

Town of Kensington
New Hampshire
Deliberative Session Minutes
Thursday

February 8, 2018

Moderator Harold Bragg began the meeting at 6:40 by introducing the Board of selectmen and Town Clerk. Mr. Bragg then addressed all present on how the meeting would proceed. He informed them this is the first session in the SB2 town election process. The second session will be held on March 13, 2018 and that the voters will vote on the following articles on how they are amended or presented tonight. The Planning Board article presented by Citizen Petition is open to discussion only and may not be amended.

Article 01: Elect Officials

To choose all necessary Town Officials for the year ensuing
No discussion

Article 02: Citizen's Petitioned Amendment Zoning of ADU-Detached

The undersigned legal voters of the Town request that the zoning ordinance of the Town be amended by adding the following provision(s) and deleting any provisions inconsistent therewith: Section 3.2.3 Accessory Dwelling Units: To allow detached Accessory Dwelling Units in existing structures that are detached from the primary residence with the same regulations as attached units as possible such as a garage, barn, or other separate structure. Also to allow new detached units in the future. To also follow RSA 485-A:38 Approval to Increase Load on a Sewage Disposal System.

The Planning Board does not recommend this article.

This article will have no impact on the tax rate.

Mr. Bragg opened the floor for discussion. Donna Carter 119 Amesbury Rd. spoke on behalf. Last year ADU attached and detached were on the ballot detached didn't pass by 84 votes. Donna explained some of the differences between attached and detached the rules are the same for both. Planning Board still has to approve, you do not have to install a new septic but have to prove the current septic can support the ADU. Governor approved one family residential lots should be allowed How ADU are allowed is left to the individual towns to determine. Several area local towns have approved detached ADU's. Mr. Bragg noted the article stated the Planning Board does not support this article and asked if anyone representing the PB would like to speak to explain their nonsupport of the article. Bob Solomon 8 Hilliard Rd. Chairman of the PB spoke, stated could not speak for the whole board but his opinion of issues are there are three ways for ADU's to be implemented attached, detached above Barn or garage or structure with other purpose or lastly entirely detached like another home on the lot as long as the lot and septic can support it, thus making essentially every lot in town multifamily lots, they just want to move slowly over time. Another issue is the way the article is written it may be able to be challenged.

Jim Webber 6 Wild Pasture Rd asked if the PB considered the need for low income housing, Mr. Bragg thought that was unfair to ask one individual member of the board for group decision.

Rick Waldron 62 Cottage Rd asked how many AUD have been approved to date, the BOS responded they believed one that was all that came to PB. Peter Merrill 275 N. Haverhill Rd. how many people have been applied or turned down. PB one turned down due to size and one other is in application process. Donna Carter spoke again regarding she believes the original intent by the state was to provide low income housing, she referenced her residence and two other individuals she was aware of that attached ADU excluded them currently whereas the detached would be a viable option.

No further discussion cannot be amended will appear on ballot as presented.

Article 03: Operating Budget

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 \$1,644,797 (one million six hundred forty-four thousand seven hundred and ninety seven dollars)? Should this article be defeated, the default budget shall be \$1,644,953 (one million six hundred forty-four thousand nine hundred and fifty-three 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 this appropriation.

The proposed operating budget is an increase of \$35,909 from the budget adopted last year of \$1,608,888. The net estimated impact is \$.12 per thousand dollars of valuation. (twelve cents per thousand dollars of valuation.)

Chairman of the Board of Selectmen Norman DeBoisbriand 133 Amesbury Rd. spoke a budget committee comprising of Fred Feldman, Fred Bloomberg and John Valvanis was formed after last year's Deliberative Session. Pointed out changes to budget causing an increase, 3 elections in 2018, total reevaluation of the town, increase pay raises to the Police Department and some administration staff, and a new contract for trash and recycling. Plowing and sanding and health insurance have decreased. Norman discussed the topic of the town no longer including fee to plow the school in the town budget, due to proper accounting and liability, the Board has been working with the school Board since the summer time. Jen Macek 8 Hidden Pasture Rd questioned the amount of the line item and the spaces within the school area that are town spaces and if a storm occurred on the weekend who would be responsible. Norman reiterated proper governmental accounting and the 3 spaces at the Fire Department would be plowed by the town. Bob Wadleigh 197 Amesbury Rd. stated the contractor of the plowing bid for the school would be responsible for any day of a storm.

No further discussion will appear on the ballot as presented.

Article 04: Fire Pond Maintenance

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, 2019. This has become a safety issue and is need 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 \$.08 per \$1,000 valuation. (eight cents per thousand dollars of valuation)

No discussion will appear on ballot as presented

Article 05: Lease Payment #6 for Fire Truck

To see if the Town will vote to raise and appropriate the sum of sixty thousand seven hundred forty dollars (\$60,740) for the payment of the sixth yearly payment on a seven year lease/purchase agreement for a fire truck, approved by the voters in 2012. If this article is not approved, the fire truck will have to be returned.

The Board of Selectmen recommend this article.

The tax impact of this article will be \$.19 per \$1,000 valuation (nineteen cents per thousand dollars of valuation).

No discussion will appear on ballot as presented

Article 06: Road Reconstruction

To see if the Town will vote to raise and appropriate the sum of \$200,000 (two hundred thousand dollars) for road reconstruction and other projects. This will be a non-lapsing appropriation as per RSA 32.7, VI and will not lapse until December 31, 2019. 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 \$.66 per \$1,000 valuation. (sixty-six cents per thousand dollars of valuation)

Mike Schwotzer 49 Cottage Rd asked Board to define other projects. Norman explained could include culverts or shoulder work terrible time keeping rock within shoulders of road. Parking lots within town, it would provide the opportunity to use if needed by the board.

No further discussion article to appear on ballot as presented as presented

Article 07: Establish EMS Revolving Fund and appropriate from Fund Balance

To see if the Town will vote to establish a revolving fund pursuant to RSA 31:95-h for the purpose of funding and enhancing Emergency Medical Services (EMS) in Kensington, New Hampshire. All revenues received from ambulance billing shall be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year and shall not be considered part of the Town's general fund balance. The Town Treasurer shall have custody of all the monies in the fund and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend funds. Any single expenditure out of this Fund over \$50,000 shall require a separate warrant article and a majority vote of the legislative body (vote). An annual budget shall be submitted by the Fire Chief and reviewed by the governing body and posted in the Annual Town Report. Expenditures for the KENSINGTON EMS REVOLVING FUND shall be limited to the purchase, repair and/or maintenance of: EMS vehicle(s), EMS equipment, EMS supplies; payment of EMS certification training for members, payment of Advanced Life Support agreements and funds awarded from state and federal EMS grants. If this article is approved, it will be effective April 1, 2018.

And further to raise and appropriate the sum of \$155,000 (one hundred fifty-five thousand dollars) for deposit into this fund, which amount shall come from the undesignated fund balance (surplus) as of December 31, 2017. This amount is approximately the same as will be transferred into the general fund by the approval of Article 8 below. This appropriation shall only be valid if the voters approve Article 8.

The Board of Selectmen recommend this warrant article.

This article will have no impact on the tax rate.

Mike Schwotzer suggested nonresident John True Fire Department Chief to speak to the matter no objection so allowed.

John gave some background:

- In 2003/2004 the Town created the KENSINGTON AMBULANCE SPECIAL REVENUE FUND which was created "for the future replacement/purchase of a new ambulance, associated equipment and maintenance of existing equipment."
 - Any funds spent out of this account had to be approved via warrant article and town vote so supplies, training or small purchases were not allowed.
- In 2006 the state of NH created the revolving fund accounts (RSA 31:95h) specifically for recycling, ambulance/EMS work, police special details cable access and recreation funds.
- In 2013-2014 Exeter ALS went from charging the patients insurance to allowing the Town to bill and collect all fees from insurance and the bill the Town at a reduced rate to collect their fees.
- This article creates the KENSINGTON EMS REVOLVING FUND- which does the following:
 - Puts all income from EMS service into the account.
 - Per the proposed warrant article- limits spending to specific uses (spelled out better than revenue fund). It does not pay salaries.
 - Allows the budget to be controlled as other budgets in Town- follows the same review process as FD/PD- (Town committee and Board review), Posted the same way but does not require a warrant

article for approval UNLESS there is a request for funds over \$50,000 (A new ambulance, for example).

- Allows payments out for ALS contract service based on use.
- Allows a scaled approach to spending. (If we have a lot of EMS calls, we can replace supplies that may not be provided by hospital). Also, it allows us to purchase equipment for emerging issues and technology as available- protective equipment for carfentanyl exposure, for example. Or additional protection and supplies for dealing with the flu epidemic.
- It also allows nationally certified training costs as well.
- With that said- our current EMS budget under the FD is less than \$5000.00 total. Yet in 2017- 68% of our runs are EMS based.
- To train 1 member to become a licensed EMT costs approximately \$2000.00 (It used to be around \$650.00)
- My proposed 2019 EMS budget will be around \$10,000 with some one-time purchases and repair of equipment over the years
- No cost to taxpayer.
- Includes an annual review of balances in the fund.
- Unspent funds can be returned to the fund and are not encumbered.

The next article closes the KENSINGTON AMBULANCE SPECIAL REVENUE FUND and moves the existing amount of money to the newly created KENSINGTON EMS REVOLVING FUND. (somewhere around \$155,000).

No further discussion article to appear on ballot as presented.

Article 08: To Discontinue Ambulance Fund

To see if the Town will vote to discontinue the Ambulance Revolving Fund created in 2004; if approved the amount in that fund, including interest to the date of closing, will be transferred into the General Fund. This article shall only take effect if the voters approve Article 7.

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

Mike Schwotzer 49 Cottage Rd. submitted amendment to the article omitting Ambulance Revolving Fund and replacing it with Kensington Ambulance Special Revenue Fund. Mr. Bragg read the amended article.

To see if the town will vote to discontinue the Kensington Ambulance Special Revenue Fund created in 2004; if approved the amount in that fund, including interest to the date of closing, will be transferred into the General Fund. This article shall only take effect if the voters approve Article 7.

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

Mike motioned to amend article 8 Jim Thompson 53 Osgood Rd seconded.

Mike discussed it is just changing title to what it actually is he went back to the 2004 warrant article and it needs to stay the same title to pass. Approximately \$155,000 in existing fund town has to appropriate money it's a legality need to pass both articles for this to happen. Mr. Bragg clarified Mr. Schwotzer is the Town Treasurer

No further discussion of amendment voters voted to approve amended article to ballot.

Article 09: Citizen's Petition to Establish Heritage Commission

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 do not recommend this article.

This article will have no impact on the tax rate.

Lynne Monroe 5 Hobbs Rd spoke in favor of Heritage Commission she was very specific it is not regulatory all about good stuff it would educate people get people involved in community and protect the rural integrity of historical buildings in town, as the conservation commission protects the land. Mr. Bragg asked the Board of Selectmen to speak to the nonsupport of the article Norman responded the Board is not against it they felt it is premature. The Board would like more information, would it hold property, control money how does it work? Before a vote it should be brought to the community and discussed at meetings and have fact sheets of pros and cons. For me I do not have a complete understanding how it works in town there are some concerns involved with different aspects of it. In the spirit of Charrette have community involvement in developing. Lynne responded they plan to have meetings prior to the vote they also agree it should be public. Sarah Hoffmaster 103 Stumpfield rd. asked differences between historical Society and would they work together? Lynne responded they would be separate but would work together. The Heritage Commission would be more geared to helping historical homeowners by professional volunteers in town. We would update a 20 year old preservation book of the town, spoke of various different ideas of who would be involved. Glenn Greenwood 132 Amesbury Rd he is supportive of a Heritage Commission he was not aware of the Board of Selectmen's concerns one BOS must be on the commission for it to work, no need to rush if any ill will were to be created. Last report there are 63 Heritage Commissions within the state, he feels it would be a tremendous asset. Jack Herney 60 Amesbury Rd. agreed with Glenn it needs the boards support and would like to see it now instead of later, he is on the Board of Trustees of the library and believes it would be a great asset for the library to work closely with the commission bringing young and old together, develop programs together such as a cemetery project, work together to make a strategic plan and time table to celebrate 120 year anniversary of the library in 2020. Joni Praded 24 North Rd. feels it would be a wonderful resource to keep the character in town and provide education to people. For those that don't have funds to upkeep historic barns, help them to know where to go for funds from the state. Keep structures standing and know more about the town. Norman BOS chairman stated that there is no hostility from the board, the board would just like to slow it down. Kathie Felch 164 Amesbury Rd. She owns a historical home and wants to know if the commission would tell you that you can't do certain things with your own property. Lynne Monroe responded that the commission would never tell you that you couldn't do something. Richard Elwell 8 Amesbury Rd. seems like they need this to pass to see what is in it, people need to know what this will do before it is passed. Glenn Greenwood suggested following this up with Heritage Fund is concerning to him being an unconstructed commission. Jack Herney likes the idea and potential it has for programs it doesn't cost it is free no appropriation it is a good deal. Holly McCann 133 Amesbury Rd she read information not only geared toward education they get involved basically in holding properties, she read a couple bought an old home and wanted to renovate and the commission told the owners what kind of windows they could use and what improvements they could do and they did not have the funds. Lynne Monroe responded that is misinformation it could be helpful to know what treatments, but people do not have to use them. If something is broken let's fix it. In no way would it tell people what they had to do, strictly advisory only.

No further discussion article to appear on ballot as presented.

Article 10: Citizen's Petition to Establish Heritage Fund

Shall the Town vote to establish a Heritage Fund in accordance with the provisions of N.H. RSA 674:44-d and to raise and appropriate \$100.00 to be placed in the fund.

The Board of Selectmen do not recommend this article.

The tax impact of this article will be an increase of \$.0003 per \$1,000 valuation. (three hundredths of a cent per thousand dollars of valuation)

Lynne Monroe stated feeling enthusiastic but understands Glenn's concern. Lynne Monroe submitted written amendment to strike and to raise and appropriate \$100.00 to be placed in fund.

Amended article to read.

Shall the town vote to establish a Heritage Fund in accordance with the provisions of N.H. RSA 674:44d.

Pam Schwotzer 49 Cottage Rd motioned to accept Jack Herney 60 Amesbury Rd. seconded.

Voted amended article to appear on ballot.

Article 11: Citizen’s Petition to Rescind SB2

Shall we rescind the provisions of RSA 40:13 (known as SB 2), as adopted by the town of Kensington on 11 march 1997, so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballots is required by state law and return to the Town Meeting form of government?

A 3/5 majority of those voting on the question shall be required to rescind the provisions of the subdivision, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculations of the 3/5 majority.

The Board of Selectmen recommend this article, voice vote 2-1.
This article will have no impact on the tax rate.

Moderator Harold Bragg explained some differences between the two. Jim Thompson 53 Osgood Rd. stated he enjoyed the old meetings, people got up spoke their minds and we voted. Peter Merrill 275 N. Haverhill Rd. would be one-time meeting where articles are discussed and voted. Glenn Greenwood 132 Amesbury Rd. Longtime proponent of traditional town meeting not in favor of SB2 feels people are less informed, remembers discussing issues in a civil way then voting. SB2 is more private. Believes traditional town meeting seems truest form of democracy. Lynne Monroe 5 Hobbs Rd. feels the inspiration for the article came from the Charrette process, having people together interacting and explaining ideas. Peter Merrill asked about what happened last year with the date change due to weather Harold Bragg explained it was determined the election process is solely the responsibility of the Secretary of state SB2 towns do not have control to change election date, although Secretary of State gave us permission last year, will not happen again. In a traditional town meeting the town does have authority to change the date up to 2 hours before the meeting due to weather. It was discussed that there will be a public hearing held prior to the vote on this one article.

No further discussion will appear on ballot as presented.

Article 12: Citizen’s Petition to appropriate money to Rockingham Community Action

To request the Town raise and appropriate the sum of \$1500.00 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 article.

The tax impact of this article will be an increase of \$.004 per \$1,000 valuation. (four tenths of a cent per thousand dollars of valuation)

No discussion will appear on ballot as presented.

Article 13: Citizen’s Petition to appropriate money to Richie McFarland Program

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 with developmental delays or disabilities, 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 the three hundred dollars (\$300.00) per child served which is less than five percent (5%) of the actual annual cost for the weekly home-based therapies. This past year RMCC served seven (7) children.

The Board of Selectmen recommend this article.

The tax impact of this article will be an increase of \$.007 per \$1,000 valuation. (seven tenths of a cent per thousand dollars of valuation)

No discussion will appear on ballot as presented.

Deliberative Session adjourned 7:52pm

Respectfully Submitted by Dawn Frost Kensington Town Clerk

