aside 1/5 of the additional cost of the fifth year’s assessing expenses into the capital reserve fund (established in 1998; current balance approximately \$1.33) in order to smooth the expenditure over time and reduce the tax impact and burden on the operating budget in year five.

Article 14: Adopt All-Veteran’s Credit	Unknown	Unknown
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Wording: *“Shall the Town of Kensington vote to adopt the provisions of RSA 72:28-b, All Veterans’ Tax Credit? If adopted, the credit will be available to any resident, or the spouse or surviving spouse of any resident, who (1) served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorably separated from services and is not eligible for or receiving a credit under RSA 72:28 or RSA 72:35. If adopted, the credit granted will be \$500.00 (five hundred dollars), the same amount as the standard or optional veterans’ tax credit voted by the Town of Kensington under RSA 72:28.*

The Board of Selectmen recommend this warrant article. The tax impact of this article is not known”

Explanation: expands the existing property tax credit for armed services veterans to any veterans of the US armed forces, rather than only veterans who served during specific periods of government-designated “war time”. This change was recently allowed by state law.

Article 15: Discontinue Ambulance Fund

N/A

N/A

Wording: *"To see if the Town will rescind the provisions of RSA 31:95c that restricts 100% of the revenues from billable ambulance services to expenditures for the purpose of providing for the future replacement purchase of a new ambulance, associated equipment and maintenance of existing equipment. Such revenues and expenditures are accounted for in a special revenue fund known as the Kensington Ambulance Special Revenue Fund, separate from the General Fund.*

If approved, the amount in that fund, including interest to the date of closing, will be transferred into the General Fund.

The Board of Selectmen recommend this warrant article. This article will have no impact on the tax rate."

Explanation: a new revolver ambulance fund was created in 2018. This article discontinues the outdated special revenue ambulance fund and returns the capital in that fund to the town, and is a corrected version of a similar article that appeared on the 2018 ballot and was approved by voters, but was rejected by the State of NH DRA due to improper wording and incorrect scheduling of public hearings before town meeting.

Article 16: Authority to Establish Fees

N/A

N/A

Wording: *"To see if the Town will vote to allow the Board of Selectmen the authority to establish or amend fees (excluding building permit fees previously authorized by the 2014 town meeting) at any time without further vote of the town pursuant to RSA 41-9a. Before establishing or amending a fee, there is a requirement for public notice and a public hearing. Once in place, the authorization remains until rescinded at a future town meeting.*

The Board of Selectmen recommend this warrant article. This article will have no impact on the tax rate."

Explanation: grants the Board of Selectmen the authority to establish fees, using a process that includes public notices and a public hearing, without requiring the Town to pass separate warrant articles approving new fees individually at town meeting. This would, for example, allow the Board of Selectmen to set fees for making copies of records, or charge for the expense of a USB-drive when providing electronic records in that format. To pass a new fee the Board would first need to hold a public hearing. The Board of Selectmen was already granted permission to set fees for building inspections in 2014.

Article 17: Noise Ordinance

N/A

N/A

Wording: *"To see if the Town will amend the Noise Ordinance to the following, by adding the second paragraph (marked in boldface for reference, only):*

NOISE ORDINANCE

No person, group, firm or corporation shall, between the hours of 10:00 p.m. and 7:00 a.m., make or cause to make any noise that will create a public nuisance. Public works and public safety equipment required for effective delivery of public services shall be exempt from the provisions of this section. The term "Unnecessary Noise" shall be defined for all practical purposes as such: Any unreasonable volume of sound, which may be heard in continuance from the immediate or surrounding area with no indication of relief.

Noise generated by recreational detonation of explosive devices shall be prohibited at all times. This is not intended to apply to target shooting, blasting or controlled demolition by licensed contractors or public works providers, or fireworks.

Upon involvement of the Kensington Police Department, the responding police officer will have reserved the right to use (his or her) discretion and define the word unreasonable. Upon (his or her) assessment, a verbal and or written warning may be issued to remedy the complaint. Failure to comply with the police officers reasonable alternatives will constitute a violation, punishable by a penalty of not less than \$100 and not more than \$500 per occurrence.

Validity - If any section or part of a section or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect any other section or sections, or part of a section or paragraph of this article.

The Board of Selectmen recommend this appropriation. This article has no tax impact."

Explanation: amends the town's noise ordinance to prohibit noise generated by recreational detonation of explosive devices, which has been the subject of multiple citizen complaints in 2018. This is not intended to regulate recreational shooting, fireworks (regulated by a different ordinance), or properly permitted blasting or demolition.

Article 18: Citizens' Petition to Appropriate Money to Rockingham Community Action

\$1,500

\$0.004

Wording: *"To request the Town raise and appropriate the sum of \$1,500.00 to Rockingham Community Action for the purpose of providing financial assistance, budgeting education & support to Kensington residents in crisis to move them toward self sufficiency.*

The Board of Selectmen recommend this appropriation. The tax impact of this article will be an increase of \$.004 per \$1000 valuation. (cents per thousand dollars of valuation.)"

Explanation: appropriates funds for social services provided by Rockingham Community Action, supporting Kensington families.

Article 19: Citizens' Petition to Appropriate Money to Richie McFarland Center	\$2,100	\$0.005
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Wording: *"We, the residents of the Town of Kensington, petition to raise and appropriate the sum of Two Thousand One Hundred Dollars (\$2,100.00) for the Richie McFarland Children's Center's (RMCC) early intervention program that serves children from birth to three years of age and their families. This investment will support the cost of providing early childhood special education, pediatric therapies and family support services to Kensington residents. RMCC bases the request on three hundred dollars (\$300.00) per child served which is less than five percent (5%) of the annual cost for weekly home-based therapies. This past year RMCC served seven (7) children.*

The Board of Selectmen recommend this appropriation. The tax impact of this article will be an increase of \$.005 per \$1,000 valuation. (cents per thousand dollars of valuation)"

Explanation: appropriates funds for social services provided by Richie McFarland Program, supporting Kensington families.

Article 20: Citizens' Petition to Establish Heritage Commission	N/A	N/A
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Wording: *"We, the undersigned legal voters of the Town of Kensington, New Hampshire, as provided by RSA 39:3, hereby petition the Selectmen of the Town of Kensington to include the following article in the Warrant for the 2019 Annual Town Meeting:*

To see if the town will vote to establish a Heritage Commission in accordance with the provisions of RSA 673 and RSA 674, and authorize the Board of Selectmen to appoint three or five or seven citizens as members of the Heritage Commission pursuant to the provisions of RSA 673:4-a and RSA 673:5, and to appoint up to five additional citizens as alternate members, or take any other action relating thereto.

The Board of Selectmen recommend this warrant article. This article will have no impact on the tax rate."

Explanation: this article, submitted by petition of town citizens, would establish a heritage commission in the Town of Kensington, consistent with RSA 673:1(II) and 674:44-b. A heritage commission typically advises and assists town boards and commissions on historical buildings and properties, and serves as a public resource for revitalization, preservation, and conservation of historically significant properties.