

TOWN OF KENSINGTON - BOARD OF SELECTMEN MEETING
Kensington Town Hall
95 Amesbury Road, Kensington, NH 03833
MONDAY, FEBRUARY 4, 2019 5:30pm
MINUTES – DRAFT

*The Draft Park Agreement Informational Meeting took place prior to the regularly scheduled Board of Selectman Meeting

Draft Park Agreement Informational Meeting

In attendance: Bob Long, Donna Carter, Hez Mercadante, and Glen Greenwood

Others in attendance: Approximately 4 residents

At 5:40pm, Bob called the meeting to order.

It was noted to the public that the Final Draft of the Agreement available tonight is not an agreement until voted on by the town, passing, and executed by the Selectman. There is also a financial spreadsheet available.

Donna Carter gave an overview of the park and the improvements that have been made to the park.

Resident Jessica Minghella asked about trails in town.

Glen Greenwood thanked the public for coming as this is an important issue. He emphasized that this is a good thing for the town.

It was explained to the public that it would change the makeup of the Kensington Sawyer Trust so that the town trustees are elected and not appointed. This would start with the town voting in March to authorize this. Then, March of next year, new individuals would be voted upon. He added that the agreement requires the hiring of a park manager, which would greatly benefit the town, but would not be an expense to the town. The new agreement would require some reporting mechanisms that the Trust does on behalf of the town. The financial report that would be generated would be submitted to BOS annually.

Resident Vanessa Rozier asked if the contributions currently made by The Farm at Eastman's Corner would be affected by putting the agreement in place. Donna replied that it goes to the Trust. Vanessa asked if the agreement is put into place, how would the contributions currently made be used by the park. Bob said that currently The Farm funds are the decision of private entity to donate to the trust. Bob said he hopes to see this grow, and become more of a broad community effort. He explained that it is not in our sphere to control the decisions of private entities, but hopefully they will continue.

Resident Mike DelSesto clarified that any funds from the town in the agreement can only ever be spent at the Park. Jessica asked what the salary for the Park Manager will be. Mike said that was TBD. Jessica asked if they would be hiring a resident. Mike said all applicants would be considered, but must be qualified. Jessica expressed concern that someone in that position from out of town could possibly monopolize use of the park. Mike said that this would be addressed, and the trust committee would look at those issues if they arose as part of the role of the Trust is to oversee the Park Manager. Hez pointed out that there is something in the agreement that prioritizes use of the park.

With regard to funds, if there is an expenditure over \$15,000 it will need to be discussed with the town prior. There are 3 elected townspeople that represent the town so there is always representation of the town with funds. Bob added that the trust manages the park, and although the manager is not an employee of the trust, he or she will report to the trust.

Resident Dan Sweet asked if the \$30,000 to town contributes would be included in the operating budget and would require a town vote to be included in the budget, and would this be a one-time vote. Mike Schwotzer addressed this saying that as soon as the entire budget is approved, that line is active. It would be a contractual agreement, so therefore it is included in the budget regardless of proposed or default budget. There is an escape clause so that if the town did not want to fund this anymore, they would have to go into the budget to do so. Dan stated that KYAA is fully in favor of agreement and have found the park to be an extremely generous gift and thanks the committee for their time and the Lewis family for everything they have done.

Bob said previously there had been a question about the numbers involved. As a result, the financial spreadsheet was created to be available to the public. Currently, the expenses are tracked in recreational revolver or the town's operating budget. In the spreadsheet, the any income or expense directly program related (ie: summer camp) are not included. This is because the Rec Revolver is funding rec programs but is not intended to be the way the park is funded. There are events that are expenses to the town, but do not generate funds such as the Holiday Stroll or the 4th of July party. Bob summarized the spreadsheet for the public. Bob highlighted that over the years, there have been improvements and repairs to the park done by volunteers and donated materials, but otherwise would be an expense to the town.

Mike Schwotzer encouraged and suggested that the public attend the Deliberative Session Wednesday night to listen to information and have questions answered because there are two warrant articles addressing the Town Park this year.

Donna Carter added that the Supervisors of the Checklist will be available on Wednesday from 5:30pm to 6:45 to register voters. Resident Jessica Minghella asked how long the Deliberative Session will be as she said she has heard of others who are interested in attending but concerned about how long it would be. Bob replied that it depends how much discussion there is on the warrant articles so there is no way to say for sure how long the Deliberative Session will last. Donna added that there is nothing holding someone there for the duration

At 6:14pm, Bob thanked the public for attending and closed the meeting.

Board of Selectman Meeting

In attendance: Mike Schwotzer, Ben Cole, Bob Long

Others in attendance: Approximately 10 residents

At 6:22pm, Mike called the Board of Selectman Meeting to order and announced that they will be going into a Non-Public Session. At 6:22pm, Ben made a motion to go into Non-Public for reason 2C. Bob seconded. Bob voted in favor. Mike voted in favor, and Ben voted in favor. At 6:32pm, the BOS ended the Non-Public meeting; see nonpublic session minutes. The BOS went back into public session at 6:32pm.

Pledge of Allegiance

DEPARTMENT HEADS:

- Police Department – Chief Scott Sanders was not present.
 - Mike reported that Asplundh has been told they can schedule work again as they are now current on their payments to the town. Chief Sanders interviewed and accepted an intern who is a Hampton Falls resident in his last semester studying Criminal Justice who will be working two 8 hour shifts per week, and will be at the Deliberative Session. On January 22, there was a notice put out to the town by the BOS and the Police Department announcing the promotion of Sgt. Scott Cain to fill the post of Kensington Chief of Police effective March 1, 2019. Sgt. Cain addressed the public saying that his door is always open and encourages open communication with the Police Department. David Buxton asked that the contact list be updated.
- Fire Department – Chief Jon True was not present.
- Emergency Management - Chief Jon True was not present.

- Road Manager – David Buxton reported as follows:
 - He has been trying to contact engineers from Hampton that were working on the crosswalk project. He has contacted them 6 times with no response. David contacted TEPP, another company that was recommended for this type of project. At this time, it is taking approximately 9-12 months to get a permit from the State for a project like this. David would like to reach out to the Rockingham County Planning Commission for help with a possible traffic study, as there is money in the proposed budget for a traffic study. He will continue to gather information to present to public, but at this point does not believe there will be a crosswalk by summer.
 - Mike asked if there has been any further information from the State on the drainage issue by the North School. David explained that he has communicated with the State and was told that the State would be addressing that situation. The State feels that if the driveway was not there, some water would be going into the catch basin. The State will notify the landowner and will pursue the contractor that installed the driveway to remedy the situation.
 - Ben reported that David has prepared a five-year road plan as requested and provided it to the BOS. Ben is looking for guidance from the BOS on whether it should be shared or handed off to the new BOS. Bob felt that eventually it should be shared with the public so people have an understanding of what the plan is. However, residents need to understand that it is only a guideline not a definitive plan. David Buxton feels that if it becomes public knowledge it needs to be explicitly clear that it is a proposed plan, that can drastically change based on other factors such as storms or emergency road maintenance issues.
 - David expressed how important it is that the warrant article passes, explaining that he does not have funds in his operating budget to handle all of the road reconstruction needed. Mike asked Kathy if any or all of the \$200K from last year’s warrant article was spent, Kathy said there some money leftover from last year’s warrant article, but not much. Mike suggested that Ben prepare the plan for the next BOS so there is a working document to deal with. David would like to order the salt and sand early this year so that he can better plan for the rest of the year.
- Tax Collector- Carlene Wiggin was not present
- Building Inspector- Norman Giroux reported as follows:
 - 42 Muddy Pond Rd - He received an application and there were permit issues, inspections are ongoing
 - 37 Cottage Rd – He received notice that the homeowner was building an attached shed on the back of the house. The intent was to put a gas fueled generator in the shed, which was under 120 square feet and did not require a permit. The Fire Department determined the purpose was not allowed, but the shed can remain.
 - 26 Moulton Ridge – This is a new construction home on the side of a hill. There is an existing home on the top of the hill that regraded the entire backyard and all of the water from that backyard is now entering the property at 26 Moulton Ridge. It is new construction so the area hasn’t been seeded yet. For reference, the home at the top of the hill was previously Norman Giroux’s home. He feels that it is difficult to see the full effect of the regrading, and that it won’t be seen until springtime. Norman feels he can remedy without the town getting involved and hopes to be the middleman between two neighbors before the town needs to write letters and such. Bob said he is in support of allowing norm to mediate, but Ben urges to be careful of his role as building inspector. Norman is aware of it and feels he can separate the two. Mike suggested contacting Julie LaBranche from Rockingham County Planning Commission. Discussion on what permits may have been issued for new construction that are relevant to this issue. Norman will contact both homeowners and try to mediate as an individual with connections to both parties.
 - Norman has concerns about the back stairs at the town hall. He feels that they should be refinished to prevent having to be fully replaced in the future. Mike asked if there was anything that could be done to remedy this problem from happening again. Norman said the only thing would be a nonslip pad, but that ruins the aesthetic. Norman recommended getting an estimate to have them stripped and resealed. **At 7:03pm, Mike made a motion to authorize Ben to get some quotes and order the work. Bob seconded, all voted in favor.**
- Treasurer- Sara Belisle was not present
- Town Clerk – Carol Beers Witherell was not present
 - Mike reported that he received an email from the Town Clerk that there is at least 1 individual running for every open position, with the exception of Cemetery Trustee. The BOS is thrilled to see that residents are running.
- Recreation Committee- Elaine Bodwell reported as follows:

- The Recreation Committee met on January 23rd. In attendance was Donna Carter, Elaine Bodwell, Lili Spinosa, Bob Long, and residents Vanessa Rozier and Sarah Hoffmaster. Elaine explained that the committee appreciates when the public attends because it helps generate conversation and ideas on how to give to the community.
- The Father Daughter Sweetheart Dance will take place on Friday. The cost is \$25 per couple \$5 for additional children. Tickets will be available at KES. Families will have the opportunity to purchase candid shots from a hired photographer. AB Music DJ and Smileys Photo Booth have been secured and insurance info has been provided to Alnoba. Food and beverages have been finalized. Many volunteers have offered for set up and clean up.
- Briefly discussed the Eggstravaganza which will be on April 13
- Summer Camp programming was discussed. The committee still needs to secure coordinators and assistant coordinators. Kelsey Plourde has been the coordinator in the past and has been contacted for guidance
- The Town Festival is set for July 13 and additional discussion will occur at future meetings
- The Committee has decided to review the Bylaws for the Kensington Town Park and Social Committee. It was unanimously decided that is appropriate that the bylaws be reviewed and revised. There is a committee that has been formed for this task consisting of 1 member of the Recreation Committee and 3 volunteers from the community. One of the goals is to ensure that the committee is having events that appeal to diverse groups
- The next meeting will be 2/13/29 at 7pm in the Town Hall.
- Conservation Commission – Bob Gustafson reported as follows:
 - A letter was sent to the NH Department of Environmental Services dealing with the request for a report on water usage from Seabrook. What the committee received in return was very difficult to use and understand. They requested that someone from the State come in to explain the report and on 2/12/19 at 7:30pm in the Town Hall, there is a representative from the State coming to explain the report. Discussion on water usage was prompted in an effort to become more proactive on potential drought concerns.
- Sawyer Kensington Trust- Committee Review
 - There was a presentation earlier this evening. Bob reiterated that there is a Deliberative Session on Wednesday 2/6/19 and the committee asks for the town's support. The public is encouraged to ask questions and become educated on these articles.
- Other Department Heads-
- Kensington School Board – No representative present

NEW BUSINESS:

Review of Voter Guide

- The BOS has been working on a Voter Guide. Ben has made several edits including corrections to numbers and grammar. Since the last meeting, Ben contacted Julie LaBranche for assistance on the Planning Board warrant articles. Ben will link the analysis Bob did on the Town Park Agreement to the Voter Guide. **At 7:32pm, Ben made a motion to approve the Voter Guide with revisions for publication on 2/6/19 5pm. Bob seconded, all voted in favor.**

Chief Sanders- Retirement

- Ben informed the Board that Chief Sanders has made an offer to the BOS to remain after retirement as a call employee specifically to provide firearm instruction as he is the only licensed firearm instructor in the department and specified a 2 hour minimum and provided a rate to the BOS. Chief Sanders also requested to retain his service weapon, which is common, and he would cover the cost of having a licensed firearm dealer make the transfer. In addition, Chief Sanders has requested to use 2 of his 13 weeks of banked sick time between March 1 and March 16. At 7:37pm, Ben made a motion to accept the retirement proposal laid out by Chief Sanders to keep him on dept on a call basis, maintain his service weapon, and grant the 2 weeks of vacation. Mike seconded, all voted in favor.

Current Board Member Replacement- Post election

- Mike explained that by law, the Selectmen are in office until the next person has been sworn in. There was discussion on the logistics of the possibility of a waiting period if there is a contested seat and write ins. The current BOS needs to determine the order from which they will step down after each new Selectperson has been sworn in. Mike recommends that Bob go first, Ben second, and Mike last as he is the chair. **At 7:42pm,**

Mike made a motion that depending on who is sworn in first, Bob would step down first, then Ben, then Mike. Bob seconded, and all voted in favor.

CITIZEN'S FORUM

- Michael Lawson – South Rd – Mr. Lawson stated that he, and his son, Michael Lawson Jr. both need to be sworn in to the Fire Department. Ben said that he didn't believe Chief True would have any objections based on their conversations. The Chief had briefed Ben on the background check, but will touch base with Chief tomorrow just in case. **At 7:45pm, Mike made a motion to appoint Michael Lawson Sr. and Michael Lawson Jr. to be firefighters on Kensington Fire Department. Bob seconded, all voted in favor.** Michael Lawson Sr. took the KFD Fire Oath. Michael Lawson Jr. took the KFD Fire Oath. The BOS thanked both men for serving on the Fire Department. The BOS signed the Oaths.

OLD BUSINESS:

Health insurance policy

- Ben has been researching the Health Insurance Policy and there is not one currently. However, there was a question on the current status of how stipends are awarded when insurance is not taken. The stipend is half of what the town contribution would be for a single person, which ends up being approx. \$500 per month for FT employees who have insurance elsewhere. Ben felt one of the reasons that they have this stipend is to be used as a recruiting tool where the Kensington Town salaries may not be as competitive as other towns. Bob is opposed to paying someone to not take a benefit as it makes things complex and confusing and he would rather address wages if becoming more competitive is the main reason for having the stipend. Ben added that at a previous employer, there was a flat bonus of approximately \$500 one time, offered to not use the health insurance. Mike said he has seen the same or similar to Ben. The BOS discussed insurance policies offered by the town and compared them to other towns. Additional discussion on the requirement of an employee notifying the town if there is a change in status (ie: divorced, children no longer dependent, etc). Mike suggested the policy should include language that the employee would be responsible for back billing if they fail to notify the town. Mike will send Ben the language. Mike suggested bringing this up again at a later meeting.

OTHER BUSINESS:

- Board received an email from Pam Holland regarding the suggested use of the term "Selectperson". It was decided by the BOS that they would respond by email to Pam indicating that the current BOS has decided not to act on this issue, but to allow the future BOS to address it. At 7:58pm, Mike made a motion to forward the information to the next BOS and to respond to Pam Holland indicating that action. Ben seconded, all in favor.
- The BOS received an email from Brittney Philpot an executive with paveout.us. **At 8:02pm, Mike made a motion to delete this email as it is suspected to be phishing. Bob seconded, all voted in favor.**
- Ben met with Sgt. Cain and reviewed his personnel file, which is excellent, it is approved already. Sgt. Cain had had conversation with the BOS about building in an increase after receiving his degree. It was suggested to have this addressed by the new BOS. The BOS has sent a letter of intent and will now go to a final contract. Bob clarified that Sgt Cain's request simply opens the door to having the future Board consider a change of status after their review. Ben will draft a new copy, and the BOS will sign.
- The BOS reviewed mail
 - Use of Town Roads- Alzheimer's Association – Permit request for use of town roads on 6/22/19 for a bicycle race of up to 500 people. Kathy said the Police have already okayed this. Discussion on requirement of a Police Detail and current policies. **At 8:12pm, Ben made a motion to sign the permit request. Bob seconded, all voted in favor.**
- Agreement from Vachon Clukay & Company PC for the audit. There was discussion that all BOS members should respond. **At 8:14pm, Mike made a motion to approve Vashon to do the audit and the chairman of the board sign the contract. Bob seconded, all voted in favor.**
- State of NH Dept of Revenue sent a letter dated 1/28/19 indicating that the State does a review of the current sales in town compared to valuations. Valuations are holding true as the number was 100.8% for 2018.

- State of NH Department of Revenue Administration has reviewed Avitar and found that they comply with all requirements in USPAP.
 - Kathy has not heard back from Tom Sherman regarding the request to attend a BOS meeting.
 - Bob asked about the recycling video. He felt that it was interesting and thinks that it should be put online for those who are interested.
 - Mike asked if there was a response on Avitar mail costs. Kathy replied that she had not heard from them on this.
 - Kathy said she is getting low on trash stickers. There was an issue with the current vendor TechPrint missing stickers in the middle of the rolls, but has asked the company to correct and is waiting to see what resolution is presented. Bob suggested looking at other places if not resolved appropriately. The BOS told Kathy to use her discretion. They will not the current vendor again if they will not correct the previous issue.
 - Janet Banelle for Zoning Board wants to go to alternate. **At 8:25pm, Mike recused himself as a BOS member.** Mike then addressed the BOS as a citizen stating that he would be willing to step into the position that would be opened by Janet, but could not do so until after the election; he articulated his experience, qualifications, and interest. Discussion ensued. **At 8:28pm, Ben made a motion to reappoint Janet Banelle from regular to alternate member of the Zoning Board. Bob seconded, Ben and Bob voted in favor. The motion passes. At 8:31pm, Bob made a motion to appoint Mike Schwotzer to the PB and ZBA effective March 19. Ben seconded. Bob and Ben voted in favor. The motion passes. At 8:33pm Mike rejoined the board.**
 - Brief discussion on the efforts of Recreation Committee and the revisions of their bylaws.
- Assessing Office – Kathleen Felch

Solar Exemptions – There are 9 Solar Exemption requests currently. Anyone who has solar on their homes or property can request abatement of the cost of the solar that has been assessed. There was discussion on setting a precedence if all are approved, and then Kathy shared that according to state law, they have to be included has to include in the assessments, but does not say that the have to be exempt. Discussion on the basis for the exemption, and it was determined that in 2013, a warrant article passed that the town would exempt it. Bob wanted further understanding of the financial impact to the town. It was discussed that it was not part of the tax rate before, so this would be neutral. **At 8:42pm, Mike made a motion to approve the applications on hand for the solar exemption. Bob seconded, all voted in favor.** Ben asked Kathy to check to ensure that the town is not violating a warrant article; Kathy checked and confirmed to this process is compliant.
 - Minutes from 1/21 Approval – There was a suggested correction to Page 3 of the minutes “whichever comes first” to be changed to “whichever comes later”. **At 8:55pm, Mike made a motion to accept the minutes from the BOS Meeting 1/21 as amended. Bob seconded, all voted in favor.**

The board reviewed and approved bills.

Discussion on schedule of fees for use of the town park.

At 9:07pm, Mike made a motion to adjourn and stated his intention to hold a brief non-meeting discussion to discuss legal counsel advice. Bob seconded, all voted in favor.