Town of Kensington
95 Amesbury Road
Kensington, NH 03833
Town Deliberative Session Minutes
Wednesday, February 7, 2024

Meeting called to order at 6:45pm by Harold Bragg, Moderator.

Harold Bragg introduced the town officials sitting in front of the audience. Present were Fire Chief Jon True, Selectmen Robert Gustafson, Selectmen Robert Solomon, Selectmen Joe Pace, Police Chief Scott Cain, Road Agent Matthew Armstrong, Town Administrator Kathleen Felch, Town Clerk Sarah Wiggin.

Approximately 50-60 town residents in attendance.

Moderator Bragg reviewed the Rules of Procedure for the Deliberative Session.

Article 1 - To Elect Officials

These candidates are posted at Town Hall.

Article 2 - Amend Building Ordinance Section 8.1.A.1

Moderator Bragg asked if there was a representative to discuss the Planning Board articles, Town Planner Glenn Greenwood of 132 Amesbury Road, discussed these articles.

This article represents the value threshold for building permits changing from \$2000 to \$3000.

## Article 02 AMEND BUILDING ORDINANCE SECTION 8.1.A.1

Are you in favor of the adoption of Amendment number 1 as proposed by the Planning Board for the Town of Kensington zoning ordinance as follows:

Amend Article VIII, Building Ordinance, Section 8.1, Building {Permits, A.1} to read:

A new structure, addition, decks, remodeling, or manufactured building when the value exceeds \$3000. The value shall be based on labor costs (including the value of self-provided labor), material costs, and other costs, excluding land; the remainder of the section remains unchanged.

This article has no tax impact.

This article will move to the ballot as stated.

Article 3 – Amend Building Ordinance Section 8.1.B.1

This article clarifies the language the ordinance for the permitting process. June Hampe, 53 Osgood Road, requested clarification.

#### Article 03 AMEND BUILDING ORDINANCE SECTION 8.1.B.1

Are you in favor of the adoption of Amendment number 2 as proposed by the Planning Board for the Town of Kensington

zoning ordinance as follows:

Amend Article VIII, Building Ordinance, Section 8.1 Building {Permits, B. 1}. To read:

1. Minor alterations, repairs and general upkeep of existing buildings under \$3000.

Delete line 2 of the section in its entirety. Line 2 reads: Replacement of in-kind roofing, windows and siding.

Three is no tax impact with this article.

This article will move to the ballot as stated.

Article 4 – Amend the flood plain ordinance article v. section. Planner Greenwood explained that this article is necessary if residents wish to continue to be eligible to participate in the Flood Insurance Program. If this article is defeated, it would impact the ability for residents to participate in this program.

## Article 04 AMEND THE FLOOD PLAIN ORDINANCE ARTICLE V SECTION

Are you in favor of the adoption of Amendment number 3 as proposed by the Planning Board for the Town of Kensington zoning ordinance as follows:

Amend Article V, Special Use Standards, Section 5.3 {Floodplain Management Ordinance}: The planning Board must make amendments to the existing ordinance to add, among other items, language regarding newly defined AE zones in town, and to remove language that has been deleted from the federal model ordinance over the years.

This article has no tax impact.

This article will move to the ballot as stated.

Article 5 – Amend definition of living area. Planner Greenwood explained that this article is clarifying the language relative to ADU's.

### Article 05 AMEND DEFINITION OF LIVING AREA

Are you in favor of the adoption of Amendment number 4 as proposed by the Planning Board for the Town of Kensington zoning ordinance as follows:

Amend Article II, Definitions, by adding the following:

Living Area: Interior space that is used for living, sleeping, eating, cooking, bathing, washing, or sanitation purposes. Living Area is measured from the interior face of the exterior walls of the dwelling unit. Specifically:

With respect to stand-alone dwelling units (including

detached Accessory Dwelling Units), Living Area is measured from the interior face of the structure's exterior walls.

• With respect to dwelling units that have one or more shared walls (including attached Accessory Dwelling Units and multifamily apartments), Living Area is measured from the interior face of the walls that define the dwelling unit, whether those walls are exterior walls or shared walls.

This article has no tax impact.

This article will move to the ballot as stated.

Article 6 – Amend definition of Condominium. Planner Greenwood explained this article is in accordance with state law. This will bring the Town ordinance into compliance with State ordinances.

## Article 06 AMEND DEFINITION OF CONDOMINIUM

Are you in favor of the adoption of Amendment number 5 as proposed by the Planning Board for the Town of Kensington zoning ordinance as follows:

Amend Article II, Definitions, by adding the following:

Condominium: A fee interest in land or buildings owned by a unit owner, together with an undivided interest in the common areas of facilities. Condominiums can include single-family or multi-family dwellings and a condominium unit owners' association shall govern the operation of the condominium. The creation of a condominium shall be considered a subdivision entitled to regulation by the town under RSA 356-B:5.

This article has no tax impact.

This article will move to the ballot as stated.

Article 7 – Modify the Elderly Exemption Criteria. Joe Pace explained this article began as a resident petition and the Board of Selectmen agreed with its importance. Peter Merrill, 275 North Haverhill Road stated that the last time this exemption was reviewed about 15 years ago. He questioned if this change was enough of an exemption to stand up to the next 12-15 years. Joe Pace explained that it was difficult to know how to quantify the impact on the budget may be going forward, but it was a balance and a step in the right direction. Al Brandano, 2 West School Road asked for an explanation of the means test on how this is determined. Joe Pace explained that some of the criteria are directed by RSA and the community determines the thresholds. Gordon (Skip) Heal, 47 Osgood Road, spoke in favor of the article. He inquired on the application and approval process. Skip proposed an amendment to impact heirs to a property in the event of a property change due to a family death. Joe Pace expressed that an amendment could jeopardize the article as it is based from a state template associated with the RSA. There was also discussion of a Tax Deferral program that might apply to circumstances like that. Moderator Bragg asked if

there was an amendment being proposed and further discussion revealed that any amendment cannot change the intent of the article. No amendment was proposed after that explanation.

### Article 07 MODIFY THE ELDERLY EXEMPTION CRITERIA

Shall the town modify the provisions of RSA 72:39-a for elderly exemption from property tax in the Town of Kensington, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, \$175,000 for a person 75 years of age up to 80 years,\$200,000; for a person 80 years of age or older \$220,000.

To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years.

In addition, the taxpayer must have a net income of not more than \$42,000 or, if married, a combined net income of less than \$63,000; and own net assets not in excess of \$300,000 excluding the value of the person's residence. (Majority vote required)

The Board of Selectmen unanimously recommend this article.

The tax impact on this article is unknown.

This article will move to the ballot as stated.

Article 8 - Modify Veterans Credit.

Joe Pace explained this is the maximum allowed by statute. No further discussion on this article.

### Article 08 MODIFY VETERAN'S CREDIT

Shall the town modify the Veteran's Tax and All Veteran's Tax Credit in accordance with RSA 72:28, II, from its current tax credit of \$500 (five hundred dollars) per year to \$750 (seven hundred fifty dollars)? (Majority vote required)

The Board of Selectmen unanimously recommend this article.

The tax impact is unknown on this article.

This article will move to the ballot as stated.

Article 9 – Modify Service Connected Disability.

Joe Pace explained this is the maximum allowed by statute. No further discussion on this article Page 4 of 13

### Article 09 MODIFY SERVICE CONNECTED DISABILITY

Shall the town modify the Service-Connected Total Disability Tax Credit in accordance with RSA 72:35, from its current tax credit of \$700 (seven hundred dollars) per year to \$1400 (fourteen hundred dollars)? (Majority vote required)

The Board of Selectmen unanimously recommend this article.

The tax impact is unknown on this article.

This article will move to the ballot as stated.

## Article 10 – Operating Budget.

Joe Pace explained that the Board of Selectmen worked very hard to minimize the increases to the Town Budget and that any increases are required/justified. The Default budget is less than this budget. Mike Schwotzer, 49 Cottage Road asked to clarify the Police Department Leased vehicles. Since the Police Chief is not a town resident, Moderator Bragg asked if there was any objection to the Chief of Police to Speak. There were no objections. Chief Cain explained that the Revolver fund is largely used for the newly leased vehicles. In addition, in discussions at the end of the year with the Board, a couple of lease payments were made early out of fund balance. Jason Chute, 9 Whipple Way, asked about the legal services total exceeding the budgeted amount. Joe Pace explained that this is due to a variety of needs to consult legal services. Kathleen Felch detailed the items that impacted that item. Discussion continued about legal services needed to handle 91A issues that are a matter of public record if anyone had further questions.

### Article 10 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 \$2,603,198 (two million six hundred three thousand one hundred and ninety-eight dollars)? Should this article be defeated, the default budget shall be \$2,463,083 (two million four hundred sixty-three thousand and eighty-three dollars). The governing body may hold one special meeting, in accordance with RSA 40:13, X, and XVI, to take up the issue of a revised operating budget only. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The proposed operating budget is an increase of \$138,627 from the budget adopted last year of \$2,464,571. The net estimated impact is \$.20 per thousand dollars of valuation. (twenty cents per thousand dollars of valuation.)

This article will move to the ballot as stated.

## Article 11 – Community Power Plan Adoption

Joe Pace asked a member of the Community Power Committee to speak regarding this article. Zeke Schmois, 133 Amesbury Road offered to explain this article. He explained that surrounding towns have already engaged in Community Power Plans. This would allow the town to widen the options for power procurement with lower rates. He detailed the significant rate discounts that other communities have experienced. Jim Thompson, 53 Osgood Road asked if there was any downside to this program? Zeke Schmois explained that there really wasn't. If there was a circumstance where the rates spiked, and the program could not go below the default rate that residents would have the option to opt out. There is also a reserve fund that the town can use to smooth out extreme changes in rates. Al Brandano, 2 West School Road, asked if there was a requirement of a percentage of renewable energy. Zeke Schmois explained the state requirement cannot change and that Community Power is able to utilize renewable resources as well as non-renewable sources, the goal is still to get the best rate possible. Sarah Batterson 268 North Haverhill Road asked who is maintaining the powerlines? It was explained that nothing changes with that. Jason Chute, 9 Whipple Way, added that he has property in other surrounding towns that already participate in Community Power plans. He spoke very highly of the program. Jim Varn, 106 Drinkwater Road, asked if there was any tax impact at all. It was explained that there was not.

### Article 11 COMMUNITY POWER PLAN ADOPTION

Should the Town adopt the Kensington Community Power Plan, authorize the Board of Selectmen to implement the Plan, and take all action in furtherance thereof, pursuant to RSA 53-E? The Kensington Community Power Plan is an opt-out program that offers more flexible electricity procurement. The Plan will initially provide lower electricity rates for residents, or it will not launch. Initial participation in the plan can be declined, after which enrollment becomes voluntary.

The Board of Selectmen unanimously recommend this article.

Tax Impact: None

This article will move to the ballot as stated.

### Article 12 - Road Reconstruction

Matthew Armstrong, Road Agent, and resident of 23 North Road explained this article is related to the maintenance of Cottage Road and Stumpfield Roads. Mike Schwotzer, 49 Cottage Road explained that there is no impact by keeping the road maintenance consistent year after year, and as the roads rotate over the years all our roads are well maintained.

### Article 12 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, 2025. This is in addition to the operating budget article. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this

article.

The tax impact of this article is \$0.294 per \$1,000 valuation. (twenty-nine point four cents per thousand dollars of valuation)

This article will move to the ballot as stated.

Article 13 – Appropriate funds to Fire and Emergency services.

Moderator Bragg asked the attendants if there was any objection to having Chief True speak, as he is not a resident of Kensington. There were no objections.

Chief True explained this fund is in anticipation of purchasing a new fire truck in a few years and to help offset the million dollar request that would be by setting money aside every year. Skip Heal, 47 Osgood Road, explained that this article started several years ago. He proposed an amendment to this article to change the amount to \$50,000. Mike Schwotzer made a motion to accept the amendment. Seconded by Skip Heal. Jennifer Leonard, 39 Osgood Road, asked how much was in the account now. Kathleen Felch did not have that figure available although added that \$237,000 has been added to the fund but that there had been expenditures from that. June Hampe, 53 Osgood Road, asked a clarifying question of the amount that was asked for last year. Moderator Bragg asked for all those in favor by saying Yay – majority. Nay – one. A vote in the affirmative that the article will be amended.

## Article 13 APPROPRIATE FUNDS TO FIRE AND EMERGENCY SERVICES CRF

To see if the town will vote to raise and appropriate \$50,000 (fifty thousand dollars) to be placed in the Fire and Emergency Services Capital Reserve Fund. These funds to be used for the purchase, repair, upgrade, overhaul and/or retrofit of fire vehicles, apparatus, equipment, and related services. This is in addition to the operating budget article. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The tax impact of this article is \$.070 per \$1,000 valuation. (seven point zero cents per thousand dollars of valuation)

This article will move to the ballot as amended.

Article 14 – Appropriate Funds to the Police Safety Revolving Fund.

Chief Cain discussed some of the challenges in retaining the officers we have and the challenges of the state with Law Enforcement retention. To utilize this fund the officer must be with the town for 24 months before being able to utilize it. Joe added the implications and importance of maintaining a stable force and retention of the members we currently have. Ben Cole, 242 North Haverhill Road, wanted to commend the Police Department and the great group of guys we have in town right now and that the amount being asked for is cheap in the long run to keep the quality of the staff that we currently have. Skip Heal, 47 Osgood Road, spoke in opposition to this article and confusion of how the selectmen cut back the budget but support this article. Andrew Archibald, 54 Stumpfield Road, spoke in favor of the article and offered that there is a direct correlation between training and exceptional policing outcomes. Pat Bonnevie, 10 French's Lane, asked how many officers are currently employed.

Cindy Heal, 47 Osgood Road, asked if the number of officers is based on population. Chief Cain added that the officers have roles to fulfill and need to be rotated to fill the schedule.

# Article 14 APPROPRIATE FUNDS TO THE POLICE SAFETY REVOLVING FUND

To see if the town will vote to raise and appropriate \$15,000 (fifteen thousand dollars) to be placed into the Police Public Safety Revolving Fund. These funds to be used for specialty training, training instructor incentives, tuition reimbursement and educational incentives for Kensington Police Department employees. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The tax impact of this article will be an increase of \$ .022 per \$1,000 valuation. (two point two cents per thousand dollars of valuation)

This article will move to the ballot as stated.

Article 15 - Appropriate Funds to the Police Safety Revolving Fund

Moderator Bragg read the article and Chief Cain explained this article is for unanticipated costs. For example, testing/forensics required for investigations is extensive and expensive \$16,000 to \$24,000 for a DNA sample to be sent to a lab. Any work that requires federal compliance/assistance has extra costs. The reporting system that is used and items that need to be updated or replaced are costly. The chief is trying to build a fund to prepare for things like this. Cindy Heal, 47 Osgood Road, asked how much was in the fund now and what it was used for this year. Also, perhaps, it made sense to combine these articles. Kathleen Felch gave the detail that \$25,000 was appropriated last year and \$14,000 had been expended this year. To date there is \$48,000 in the fund. Skip Heal, 47 Osgood Road, noted for clarification/confusion why the Board is trying to limit budget costs but there are warrant articles asking for more. Janan Archibald, 54 Stumpfield Road, spoke in favor and advocacy of the police and fire departments. Further stating that essential workers are hard to find, and it is a testament to this town that we have the resources that we have and we should support that. Joe Pace added that with the time and that some residents have left the session, he would move to limit reconsideration of a previously discussed article. Specifically, Article 10 – the Operating Budget. Seconded by Mike Schwotzer. Moderator Bragg offered clarification of what this action means and the residents voted. Yay – unanimously. The motion carries to restrict for consideration.

# Article 15 APPROPRIATE FUNDS TO THE POLICE SAFETY REVOLVING FUND

To see if the town will vote to raise and appropriate \$15,000 (fifteen thousand dollars) to be placed into the Police Public Safety Revolving Fund for the purchase of police department items and related services. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The tax impact of this article will be an increase of \$.022 per \$1000 valuation. (two point two cents per thousand dollars of

## valuation.)

This article will move to the ballot as stated.

#### Article 16 - Add funds to Revaluation CRF

Moderator Bragg reviewed this article. Joe Pace spoke regarding this being taken out of the fund balance that the state holds and can only be used in certain criteria. Ex. Emergency, applied to tax rate or warrant article. The board elected to limit spiking in the budget by adding increments to this fund to best serve the town.

#### Article 16 ADD FUNDS TO REVALUATION CRF

To see if the Town will vote to raise and appropriate the sum of \$9,907 (nine thousand nine hundred and seven dollars) to be added to the Revaluation Capital Reserve Fund to come from the unassigned fund balance. This is the first of five annual installments, which will be used to pay the assessor's cost for the State of NH required revaluation due next in 2028, estimated at \$47,628. This is in addition to the operating budget article. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

There is no tax impact.

This article will move to the ballot as stated.

Article 17 - To accept gift of land from Kaczmarek.

Jim Thompson, 53 Osgood Road, asked how this land would be accessed/utilized. It was explained that it would be accessed by the current access that exists. It is not intended for future burials. Joe Pace added that this article is set up like this based on state regulations of non-monetary gifts.

### Article 17 TO ACCEPT GIFT OF LAND FROM KACZMAREK

To see if the Town will vote to authorize the Select Board to accept a gift of land, identified in the Lot Line Adjustment plan of Elaine H Kaczmarek and Town of Kensington dated \_JULY 2023 that is composed of a portion of Map 8 Lot 13 and would convey .267 acres to Map 8 Lot 14 (Grange Hall parcel). Upon acceptance by the Town, the current owner of such land shall donate .267 acres, or 11,645 square feet, more or less, to the Town's Grange Hall parcel. The Town's intended use of the land is for public parking behind the Grange Hall for the use and enjoyment of the general public.

Further, to raise and appropriate \$6,000 (six thousand dollars) to offset the cost of the ownership transfer.

The Board of Selectmen unanimously recommend this article.

The tax impact of this article is \$0.009 per \$1,000 valuation. (zero point nine cents per thousand dollars of valuation)

This article will move to the ballot as stated.

Article 18 - Grange Annual Maintenance.

After reviewing the article there was no discussion.

## Article 18 GRANGE ANNUAL MAINTENANCE

To see if the Town will vote to raise and appropriate a sum of \$4,000 (four thousand dollars) to do annual maintenance on the Grange Hall. The funds will be used for annual maintenance such as pest control, heating system maintenance, cleaning, and water testing, and for any unforeseen repairs needed as the structure is repaired. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The tax impact of this article is \$0.006 per \$1,000 valuation. (zero point six cents per thousand dollars of valuation)

This article will move to the ballot as stated.

Article 19 – Add to Fire and Emergency Services CRF. After reviewing this article there was no discussion.

#### Article 19 ADD TO FIRE AND EMERGENCY SERVICES CRF

To see if the Town will vote to raise and appropriate \$950 (nine hundred fifty dollars) to be placed in the Fire and Emergency Services Capital Reserve Fund. This amount is to come from Unassigned Fund Balance and represents the total of all permit fees and inspections received by Kensington Fire Rescue throughout 2023. These funds will be used for the purchase, repair, upgrade, overhaul and/or retrofit of fire vehicles, apparatus, equipment, and related services. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

This article has no tax impact.

This article will move to the ballot as stated.

Article 20 – Social Services Request for Waypoint

After reviewing this article there was no discussion. Joe Pace offered that articles like this are a statutory consideration and some towns handle it differently. In Kensington, the agencies word the article and appear on the warrant to determine how the support is continued.

## Article 20 SOCIAL SERVICES REQUEST FOR WAYPOINT

To see if the town will vote to raise and appropriate the sum of \$2,100 (two thousand one hundred dollars) for Waypoint's youth and family support. Waypoint (Previously Richie McFarland Children's Center) provides early intervention programs that serve children from birth to three years of age and their families, services for youth experiencing homelessness, support for families with children with a chronic illness, and family and children programming. This investment will increase family stability, promote socialization in families, enhance child development, and provide concrete support in times of crisis to youth and families in Kensington. This is a special warrant article. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The tax impact of this article is \$0.003 per \$1,000 valuation. (zero point three cents per thousand dollars of valuation)

This article will move to the ballot as stated.

Article 21 – Social Services Request for Rockingham Community Action. Moderator Bragg reviewed the article and there was no further discussion.

## Article 21 SOCIAL SERVICES REQUEST FOR ROCKINGHAM COMMUNITY ACTION

To see if the town will vote to raise and appropriate the sum of \$1,500 (one thousand five hundred dollars) 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. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The tax impact of this article will be an increase of \$0.002 per \$1000 valuation. (zero point two cents per thousand dollars of valuation.)

This article will move to the ballot as stated.

Article 22 – Social Services Request for Meals on Wheels.

Moderator Bragg reviewed the article and there was no further discussion.

### Article 22 SOCIAL SERVICES REQUEST MEALS ON WHEELS

To see if the town will vote to raise and appropriate the sum of \$1,000 (one thousand dollars) to Meals on Wheels for the purpose of providing meals and safety services to qualified Kensington residents. Our services helped 4 (four) Kensington residents and provided them with 892 meals and wellness checks. The town support makes a difference. This is a special warrant article. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The tax impact of this article will be an increase of \$0.001 per \$1000 valuation. (zero point one cents per thousand dollars of valuation.)

This article will move to the ballot as stated.

Article 23 - Social Services Request One Sky Community Services.

Moderator Bragg reviewed the article and there was no further discussion.

## Article 23 SOCIAL SERVICES REQUEST ONE SKY COMMUNITY SERVICES

To see if the town will vote to raise and appropriate the sum of \$700 (seven hundred dollars) to One Sky Community Services Inc. to address those critical client needs that are currently not funded and will not be funded in the future, for items like medical supplies, clothing, food, dental care, temporary housing, home modifications, and emergency assistance. All monies that are raised yearly through our fundraising efforts go directly to One Sky Community Services Inc.

Our mission is to enable every person we serve to grow and enhance their abilities to live as independent, valued, participating members of their community. This is a special warrant article. (Majority Vote Required.)

The Board of Selectmen unanimously recommend this article.

The tax impact of this article will be an increase of \$0.001 per \$1000 valuation. (zero point one cents per thousand dollars of valuation.)

This article will move to the ballot as stated.

Article 24 - Acceptance of Personal Property Donated.

Moderator Bragg reviewed the article and there was no further discussion.

### Article 24 ACCEPTANCE OF PERSONAL PROPERTY DONATED

To see if the town will vote to authorize the selectmen to accept gifts of personal property, other than cash, to the

municipality for any public purposes. This authorization, in accordance with RSA 31:95-e, shall remain in effect until rescinded by a vote of the town meeting.

The Board of Selectmen unanimously recommend this article.

This article will move to the ballot as stated.

Susan Varn, 106 Drinkwater Road, added that there were postcards with information regarding the Community Power warrant article available on a table by the exit. Moderator Bragg thanked everyone for attending and the session adjourned at 8:28pm.

Respectfully submitted,

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