

Town of Kensington
New Hampshire
Deliberative Session Minutes
Wednesday
February 3, 2016

Moderator Harold Bragg addressed all present on how the meeting would proceed. He informed them that this is the first session in the SB2 town election process. The second session will be held on March 9, 2016, and that the voters will vote on the following articles and how they are amended or presented tonight.

Second Session of Annual Meeting (Official Ballot Voting)

Date: Tuesday March 8, 2016

Time: 8:00am-7:30pm

Location: Kensington Elementary School Gym 122 Amesbury Road, Kensington, NH

Details: To vote on all town affairs

Mr. Bragg explained that Article 1 will be voted on election day and moved on to Article 2.

Article 01: Elect Officials

To choose all necessary Town Officials for the year ensuing

Article 02: Amend Zoning Ordinance

The Board of Selectmen proposes and supports the following amendment to Article VII Building Permit Ordinance.

Are you in favor of amending Article VIII: Building Ordinance; Section 8.1 Building Permit with the following changes to A and B:

Article VIII: BUILDING ORDINANCE

SECTION 8.1 BUILDING PERMIT (03/09/1971; 03/16/1978) (Amended 03/1994; 03/1997; 03/13/2001; 12/17/2015) A building permit is required to promote the health, safety, convenience and general welfare of the community.

A. A permit is required for:

1. A new structure, addition, decks, remodeling, or manufactured building when the value exceeds \$2,000. The value shall be based on labor costs - (including the value of self-provided labor), material costs, and other costs, excluding land;
2. The demolition of a structure; and
3. Any swimming pool, except those that are dismantled each season.
4. A free standing structure exceeding 120 square feet, as measured from outside.
5. Wheelchair ramps.

B. A permit is not required for:

1. Minor alterations, repairs and general upkeep of existing buildings under \$2000
2. Replacement of in-kind roofing, windows and siding.

DEFINITION of In Kind

- in the same way; with something similar:

☐ Yes

☐ No

Mr. Bragg explained that Article 2 is a selectman submitted article and has been presented as part of a public hearing and cannot be amended tonight. He explained that it was not going to be discussed, unless anyone present had questions about it. There were no questions posed so he moved on to Article 3.

Article 03: Amending zoning ordinance

The Planning Board propose and support the following addition to Article IV.

Are you in favor of amending Article IV General Regulations, by adding Section 4.4 Non-Conforming Uses, Structures and Lots.

SECTION 4.4 NON-CONFORMING USES, STRUCTURES AND LOTS

Section 4.4.1 Non-Conforming Uses and Structures

A. Continuance: Any lawful non-conforming use, structure or building that exists at the effective date or adoption of this ordinance may continue as long as it remains otherwise lawful and subject to other applicable provisions of the zoning ordinance.

B. Reconstruction: In the event of the damage or destruction by natural hazard of any use, structure or building not conforming to the regulations in this ordinance, said structure or building may be rebuilt or refurbished for its former non-conforming condition in the same manner and extent, provided such construction is started within one year of its damage or destruction and is complete within two years. The provisions of the Town of Kensington Building Code, as amended, shall apply to any reconstruction.

C. Expansion: Expansion of a non-conforming use or structure for a purpose or in a manner which is substantially different from the use to which it was put before the alteration is prohibited except by variance granted by the Zoning Board of Adjustment. The non-conforming use or structure, if granted a variance by the Zoning Board of Adjustment, may be physically extended, reconstructed, enlarged or structurally altered but only in conformity with the requirements of the zoning ordinance.

D. Discontinuance: In the event a non-conforming use is discontinued for a period of more than two years, it shall not be permitted to recommence; thereafter the property shall only be in conformity with this ordinance unless permission is granted by the Zoning Board of Adjustment. The marketing and physical maintenance of a building or premises for the continuation of an existing non-conforming use shall be deemed as evidence of intent to continue the use.

Section 4.4.2 Non-Conforming Lots

A. A lot of record which met the requirements of the zoning ordinance for area, frontage and dimensions at the time of its approval and is shown on an approved subdivision plan, if undeveloped, may be developed providing such development meets all of other town and state requirements, and the lot has sufficient and practical frontage to access the property.

B. A lot of record which met the requirements of the zoning ordinance for area, frontage and dimensions at the time of its approval and is shown on an approved subdivision plan, and is developed, may be further developed providing such new development or redevelopment meets all of other town and state requirements, and the lot has sufficient and practical frontage to access the property. Existing non-conforming structures and buildings on such developed lots of record may only be expanded by variance granted from the Zoning Board of Adjustment.

☐ Yes ☐ No

Mr. Bragg explained that Article 3 was presented by the Planning Board and the public hearing was held on this article as well. This article is not subject to amendments, and asked if there were any questions. No questions so he moved on to Article 4.

Article 04: 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 \$1,621,391 (one million six hundred twenty one thousand three hundred and ninety one dollars)? Should this article be defeated, the default budget shall be \$1,623,858.00 (one million six hundred twenty three thousand eight hundred and fifty eight 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 unanimously approve this appropriation.

The proposed operating budget is a decrease of \$2,770 from the budget adopted last year of \$1,624,161. The net estimated impact is negative \$(0.009) per thousand dollars of valuation. (negative nine tenths of a cent per thousand dollars of valuation.)

Mr. Bragg read the following article to all present. He asked the wishes of the operating budget. Richard Waldron of Cottage Road asked to present an amendment. Jim Thompson from Osgood Road seconded the motion. Mr. Waldron presented a written amendment which was read by the moderator.

Shall the Town of Kensington raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations votes 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 \$1,459,250 (one million four hundred fifty nine thousand two hundred and fifty dollars)? Should this article be defeated, the default budget shall be \$1,623,858.00 (one million six hundred twenty three thousand eight hundred and fifty eight 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.

Motion to accept the amendment by Richard Waldron, Cottage Road; Seconded by Ben Cole of North Haverhill Road.

Leslie Lavelle of 7 Palmer Drive, asked Richard to explain the amendment. Richard explained that in November there was a special town meeting for the renovation of the Town Hall, between 2012-2013 the town had raised \$191,765 over and above what the town spent. 2013-2014 the town had raised an extra \$268,268 which was 16% above the town budget. He would like to return the town budget to a realistic amount of money. He is asking for 10% reduction in the 2016 budget, and believes that we would still meet the amount needed by the DRA. Mr. Bragg explained that with this amendment the Board of Selectmen has purview of where the amounts will be deducted. Jim Thompson, Osgood Road asked if the Selectmen could address Mr. Waldron's comments. Selectmen DeBoisbriand explained that the surplus is made up of a number of different items. When the board prepares the budget they project a historical average of what is normally spent. Last year was different due to the snow plowing needed, but FEMA was able to help out with some of those expenses. Some of the surplus is from gasoline, if the price drops from what you have budgeted for then there is a surplus. They try to budget as close as possible and manage the department heads. In regards to the Town Hall that was able to be done with no tax impact to the town. He also explained that the town currently has no town server or IT. The board has put in money to be able to upgrade the town IT, website and server. Mr. Merrill added that there was a large amount of money at the end of one of those years due to the fact that the board of selectmen at that time had frozen spending in the town in anticipation of spending money to build the Town Offices. There was a substantial amount of money put into the surplus that year. Mr. Waldron commented that this is an El Nino year and that this year's budget seems to be over. Ben Cole, what happens to the extra money at the end of the year? Mr. Merrill explained that it is sometimes used to buy down the tax rate.

Mr. Bragg asked for all present to act on the amendment presented. He called for all in favor of the amendment to say I.

Amendment defeated by voice vote.

Mr. Bragg asked if there were any other questions or discussion on Article 4. Being none he moved on to Article 5.

☐ Yes ☐ No

Article 05: Lease Payment #4 for Fire Truck

To see if the Municipality will vote to authorize the Selectmen to enter into the fourth year of a seven year lease agreement for three hundred and eighty thousand dollars (\$380,000.), for the purpose of leasing a new fire truck and to raise and appropriate the sum of sixty thousand seven hundred and forty dollars (\$60,740.00) for the fourth year's

payment for that purpose. This lease agreement contains an escape clause (majority vote required). In subsequent years, if the annual appropriation is not approved, the lease terminates and the truck will be returned. If this lease is approved for each of the seven years, a warrant article will be set forth to expend nineteen thousand dollars (\$19,000) from the fire department equipment capital reserve fund to offset the final payment only.

The board of selectmen unanimously approve this article

The tax impact of this article will be \$0.203 per \$1,000 valuation (twenty point three cents per thousand dollars of valuation).

Mr. Bragg read the article above to all present. He asked for a motion to accept. Charles LeBlanc Cottage Road, seconded by Robert Gustafson of Muddy Pond Road. Mr. Bragg asked Charles LeBlanc if he as the Fire Chief would like to comment on the article. Mr. LeBlanc stated that this is the 4th year of the lease.

No discussion or amendments.

☐ Yes ☐ No

Article 06: Purchase Person & Car Cameras Police Department

To see if the town will vote to raise and appropriate the sum of twenty nine thousand, one hundred and fifty two dollars (\$29,152.00) for the purpose of purchasing seven (7) Watch Guard VISTA body-worn cameras and three (3) Watch Guard 4RE in-car camera systems. This sum will also include the upgrading of the police department's server and related infrastructure required to support the implementation of the camera systems, which will allow for the safe and proper management of the videos as required by legislation and rules of evidence.

The Board of Selectmen unanimously approve this article.

The tax impact of this appropriation is \$0.097 per \$1,000 valuation (nine point seven cents per \$1,000 of valuation)

Mr. Bragg read the article above to all those present. Motion to accept Peter Merrill, North Haverhill Road, Seconded by Kathleen Felch, Pevear Lane. Mr. Bragg asked all present if they would allow Chief Sanders to speak to the article. There were no objections. Chief Sanders explained there is legislation coming in the near future that will require all states to have cameras. He believes that this will benefit and protect the town and the officers. He has no problem with putting cameras on his officers and letting the town see what the officers have to deal with on a daily basis. There are complaints filed and they are frivolous and this will help to discourage that. If the officers do something that is inappropriate then he can address it. There are people that they stop that do record them with their cell phones and it would be good for the officers to have a copy of the stop as well. Mr. Thompson asked about the expense of the cameras. Chief Sanders explained that he attended a conference in Chicago and compared a few different vendors and found this one to be the best, with the least overall expenses and information is not stored on their systems, it will be in house. The ease of use, clarity, durability, storage capacity and battery life are the major reasons for choosing this particular brand. Glenn Greenwood, Amesbury Road, asked about the ability to use future grants to purchase these for the department. Chief explained that NH is not eligible for some of the Federal Grants because we do not have a seatbelt law. There is no certainty that there would be a grant for these in the future, and these are going to be implemented as soon as they are purchased. Mr. Greenwood commented that Chief Sanders had really done his due diligence in researching these cameras. No further questions or comments so Mr. Bragg moved onto the next article.

☐ Yes ☐ No

Article 07: Social Services: Richie McFarland Program

We, the residents of the Town of Kensington, petition to raise and appropriate the sum of Two Thousand Four Hundred Dollars (\$2,400.00) 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 eight (8) children.

The Board of Selectmen unanimously support this article.

The net estimated tax impact of this appropriation is \$.008 per \$1,000 valuation (eight tenths of a cent per thousand dollars of valuation.)

☐ Yes
Yes

☐ No
No

Mr. Bragg read the article above to all those present. Motion to accept by Leslie Lavelle Palmer Drive, Seconded by Jean Waldron, Cottage Road. No discussion or question. Moved on to Article 8.

Article 08: Social Services: Rockingham Nutrition & Meals on Wheels

We, the undersigned residents of Kensington, Petition the Town of Kensington to support the Rockingham Nutrition & Meals on Wheels Program by appropriating the funds requested in the amount of six hundred ninety six dollars (\$696), to enable Rockingham Nutrition & Meals on Wheels Program to continue to provide the meal service to elder, homebound, and disabled Kensington Residents.

The Board of Selectmen unanimously approve this appropriation.

The tax impact of this article will be \$0.002 per \$1,000 valuation (two tenths of a cent per thousand dollar valuation).

Mr. Bragg read the above article. Motion to accept by Peter Merrill, North Haverhill Road, Seconded by Kathleen Felch, Pevear Lane. Jean Waldron asked how many people were served in Kensington by Meals on Wheels. Mr. Bragg asked if there was anyone able to speak on the subject. There was no one present from Meals on Wheels to discuss. No further questions, so the article will pass to the voters.

☐ Yes

☐ No

Article 09: Social Services: Rockingham Community Action

To request the Town appropriate the sum of fifteen hundred dollars (1500.00) to Rockingham Community Action for the purpose of providing financial assistance, budgeting education & support to Kensington residents in crisis and move them toward self-sufficiency.

The Board of Selectmen unanimously recommend this appropriation.

The tax impact of this article will be \$0.005 per \$1,000 valuation. (five tenths of a cent per thousand dollars of valuation)

Mr. Bragg read the article above to all those present. Motion to accept by Robert Wadleigh, Amesbury Road, seconded by Jim Thompson, Osgood Road. Mr. Bragg asked if there was anyone there to speak on this article. Keith Bates from Rockingham Community Action was allowed to speak on the article. He thanked Kathleen for making the copies for the evening that laid out what the services are and how many residents in Kensington have been served. He gave a brief overview of all the programs that they provide to the area communities. They are currently across the street from Wal-Mart in Seabrook, NH. This article will be passed on to the ballot. Mr. Bragg thanked him for presenting and speaking to the article tonight.

☐ Yes

☐ No

Article 10: Road Reconstruction

To see if the town will vote to raise and appropriate the sum of \$200,000 (two hundred thousand dollars) for town road reconstruction. This will be a non-lapsing appropriation as per RSA 32:7, VI and will not lapse until December 31, 2017. This appropriation is in addition to Warrant Article 6, the operating budget article.

The Board of Selectmen unanimously approve this warrant article.

The tax impact of this article will be \$0.667 per \$1,000 valuation. (sixty six point seven cents per thousand dollars of valuation)

Mr. Bragg read the article to all those present. Robert Wadleigh, Amesbury Road motioned to accept the article, Dennis Roffman, Amesbury

Road seconded. Jean Waldron asked what roads the board was planning on repairing this year. Mr. Wadleigh explained that roughly \$100k of the funds would be going to repair the culverts on Kimball Road. The culverts are in need of repair. The board has already reduced the load limit. The other roads would be the ones that have the first coat on them; the remaining money would be put towards putting the finish coat on the already paved roads. Richard Waldron asked if Cottage Road would be one of those roads, because the sides of the road are washing away. Mr. Wadleigh explained that is normal repair and he would speak to David Buxton and relay the concerns and have him check on it. Mr. Bragg asked if there were other comments, none, this article will pass to ballot.

☐ Yes

☐ No

Article 11: Trustee of Trust Funds to pay services from capital reserves

To see if the town will vote, pursuant to NH RSA 35:9-a-II, to authorize the Trustees of the Trust Funds to pay for the capital reserve fund investment management services, and any other expenses incurred, from capital reserve funds income. No vote by the town to rescind such authority shall occur within five years of the original adoption of this article.

The article is recommended by the Board of Selectmen.

There is no tax impact associated with this article.

Mr. Bragg read the above article to those present. Peter Merrill made the motion to accept, seconded by Robert Wadleigh, Amesbury Road.

There was a need for those present to have the article explained. Peter Merrill explained that the trust funds are funds that have been donated over the years. The Trustees will be given purview over the funds. This is not money that belongs to the day to day usages of the Town. Kathleen Felch explained that Ann Smith had spoken to the board on this article and she was unable to make the meeting. The trust funds are managed by a portfolio company and the funds paid to the company are paid by the tax payers right now. This article would allow the fees to be paid out of the trust funds, and not have any tax impact on the town. There are a lot of towns that have already passed this. Jean Waldron is concerned that people will not understand this article and just vote no. Mr. Bragg explained that there is the option to amend the article. Mr. Bragg explained that there should be someone available voting day to explain the article. This article will be presented to the town as it appears.

☐ Yes

☐ No

Article 12: Fire Chief appointed yearly- correction of 2012 article

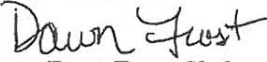
To see if the Town will vote, pursuant to RSA 154:5 I., effective immediately, to define the fire chief appointment term not previously defined in the Town 2012 Warrant Article and designate that the position of Fire Chief shall be appointed by the Board of Selectmen for a definite term of one-year, which shall end on June 30th and commence on July 1st, with no limit to the number of reappointment terms, at the discretion of the Board of Selectmen.

Recommended unanimously by the Board of Selectmen.

The article will have no tax impact.

Mr. Bragg read the above article to all those present. Motion to accept by Ben Cole, seconded by Leslie Levelle Palmer Drive. Chief LeBlanc asked why the board was putting this article forth now. Mr. DeBoisbriand addressed this by stating that the warrant article prepared in 2012 was silent in regards to the chief. The term of the fire chief should be voted on by the legislative body, and this is to correct that. Chief LeBlanc stated that the RSA states that the chief can be an indefinite period of time or one year. Mr. Bragg explained that he is able to amend this. Mr. LeBlanc stated that he has no problem with the article. This article will pass to the town vote.

Respectfully Submitted,


Dawn Frost, Town Clerk