

Kensington Town Deliberative Session
February 5, 2020 – 6:30pm
Kensington Elementary School Multi-Purpose Room

In attendance: Selectman Peter Grave, Selectman Joe Pace, Selectwoman Vanessa Rozier, Attorney Justin Pasay

At 6:55pm, Town Moderator Pro Tempore Ben Cole opened the Deliberative Session. Mr. Cole was appointed Moderator Pro Tempore by the Supervisors of the Checklist. The rules and format of the Deliberative Session were explained to the crowd.

Mike Schwotzer of 49 Cottage Rd., made a motion to allow non-resident employees of the Town and non-residents associated with the Town to speak during the Deliberative Session. Jim Thompson of 53 Osgood Rd. seconded. The motion carries.

Article 01: Elect Officials

To choose all necessary Town Officials for the year ensuing.

There was no discussion on Article 01.

Article 02: 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 \$1,958,164 (one million nine hundred fifty eight thousand one hundred and sixty four dollars)? Should this article be defeated, the default budget shall be \$1,835,186 (one million eight hundred thirty five thousand one hundred and eighty six 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.

Recommended by the Board of Selectmen.

The proposed operating budget is an increase of \$169,749 from the budget adopted last year of \$1,788,415. The net estimated impact is \$.433 per thousand dollars of valuation. (forty-three point three cents per thousand dollars of valuation.)

Selectman Pace explained that the bulk of increases are in compensation for town staff as there are some increases that were voted on in last year's warrant that are now reflected in the budget. There have also been increases in the Police Department as the Town is making efforts to increase retention of police officers. In addition, there are more elections this year, resulting in increased election costs, as well as increases in fuel and insurance.

There were no questions from the public. Article 02 will move to Ballot as presented.

Mike Schwotzer of 49 Cottage Rd. made a motion to restrict reconsideration of Article 02. Russell Perry of 73 Amesbury Rd., seconded the motion. Vote is in the affirmative, the motion carries.

Article 03: 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 maintenance of town roads. This will be a non-lapsing appropriation as per RSA 32.7, VI and will not lapse until December 31, 2021. This is in addition to the operating budget article.

Recommended by the Board of Selectmen.

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)

Selectman Graves explained this article to the public.

There were no questions from the public. Article 03 will move to Ballot as presented.

Article 04: Establish Fire and Emergency Services Capital Reserve Fund

To see if the town will vote to establish a Fire and Emergency Services Capital Reserve Fund under the provisions of RSA 35:1 for purchase, upgrade, repair, overhaul and/or retrofit of fire vehicles, apparatus, equipment and related services. To include installation, repair and maintenance of fire fighting water supplies. This will be funded by requests for monies by warrant article including but not limited to reallocation of funds collected by the fire department during the previous year.

Additionally, to see if the town will vote to raise and appropriate the sum of \$50,000 (fifty thousand dollars) to be placed in this fund.

Further, to name the Board of Selectmen as agents to expend from said fund upon recommendation of the Fire Chief. Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$.127 per \$1,000 valuation. (twelve point seven cents per thousand dollars of valuation).

Jim Thompson of 53 Osgood Rd. said he has no problem with the article except for the wording of paragraph 3. Mr. Thompson suggested that such a large expenditure should require a town meeting instead of designating the Board of Selectmen. *Mr. Thompson made a motion to replace the "Board of Selectman" with "town meeting". The motion did not have a second.*

Lisa Perrault of 7 West School Rd. asked for an explanation as to where the \$50,000.00 came from. Chief True explained that they are trying to raise funds to purchase to avoid interest and lease payments.

Sean Smith of 46 Muddy Pond Rd. asked if the intent is to have 2 trust funds for the same purpose. Chief True responded that a capital reserve fund was recommended by the DRA because it helps the credit rating of the town.

Alex Scott of 3 Tannery Way asked about the vehicles the Fire Department currently has. Chief True gave a summary of the Fire Department vehicles.

Jean Waldron of 62 Cottage Rd. questioned if the fund would pay interest, which Chief True confirmed it would according to the DRA.

Bob Hall of 101 Drinkwater Rd. asked questions regarding the condition of fire hydrants and defibrillators in town. Chief True responded that he is doing what he can to address hydrants and explained where the defibrillators in town buildings are.

There were no further questions from the public. Article 04 will move to Ballot as presented.

Article 05: Fire and Emergency Services Capital Reserve Fund

To see if the Town will vote raise and appropriate \$45,091 to be placed in the Fire and Emergency Services Capital Reserve Fund. This sum to come from the unassigned fund balance and represent funds that were previously approved by the governing body for water supply repair and have not been expended. Should article 04 fail, this article will be null and void.

Recommended by the Board of Selectmen.

There will be no tax impact from this warrant article.

The Board gave a summary of this article.

Lisa Perrault of 7 West School Rd. asked if these funds are already in the General Fund. It was explained that the funds were in the general fund and were moved to the fund balance; this article would allow that money to be placed in the Fire and Emergency Services Capital Reserve Fund.

There were no further questions from the public. Article 05 will move to Ballot as presented.

Article 06: Police Department Radios

To see if the Town of Kensington will vote to raise and appropriate the sum of \$34,957.00 (thirty four thousand, nine hundred and fifty seven dollars) to purchase 10 (ten) Motorola portable radios, replacement/back-up batteries, charging stations, antennas, portable microphones and 1 (one) Motorola all band HP mobile in car radio. This sum will also include the upgrading of the police department's mobile car radios and the replacement of 10 (ten) Motorola portable radios, that are over the serviceable life expectancy of 15 years.

Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$0.09 per \$1,000 valuation (nine cents per thousand dollars of valuation).

Jim Thompson of 53 Osgood Rd. questioned why 10 radios are needed. Chief Cain explained that there are 13 employees and each radio would be assigned to a police officer so each officer has their own radio and can easily be identified by dispatchers.

Lisa Perrault of 7 West School Rd. questioned the dollar amount for the radios and asked if grants have been applied for. Chief Cain gave a summary of the costs for the radios and explained there are no grants currently available. Ms. Perrault asked about the communication capabilities of the proposed radios with Rockingham Dispatch and the Fire Department. Chief Cain explained the way the radios would work between police, fire and dispatch.

Hez Marks Mercadante of 43 Wild Pasture Rd. asked if the radios would work in the school with the communication issues that exist. Chief Cain said phone service is different than the phone service and the new repeater will improve radio communication.

There were no further questions from the public. Article 06 will move to Ballot as presented.

Article 07: Municipal Financial Software

To see if the town will vote to raise and appropriate the sum of \$31,337.00 (thirty-one thousand three hundred and thirty seven dollars) for the purpose of purchasing Municipal Finance Software. This software will help with the day to day operational and compliance needs and to offer Kensington the ability to have a fully integrated financial management system created specifically for NH Municipal governments.

Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$.079 per \$1000 valuation. (seven point nine cents per thousand dollars of valuation.)

The Board gave a summary of this article.

Taylor Florence of 3 Palmer Drive asked if this would help the staff at the town office. The Board confirmed yes and explained that it will allow for municipal specific reports to be generated and provided examples of how it would make tasks easier.

Jim Thompson of 53 Osgood Rd. asked if the system would use the internet, thus creating security concerns. Selectwoman Rozier said that they did consider a cloud server, but they are leaning towards a server that would be housed in the town hall.

There were no further questions from the public. Article 07 will move to Ballot as presented.

Article 08: Appropriate funds to put town owned land into Conservation

To see if the town will vote to raise and appropriate \$25,000 (twenty-five thousand dollars) to put the following parcel of town owned land into a permanent conservation easement, 45.610 acres more or less, and is further identified as Map 13 Lot 1; 274 North Haverhill Road, and to be subject to maintenance by the Conservation Commission and protection by the Southeast Land Trust of New Hampshire.

Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$.064 per \$1,000 valuation. (six point four cents per thousand dollars of valuation).

The Board summarized the article.

Lisa Perrault of 7 West School Rd. asked why SELT is necessary if the Town owns the land. Sydnee Goddard of the Conservation Commission explained that the Commission received an itemized budget from SELT and in order to put land in conservation there are expenses such as having a survey completed, attorneys fees, and the cost of having the land monitored. Mrs. Goddard also said that a 3rd party organization is needed to ensure that the land is monitored and the property is actually protected. Ms. Perrault questioned who the town is protecting the land from if the town already owns it and that requiring SELT's involvement insinuates that the Town does not have faith in town counsel and the ability to self-manage it's own land.

Taylor Florence of 3 Palmer Drive asked if there is a way to monitor the land without having to go through SELT. Mrs. Goddard said that would be the job of the Conservation Commission.

Joan Skewes of 132 Drinkwater Rd. said the land has been owned by the town since the 1960's when it was acquired through a tax lien. There is nothing in place that would stop the Town from selling the land to raise funds in the future. Ms. Skewes feels the land is best protected by a professional organization, not relying on volunteers.

Jen Macek of 8 Hidden Pasture Rd. asked if the Conservation Commission could request from the Board of Selectman that the land could not be sold. Attorney Pasay said if they Town owns the land with a tax deed, the process to sell the land would be relatively straightforward.

Glen Greenwood of 132 Amesbury Rd. suggested that that Town could vote by a warrant article that would prevent the sale of such a property from being so streamlined. Mrs. Goddard said that is it not recommended to have the town self manage the conservation land.

Bob Hall of 101 Drinkwater Rd. stated that things can change quickly and he feels that Kensington needs to be involved with SELT.

Jennifer Ramsey of 20 Stumpfield Rd. asked if there is currently an easement of any kind on the property. Mrs. Goddard stated there is not.

Donna Carter of 119 Amesbury Rd asked why a deed restriction, which would restrict the sale of the land, couldn't be put on the land. Selectwoman Rozier explained that a deed restriction is something that can be imposed on a deed and can also be un-imposed on a deed, which wouldn't protect the property.

Attorney Pasay stated that generally deed restrictions can be removed but only by the group that placed the restriction in the first place.

Mary Smith of 46 Muddy Pond Rd asked if the land is buildable. There was not a clear answer to this question, however a description of the property was provided.

There were no further questions from the public. Article 08 will move to Ballot as presented.

Article 09: Accept donated land for conservation

To see if the town will vote to authorize the Selectboard to accept two gifts of land, 5 acres map 17 and lot 29 (wetland within the Great Meadows wetland) and 4 acres map 8 and lot 18 (backland abutting Charles Hodges Conservation Area), both owned by Mary and Paul White. The purpose of the gifts is to ensure the permanent protection of these parcels through a conservation easement which will provide protection of wildlife habitat and scenic enjoyment by the general public.

Recommended by the Board of Selectmen.
There is no tax impact for this warrant article.

There were no questions from the public. Article 09 will move to Ballot as presented.

Article 10: Fire Department-Appropriate funds from Fund Balance

To see if the Town will vote to raise and appropriate the sum of \$8,000 (eight thousand dollars) to be added to the Fire and Emergency Services Capital Reserve Fund with said funds to come from the unassigned fund balance. Said monies represent the sale of the old ambulance and SUV. If Article 04 fails, this article is null and void.

Recommended by the Board of Selectmen.
There is no tax impact from this warrant article.

There were no questions from the public. Article 10 will move to Ballot as presented.

Article 11: Add to Revaluation Capital Reserve Fund

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 second 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.

Recommended by the Board of Selectmen.
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)

There were no questions from the public. Article 11 will move to Ballot as presented.

Article 12: Build Out Analysis

To see if the town will vote to raise and appropriate the sum of (\$6,000.00) six thousand dollars for the purpose of the governing body conducting a build out analysis for the town.

Recommended by the Board of Selectmen.
The tax impact of this article will be an increase of \$.015 per \$1,000 valuation. (one point five cents per thousand dollars of valuation)

The Board explained what a build out analysis is.

George Gavutis of 231 South Rd. expressed his concern that a build out analysis could aid developers. Mr. Gavutis was concerned if this would be in conflict with the master plan and maintaining the character of the town. Selectwoman Rozier explained that the purpose would be to help control the growth in town and in order to do that, there needs to be an understanding of potential for growth. She explained that if a large parcel were to be subdivided, there could be impacts on the school, roads, etc. that were not anticipated. The build out analysis would help determine if the Town should consider impact fees in order to plan for growth. Selectman Pace stated that he feels there is a significant amount of potentially developable land in town and the town is amiss in not having impact fees. He explained that a build out analysis will give the town the tools to address zoning regulations and potential weaknesses in the zoning that would allow for higher impact development than the town intended.

Glen Greenwood of 132 Amesbury Rd. said he would be opposed to impact fees, as he feels it can be a sort of double taxation, however thinks that a build out analysis is a great planning tool for the town and would be a valuable asset. He stated that a build out analysis isn't generally something that helps a developer in any way

There were no further questions from the public. Article 12 will move to Ballot as presented.

Article 13: Social Services Request for Richie McFarland Children’s Center

To see if the town will vote 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) Kensington children. This is a special warrant article.

Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$.005 per \$1,000 valuation. (zero point five cents per thousand dollars of valuation)

There were no questions from the public. Article 13 will move to Ballot as presented.

Article 14: Social Services Request for Rockingham Community Action

To see if the town will vote to 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. This is a special warrant article.

Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$.003 per \$1000 valuation. (zero point three cents per thousand dollars of valuation.)

There were no questions from the public. Article 14 will move to Ballot as presented.

Article 15: Social Service Request for Meals on Wheels

To see if the town will vote to raise and appropriate the sum of \$717.00 (seven hundred and seventeen dollars) to Meals on Wheels for the purpose of providing meals and safety services to qualified Kensington residents. This is a special warrant article.

Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$.004 per \$1000 valuation. (zero point four cents per thousand dollars of valuation.)

There were no questions from the public. Article 15 will move to Ballot as presented.

Article 16: To Create Heritage Fund

Shall we adopt the provisions of RSA 674:44-d to create a Heritage Fund? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Heritage Fund, separate from the general fund. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 674:44-b shall be placed in a Heritage Fund and allowed to accumulate from year to year. Money may be expended from such fund by the Heritage Commission for its purposes without further approval of the local legislative body. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the Heritage Fund and shall pay out the same only upon order of the Heritage Commission. The disbursement of heritage funds shall be authorized by a majority of the Heritage Commission. Prior to the use of such funds for the purchase of any interest in real property, the Heritage Commission shall hold a public hearing with notice in accordance with RSA 675:7.

Recommended by the Board of Selectmen.

This article has no tax impact.

Lynn Monroe, Chair of the Heritage Commission summarized the article and activities of the Commission this year.

Lisa Perrault of 7 West School Rd. expressed that if the money if ever coming from the taxpayers, that a selectperson should be involved not just the Heritage Commission. Selectman Pace explained that the RSAs that the Heritage Commission uses are modeled off of the RSAs that the Conservation Commission uses. There is a Selectboard member who sits on the Heritage Commission.

There were no further questions from the public. Article 16 will move to Ballot as presented.

Article 17: Petition Warrant Article- Purchase Decimeter

We, the undersigned legal voters of the Town of Kensington, New Hampshire, hereby petition to raise and appropriate the sum of Four Thousand Three Hundred dollars (\$4,300.00) to purchase a Sound Track LxT n/Force (decimeter) and to train the Kensington Police Department officers in its use to enable them to enforce compliance with RSA 266:59 relating to excessive motor vehicle noise levels caused by illegally modified exhaust systems (especially on motor cycles).

Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$.010 per \$1000 valuation. (one point zero cents per thousand dollars of valuation.)

George Gavutis of 231 South Rd. said that he was one of the primary petitioners of this article and explained that he met with a member of the Board of Selectman and Chief Cain. There are many people in town concerned about the increasing amount noise on the roads, which he feels is directly related to the number of motorcycles in violation of the law for the exhaust system. Mr. Gavutis expressed that he is disappointed and concerned to see the Board of Selectmen did not support this article and asked why it was not supported. Selectman Graves explained that the Board of Selectmen did sympathize with the challenge of loud noises, but that having a decimeter actually has potential to cost the town money. Selectman Graves explained that other nearby towns were polled and there are not many towns that have decimeters, and the ones that do are not using them.

Chief Cain explained that he is split on whether this tool would be an asset to have. Chief Cain explained that this is the only tool that can be used to enforce the noise, but when he spoke with other agencies he learned that they are not using it due to challenges in court as this is not a tool designed for police use. If the Town votes to purchase it, the Department would try to use it, but Chief Cain is concerned about litigations in court.

Mr. Gavutis asked if it would be possible for the Police Department to use funds in their budget to purchase this without a special warrant article. Selectman Pace said that they could.

Jim Webber of 6 Wild Pasture Rd. said he feels it is worth a try to have the tool for the police to use.

Taylor Florence of 3 Palmer Drive made a motion to change the dollar amount to \$1.00. Jen Macek of 8 Hidden Pasture Rd. seconded. Mrs. Florence was asked why she wanted to changed the amount, to which she responded that she feels you choose where you live. Mrs. Macek asked how the money could be made back on this when the ticket is \$62.00.

Selectman Pace said that changing the dollar amount in this way materially changes the intent of the article. *A vote was called, the motion does not carry.*

There was no further discussion. Article 17 will move to Ballot as presented.

Article 18: Petition Warrant Article- Library Celebration-125th

To see if the town will vote to raise and appropriate the sum of \$2,000 (two thousand dollars) to the Kensington Public Library for expenses related to the library's 125th anniversary. The 125th Anniversary Committee has organized a series of events and an end-of-year gala in 2020 to celebrate this anniversary and the library's role in the community. This is a petitioned warrant article.

Recommended by the Board of Selectmen.

The tax impact of this article will be an increase of \$.005 per \$1000 valuation. (zero point five cents per thousand dollars of valuation.)

Jackie Benson, a volunteer of the KPL summarized the article.

There were no questions from the public. Article 18 will move to Ballot as presented.

Article 19: Petitioned Warrant Article-Town Clerk from 1 year term to 3 years

Are you in favor of changing the term of the town clerk from one year to three years, beginning with the term of the town clerk to be elected at next year's regular town meeting in 2021.

Recommended by the Board of Selectmen.

There is no tax impact for this article.

Dennis Roffman of 29 Amesbury Rd. asked why the Board of Selectman did not give an opinion on this article and it was explained that because there is no money involved, the Board of Selectman is not required to do so.

Lisa Perrault of 7 West School Rd. said that the Town Clerk has to attend state training and a 3 year term is reasonable due to the expense of training someone in that position.

There was no further discussion. Article 19 will move to Ballot as presented.

Mike Schwotzer of 49 Cottage Rd., made a motion to send best wishes to the Town Moderator, Harold Bragg and to let him know that he was missed. Russell Perry of 73 Amesbury Rd. seconded. The motion carries!

No additional business was brought forward and the meeting was dismissed at 8:51pm by Moderator Pro Tempore Ben Cole.

Respectfully submitted,
Chelsea Lalime