

TOWN OF KENSINGTON  
BOARD OF SELECTMEN MEETING  
Kensington Town Hall  
95 Amesbury Road Kensington, NH 03833  
Monday, January 21, 2019 - 6:00pm  
Minutes- DRAFT

In attendance: Ben Cole, Mike Schwotzer, Bob Long

Others in Attendance: Approximately 5 residents in attendance

At 6:06pm, Mike called the meeting of January 21 to order. He explained that the BOS is meeting earlier than usual to have a discussion with the Town Moderator. The Pledge of Allegiance is held until after the discussion.

Harold Bragg, Town Moderator met with the board to go over new procedures for the upcoming Deliberative Session. At the Deliberative Session this year, there will be a check list and voter card. In the Deliberative Session, non-voters are not allowed to speak unless they are given authority to speak by the voters. Mike stated that there are several department heads who are non-residents: police chief, fire chief, and public works manager, that it may be a good idea to have permission granted to for speaking without having to have a vote each time. Harold said that that can be done procedurally at the beginning. Harold asked if town counsel will be there, and noted that several surrounding communities have counsel to address issues that may arise during the Deliberative Session. After some brief discussion, the BOS felt that there was not a need to have town counsel there. Mike said he believes this Board should start the conversation so that when an article is read the BOS can give an explanation of the warrant. There was discussion on the format of the Deliberative Session. Harold explained that new legislation this year could potentially change the way budgets are discussed. There was discussion on the educational materials provided to voters and possible information sessions held prior to the Deliberative Session. Harold pointed out that voter attendance has increased in recent years. This is the first opportunity to discuss the Deliberative Session with the BOS that the Moderator has had. Harold explained that the school has mandated that a police officer be present for the duration that polls are open as there is concern of a potential concealed carry issue. Mike asked if voters come in and register for the KES Deliberative Session, would they need to re-register for the town portion? Harold said that they will not need to re-register. There was discussion on when the last day to register to vote is and where this information is published for residents. Harold also wanted voters to know that in order to register at the Deliberative Session, voters would need to have ID available. Board thanked Harold for coming in for the discussion.

Mike requested a 5 minute recess. The meeting reconvened at 6:35pm.

Pledge of Allegiance

DEPARTMENT HEADS:

- Police Department –Chief Scott Sanders reported as follows:
  - This past weekend was busy, but not due to the storm.
  - ASPLUNDH Tree Removal is barred from working in town until bills are paid and Unutil was also notified. As of the Friday prior to the last BOS meeting, ASPLUNDH owed the town approximately \$23,000 dating back to October, which has always been billed weekly. Since the last BOS meeting, the entire amount had been paid in two checks, however there is still a balance of approximately \$600 in late fees due to the town. Chief Sanders explained that East Kingston was in a similar position, this is a problem multiple towns throughout the state are having with this company. He clarified that this is a bid job so they have to complete the work once the balance is paid. Chief Sanders suggested that this be something that the town improve upon so the town is not taken advantage of by large companies. Bob asked what the stated terms are on the invoices. Chief Sanders said he is not sure, but they email the invoices.
- Fire Department – Chief Jon True reported as follows:
  - There have been 12 calls since January 1, 10 medical and 2 fire related.

- During the recent storm, 2 EMTs were on duty and luckily there were no power outages.
- Chief True reminded the public to be sure at least 2 exits are shoveled and clear.
- The current ambulance is 21 years old. On Thursday, Chief True purchased a used 2006 Ambulance from Sugarloaf Ambulance of Wilton Maine through the EMS revolving fund for \$12,500. It was the recently replaced Kingston NH ambulance and should service Kensington for several years. Inspection by NH EMS Bureau is expected to happen in approx. 3 weeks. At that time, they hope to put the old ambulance up for bid through the Selectman and that money would go into the town's General Fund.
- Chief True thanked East Kingston Fire for housing Engine 1 while the ambulance is cleaned up. E1 is expected back by Friday.
- The importance of taking care of your neighbors and making sure elderly folks have the front and back exits clear. It is much easier and quicker for emergency access with limited manpower if walkways and stairways are shoveled.
- Emergency Management - Chief Jon True reported as follows:
  - The recent storm brought cold temperatures and was a near miss for severe icing to our area. Chief True remained in contact with NH HSEM and was available to town officials monitoring conditions and needs for the town.
  - The public is reminded to have water, food, flashlights should a power outage occur. If residents have internet or a phone modem, please consider a UPS (Uninterrupted Power Supply) and if there are questions please call Chief True.
  - A reminder that residents should be receiving Seabrook Station calendars soon. Please fill out the form and mail in/drop off the form on the back, or call/email Chief True and he will come by to discuss evacuation information for Emergency Management or fire for you, a neighbor, or a family member.
  - Bob asked if they are on a call and responding to a call and they observe that there is not enough heat, who do they reach out to? Chief True said they are looking at a way to provide a temporary shelter for both cold days and hot days. They are looking to do it in near future. Resident Bob Gustafson suggested in that case, calling 211 and they can provide information and resources.
- Road Manager – David Buxton was not present
- Tax Collector- Carlene Wiggin had nothing to report
- Building Inspector- Norman Giroux was not present
- Treasurer- Sara Belisle was not present
- Town Clerk – Carol Beers Witherell was not present
  - The BOS stated that the Town Clerk would like to start charging a fee for postage for registrations completed online. Ben didn't know if she had the ability to set the fee, but the Board does not, and suggested double checking statutes. **At 6:54pm, Mike made a motion to charge the online postage fee of \$1 subject to the applicability of the RSA under the town clerks, Bob seconded, all in favor.**
- Recreation Committee- Elaine Bodwell was not present
- Conservation Commission – A representative was not present
- Sawyer Kensington Trust- Committee Review
  - Bob explained that the current trustees were appointed to their positions through April 1, there is a warrant article on forming a new agreement for managing of the park, in addition there is a warrant article that will change from an appointed position for trustee to a trustee that is elected. Unfortunately, it was not realized at the time that to change the trustees from appointed to elected there needs to be a warrant article and one-year delay before elections. The original 3 town trustees' terms currently expire April 1. The members of the trust have a concern that three vacancies will thus be created at a critical time. Bob suggested that there be an extension for the current trustees, who have all been asked at the trust meeting if they would be willing to do so and confirmed, to ensure that these transitions are seamless.
  - Mike DelSesto – 70 Wild Pasture Rd, addressed the BOS. He explained that he has worked closely with the Lewis Family throughout this process, and during which, there have been many transitions which have caused some problems. He continued to explain that there have historically been 3 town appointed trustees and 2 Lewis Family appointed trustees. This year, there were 3 town trustee vacancies. This caused problems including not

being able to expend funds and make decisions, resulting in almost an entire season lost at the park because there was no Board of Trustees. The Lewis Family trustees, himself, and Bruce, strongly advise the BOS to extend the term of the three current town trustees so there is no opportunity for potential to be in the same position as before without a full Board of Trustees. Mike Schwotzer asked how the relationship has been thus far and Mike DelSesto responded that the working relationships have been great and complementary of one another. Bob added that these are the same three individuals who reviewed the first draft of the agreement and conducted the public hearing of the agreement. Even if there is not a vacancy, there will be someone new at a time that is not ideal for implementing a new agreement. Bob recommends that the BOS extends the terms of the current Trustees through March of 2020. Mike Schwotzer explained that this idea came forwards and Bob put some thoughts into a memo. Mike read the memo to the public and feels Bob has made some great points. There was brief discussion on the memo. **At 7:10pm, Mike make a motion that the terms of the current trustees be extended until voting day of March 10 2020, or the swearing in of the newly elected trustees, , Ben seconded. All voted in favor.**

- Mike explained that it was suggested that in the agreement there be a minimal capital expenditure before the request needs to go before the BOS. Mike suggested based on having been through purchase agreements and policies in other towns and industry, to authorize the trustees to spend up to \$15,000 on capital, and Mike DelSesto clarified that this is money expended from the trust. **At 7:13pm, Bob made a motion that the BOS instruct town counsel to work with counsel for KLPC to have language around capital expenditures up to \$15,000 written into the agreement. Ben seconded, all voted in favor.**
- Election of town representatives – The revised warrant article will need to be ready to go forward at the Deliberative Session. Ben had concerns that this could turn into a debate about the individuals serving, rather than the procedural change called for in the WA. The BOS will send it back to counsel for review.
- Bob would like to schedule an additional educational session before the Deliberative Session regarding the warrant articles for the town park.
- Kensington School Board
  - Tim Galitski, a member of the School Board, reported as follows:
    - The Deliberative Session for the Kensington Elementary School will be February 6 at 6pm. There are 3 warrant articles this year pertaining to the Kensington Elementary School. One is the Operating Budget. There is a proposed increase of approximately 6.5% for the hiring of an additional teacher for the incoming kindergarten class, installation of a radio system for emergency personnel radios to function properly in the school, and a contractual increase in employee benefits. Two other warrant articles are to establish two separate expendable trusts for unanticipated expenses; one for special education and one for building needs. Tim explained that if on June 30<sup>th</sup> there is unencumbered balance to the budget, \$25,000 would go into each of the expendable trust funds. If there is not a surplus, no money would be added to the fund. Each year, the voters would have control over money that goes into the fund. Mike asked Tim if he could recall how much money was in surplus this year. Tim could not recall, but explained that in previous years there has been approximately \$100,000 surplus, although this year they on track to have less than previous years.
    - Resident Donna Carter asked if the money goes back to the town, the general fund, or does it accumulate. Mike explained that if there is a surplus, money is reduced in the tax rate, the town does not get the money.
    - Chief Sanders added some information about the radio system issue. He explained that if he is in the building currently, he can hear dispatch sending message to him, but cannot transmit back. Improvements of safety and security of school has been going on over several years.
    - Resident Pat Bonnevie asked for clarification on the \$25,000 and the trusts if it is one or two trusts. Tim clarified for her. Resident Glen Greenwood asked the cost of the installation of safety equipment for the police radios to work. Chief Sanders responded that the cost is approximately \$50,000.

#### NEW BUSINESS:

- **Intent to Cut-152 Drinkwater Road** – Mike read from the Minutes of the BOS Meeting on 1/7/19 with regard to the discussion on this matter. John Roth, the landowner of 152 Drinkwater Rd, approached the BOS to explain that this is a 10 acre part of the property that has been harvested in the last 10 years. He has hired a NH

Forester to oversee this. Based on the recent harvesting of this land, his estimation was that there would be approximately 6-9 trucks leaving the property. Any wood chips produced during the cut will not leave the property. Mr. Roth stated that the travel options would be North Rd or Drinkwater Rd. Chief Sanders stated that the only option as a truck route is North Rd and that they will need to take the most direct route to North Rd, because it is state-maintained. It was explained that Drinkwater Rd has been reclaimed and reworked and the town is trying to preserve the town roads as much as possible. There were no additional questions from the board. Mr. Roth confirmed that it is clear cut and the stumps will be pulled and chipped. Chief True reminded Mr. Roth that he will need a permit if intending to burn at all. **At 7:35pm, Mike made a motion to approve the Intent to Cut for 152 Drinkwater Rd. Bob seconded. All voted in favor.**

- **Signing of Budgets and Warrant for Election** – The board signed the MS636, the Proposed Operating Budget for 2019 and MSDTB for the Default Budget.
- **Review of Voter Guide** – Ben explained that he put together a Voting Guide that describes background context and reasons behind warrant articles proposed this year. It is not electioneering or persuasive. Ben talked through the 10-page long guide, and proposed that it be available for Deliberative Session and linked in a PDF on the town website. It includes the wording of the warrant and then an explanation. Bob is in favor of moving forward as concept, but before publishing, there are details he wants to make sure are accurate. Bob feels this helps the BOS become more transparent. Mike said it needs to be understood that this is not electioneering. Mike suggested emailing Julie LaBranche, from the Rockingham Planning Commission, regarding the two zoning articles. Resident Linda Gustafson said that this will help the public understand what they are voting for and she thought it was a good idea. Bob asked Tim Galitski the School Board plans to put anything similar together, to which Tim replied no plans for anything like this at this time. **At 7:46pm, Ben made a motion to finalize and publish a Kensington Voter Guide for the March 2019 election. Bob seconded, all voted in favor.**
- **RPC Circuit Rider Report Review** – Mike stated that several months ago, an attendee wanted to know what the RPC Circuit Rider time is being spent on and asked for a listing of the time spent. At the 1/15/19 Planning Board meeting, Julie LaBranche, the RPC Circuit Rider, presented the Planning Board with a document including this information. As of December 23<sup>rd</sup>, 49% of the Circuit Rider Contract had been spent at approximately halfway through the year. Mike said Julie has been a phenomenal help to guide and educate the Planning Board.
- **Assistance for Active Military** – Mike explained that he wanted to put this as an item on the agenda to see if there is anything the town could do for any residents who are active military personnel who are not being paid as a result of the government shutdown. Kathy said there was an inquiry about this last week, but she has not heard anything since. Brief discussion on taxes and interest rates in town for late payments. Bob felt it was important to note that Kathy or BOS can be approached confidentially, but Kathy is the primary contact for residents seeking assistance. Kathy reiterated that welfare is confidential and names are never released. Resident Bob Gustafson also suggested anyone in need of assistance contact 211 for assistance or resources.
- **Trail Committee** - Bob reported that Joe Hickey had previously started to get a Trail Committee together in March of 2018. Mr. Hickey was appointed by the previous BOS. Bob also reached out to Linda Bennett based on the suggestion of the Charette that a Trail Committee be formed. Kensington as a multitude of trails that exist throughout town and as property is developed the access is lost. The purpose of the committee is to take a look at the resources that the town has and find out who the property owners are and under what conditions, if any, they be willing to provide public access. Others interested in a trail committee based on the documents Kathy found were Dan Houston, Stuart Estey, Dave Perkins, Chris York, and Jolene Lefave. Bob isn't aware of any actions or work done to date by this group. He would like to find out if there is anyone who may be interested in helping but doesn't want to sit on the committee.

Mike said that elected office sign-ups will start on Wednesday the 23<sup>rd</sup> thru Friday February 1 and the Town Clerk is required to be open between 3-5pm on February 1. Mike asked Kathy to have this advertised on the sign.

The BOS received an email from Doug Marino, Legislative Aid to Senator Tom Sherman, requesting the opportunity to attend a select board meeting and introduce himself. He hoped to attend in February or March. The BOS had no problem with that. Kathy will respond and provide the dates of the meetings, and also let him know that Department Heads speak first during the meeting.

The BOS received communication from Avitar in regards to data verification. Avitar would like to send a notice out to property owners that they will be assessing. There have been recent issues with owners not allowing Avitar on the property. In addition, Avitar will be at the Town Hall the 4<sup>th</sup> Tuesday of each month to discuss any concerns with residents. Bob was hesitant to agree to a mailing, as it is unclear where the cost of the mailing would come from. Kathy will ask Avitar what the rough estimate of the cost of a mailing would be. The BOS will revisit this issue at a later meeting.

#### CITIZEN'S FORUM –

Peter Graves, Wild Pasture Rd – Thanked the BOS for their efforts the last few months. MR. Graves asked the BOS if there has been anything official regarding Unitil vacating the Drinkwater Rd property. The BOS responded that nothing has been sent to the town at this point. Brief discussion on taxable property, non-conforming commercial use, and vehicle registration.

#### OLD BUSINESS:

**Health insurance policy** – Ben explained that it was realized a few weeks ago there is not a policy regarding Health Insurance in the Employee Manual. Ben presented the other Selectman with proposed language for such a policy. He read the proposed policy aloud. At 18 hours per week, an employee would be considered half time and could be eligible for health insurance benefits with BOS approval and 36 hours per week would be the minimum expectation for a full-time employee. Mike asked if the proposed policy language has been compared to what is already happening. Ben confirmed that yes, for the most part it is. Mike suggested adding the language “eligible part time employees who are regularly scheduled to work”. Bob said that he finds this policy more generous than the town can afford and asked if this policy was in place for every employee, what would the impact to the town be? Bob said he is very hesitant to agree to language that locks this in as policy, but felt as guidance it is good, but felt it should be subject to change by the BOS. Mike said he does not want to make changes to any current employees, but focus on the future employees. Mike suggested tabling the issue for the time being and have each member of the BOS review. Bob is going to provide Ben with some industry statistics, Ben is to calculate budget impacts of different town match levels, and Mike will look at how other towns handle this issue, which will be revisited during the next meeting.

#### OTHER BUSINESS:

- Assessing Office – Kathy Felch reported to the BOS the following:
  - There are 2 new current use applications. These two properties now qualify for current use based on recent lot line adjustments.
  - Avitar has reviewed them twice and they comply with the state statute. The property does abut Hampton Falls and the landowner will need to file separately with Hampton Falls. Bob asked what the net impact to the town is, to which Kathy said it will not be a significant change. **At 8:20pm, Mike made a motion to approve the Open Space Application for 2 Laurel Lane under the name Cosentino. Bob seconded, all voted in favor. At 8:21, Mike made a motion to approve the Open Space Application for 4 Laurel Lane under the name Dibona. Bob seconded, all voted in favor.**
- Intent to Tax- Personal Property and Campgrounds- Yearly forms
  - At 8:23pm, Mike made a motion to send Notice of Intent to Tax Personal Property and Land of Another to the Welch Living Trust for a manufactured home at 94 Amesbury Rd. Bob seconded, all voted in favor.
  - At 8:23pm, Mike made a motion to send notice of intent to buildings and lands of another to Greenland Incorporated International Campground LLC, with a PO box out of Exeter. Bob seconded, all voted in favor.
- Use of Town Roads
  - The BOS received an application for Use of Town Roads submitted by Melissa Walden of Augusta, Maine for the Cycle Seacoast event held on May 5, 2019. Mike made it clear that they must abide by the rules and regulations of the KPD. There is an existing ordinance that requires a permit and \$50 deposit. There was discussion on the painting of lines on the roads. Organizations are not permitted to paint the roads and if it is done, they will lose their deposit and be required to repair roads at their own expense.
  - Kathy let the BOS know she received an application from the Alzheimer's Association for June 22<sup>nd</sup> 2019. The BOS will wait to make a decision on this until next meeting.

- **At 8:27pm, Mike made a motion to approve the application for Cycle the Seacoast for May 5, 2019. Ben seconded, all voted in favor.**
- Solar Exemptions
  - Resident Donna Carter asked what a solar exemption is. It was explained that there can be an exemption off the property valuation. If the property changes hands, the new owner has to apply for a new exemption. **At 8:30pm, Mike made a motion to postpone the solar exemptions until next meeting. Ben seconded, all voted in favor.**

The BOS reviewed bills and mail.

**At 8:32pm, the Board entered into nonpublic session to discuss hiring for the police chief position, consistent with RSA 91-A3:II(b), after a motion by Ben Cole, second by Bob Long, and a unanimous roll call vote in favor.** See nonpublic session minutes. The Board voted to leave nonpublic session at 9:46 PM, and returned to public session.

**On a motion by Mike Schwotzer, seconded by Bob Long, the Board voted to approve the minutes of January 7 and January 9, all voting in favor.**

The Board had a brief informal discussion of the upcoming town meeting, filing period and process, and ongoing work on town subcommittees.

**At 9:59 PM, Ben moved to adjourn, second by Mike Schwotzer with a hearty "Go Pats!" All voted in favor: meeting adjourned at 9:59 PM.**

Respectfully submitted,

Chelsea Lalime