

**Town of Boscawen
Select Board
MEETING MINUTES
Thursday, January 19, 2023 at 6:00 PM**

In Attendance: Lorrie Carey, Matt Burdick, Kate Merrill, Katie Phelps, Nicole Hoyt, Kearsten O'Brien, Kellee Easler, Sarah Gerlack, Kevin Wyman, Tim Kenney, Dean Hollins, Bonny John Jason Killary and Gary Moore.

Guests: Charlie Niebling, Bill Bevans, Kevin Hartshorn, Mike Fisher

Roll Call: completed and guests introduced.

Chairwoman Carey called the meeting to order at 6:00pm.

Chairwoman Lorrie Carey suggested a clarification in the 12.15.22 minutes that Selectman Matt Burdick motioned to preliminarily approve Mr. Ed Cherian as a representative of the Electric Aggregation Committee.

Chairwoman Carey asked Mr. Bill Bevans, a member of the public, to clarify his public comment on the one-time State of New Hampshire bridge payment discussed at the 01.12.23 meeting. Mr. Bevans clarified that he asked what bridges the Town would be repairing or if they planned to build a new bridge. Chairwoman Carey noted the 01.12.23 minutes should reflect the change.

Chairwoman Carey noted grammatical changes to the 01.12.23 minutes.

Selectman Burdick motioned to approve the Consent Agenda as amended. Seconded by Chairwoman Carey. All in favor. None opposed.

Scheduled Guests and Hearings:

There will be a Public Hearing, in accordance with NH RSA 32:11, Emergency Expenditures and Over Expenditures, at Boscawen Town Municipal Offices, 116 North Main Street, Boscawen on January 19, 2023 after 6pm to request approval for an Emergency Expenditure, under RSA 32:11, in the amount not to exceed \$50,000. These funds are for unanticipated expenses related to a Health Officer's action needed to rectify a source of danger to the health of the public located at 437 High Street, Boscawen, NH 03303, by placing a failing septic system into proper sanitary condition, pursuant to RSA 147. The source of the revenue would come from the unassigned fund balance which at the time of tax rate setting had a balance of \$899,498. Per order of the Boscawen Select Board.

Health Officer Kellee Jo Easler stated there has been an ongoing public health hazard involving a failed septic system. There had been complaints in years prior, but at that time, the Town was unable to determine whether the system was in failure. This year, they received another complaint and verified the septic systems failure. Health Officer Easler retained an

administrative warrant to go onto the property with a septic inspector to determine that, in fact, the septic system was in failure. Health Officer Easler reviewed the issue with legal to follow the appropriate steps. The Town must have a public hearing because it happened after the 1st of the year. If the homeowner refuses to pay or is not financially capable, the Town is responsible for correcting the issue. The Town would set up a payment plan with the individual if they are not financially capable. If the property owner refuses to pay, the Town will place a lien on the property, and it will accrue interest if not paid within 30 days. The property will face an impending deed two years and one day after the placement of a lien. Chairwoman Carey opened the public hearing at 6:07pm.

Resident of 414 High St: Mr. Bill Bevans asked how many years the issue has been going on. Health Officer Easler has received numerous complaints over the last 2 years. In the past, they went out and assessed the complaint but found no issue. Mr. Bevans asked when the house was put on the lot. A permit was pulled in 2020 to replace the house after a fire which was completed in 2021. Mr. Bevans asked if there was a septic system design created when it was rebuilt. Health Officer Easler noted that it is the property owner's responsibility, not the Town. The property owners were told they would need to get a design if it was more than 2 bedrooms. Mr. Bevans said the RSA from the state explained the Town must try to get the property owners to fix the issue. If the owners can't fix the issue, they can request funds from the Town. Mr. Bevans does not agree with putting a lien on the property.

Resident of 443 High St: Mr. Kevin Hartshorn, neighbor of 437 High St. noted that he had to replace his failed septic system 2 years ago. He took out a loan from the bank and paid it back with interest. Mr. Hartshorn asked how long the property owners have to pay back, interest-free. Health Officer Easler said they have 30 days after the warrant is issued. Mr. Hartshorn asked what would happen if the individual didn't allow the workers on their property. Health Officer Easler said if the Town approves to fix the septic issue, they have allotted \$5,600 for 7 days of police detail. The process starts with fixing the septic issue. After it will go through legal and once reviewed, a warrant will be issued to the property owners. Health Officer Easler said they will pay interest rates prescribed by the state. Town Clerk Nicole Hoyt noted liens accrue at 12%.

Resident of 4 Circle Drive: Mr. Mike Fisher asked for an explanation on the total cost to fix the septic system. Health Officer Easler noted the septic installation estimate was \$29,500 and the septic design was \$2,800. The police detail is \$5,600. In total, they estimated \$37,900 but would like to plan on no more than \$50,000 in case something happens. FD Merrill noted the request stated 'up to \$50,000' so that if the expenses exceeded \$37,900, it would be covered.

Chairwoman Carey closed the public hearing at 6:23pm.

Health Officer Easler requested for approval for an Emergency Expenditure, under RSA 32:11, not to exceed \$50,000.

Selectman Burdick motioned to approve an Emergency Expenditure, under RSA 32:11, not to exceed \$50,000. Furthermore, these funds are for unanticipated expenses related to a Health Officer's action needed to rectify a source of danger to the health of the public

located at 437 High St, Boscawen, by placing a failing septic system into proper sanitary condition, pursuant to RSA 147. Seconded by Chairwoman Carey. All in favor. None opposed.

Department Head Updates: Town Clerk Hoyt presented a draft of the Town Report cover.

Selectman Burdick motioned to approve the Town Report cover as presented. Seconded by Chairwoman Carey. All in favor. None opposed.

Town Clerk Hoyt presented a sewer warrant for approval. The period covered from September to the middle of December, but it is still considered Sewer 1 of 2023. Town Clerk Hoyt noted the warrant does not include the rate increase. It will be reflected in the next sewer warrant. A letter will be attached to the first sewer warrant to make residents aware of the rate increase.

Town Clerk Hoyt noted documentation for the refund request has not arrived. The request will be deferred until documentation is received.

Town Clerk Hoyt said a resident in the sewer district has a meter that doesn't read. The meter needs to be replaced. Pennichuck has called Resident R numerous times, but they have not acted on the issue. Community Services Director Sarah Gerlack noted the meter has not been read since 2018. Town Clerk Hoyt asked the Board if there is anything the Town can do to help facilitate swapping out the meter. Penacook-Boscawen Water Precinct Commissioner, Bill Murphy, will contact Town Clerk Hoyt regarding the issue.

Deputy PCD Director Kearsten O'Brien presented an elderly exemption for approval.

Selectman Burdick motioned to approve the elderly exemption for landowner M in the amount of \$23,700. Seconded by Chairwoman Carey. All in favor. None opposed.

Town Administrator Katie Phelps requested that the Board appoint two representatives, a primary and alternative, to serve on the Community Power Coalition of New Hampshire (CPCNH). Mr. Charlie Niebling, Vice Chair of the Energy Committee said he would be interested in being a representative. Mr. Niebling also recommended Chair of the Energy Committee, Mr. Edward Cherian. Mr. Niebling noted back in December, the Select Board approved a nonbinding letter of interest to allow the Energy Committee to explore CPCNH. With that step, the Committee is entitled to representation on the CPCNH Board. There is no cost, and the Town has no obligation. Mr. Niebling said it would give the Committee the opportunity to take initiative and explore building a community power supply that would save residents money and restore local control over utilities.

On behalf of the Town of Boscawen, Chairwoman Carey motioned to approve appointing Mr. Charlie Niebling to serve as primary representative to Community Power Coalition of New Hampshire and Mr. Edward Cherian to serve as alternate representative to CPCNH and its Board of Directors. Seconded by Selectman Burdick. All in favor. None opposed.

TA Phelps received a third quote for Bond Counsel for the Bond Article on the Warrant for Sewer Projects 3 and 4. Option 1 for Bond Counsel would range between \$6,000 to \$8,500. Option 2 would range from \$3,500 to \$5,500. Option 3 would range from \$3,000 to \$5,000. TA Phelps noted that the NH Municipal Bond Bank has the ability to do interim financing, if necessary, for no cost. Option 1 has worked with the Town in past years. Options 1 and 2 would have their fees paid at the closing of the bond. Chairwoman Carey asked if they received feedback from a past or present Town Treasurer. TA Phelps has received recommendations for Option 1 and Option 2.

Selectman Burdick motioned to approve Bond Counsel Option 2 at a rate of \$3,500 to \$5,500 for the Bond Article on the Warrant for Sewer Projects 3 and 4. Seconded by Chairwoman Carey. All in favor. None opposed.

Chairwoman Carey deferred the Dollar General agenda item until Selectman Dickey is present for discussion.

TA Phelps followed up on the Board's perambulations. Chairwoman Carey deferred the discussion until all three Select Board members are present.

Chairwoman Carey motioned to recess at 6:28pm in order for the Budget Committee to hold their meeting. Seconded by Selectman Burdick. All in favor. None opposed.

Chairwoman Carey motioned to reconvene the Select Board meeting at 8:39pm. Seconded by Selectman Burdick. All in favor. None opposed.

Chairwoman Carey motioned to enter a nonpublic session at 8:40 pm under RSA 91-A:3 II (l). Seconded by Selectman Burdick. All in favor. None opposed.

Chairwoman Carey motioned to close a nonpublic session at 8:42 pm under RSA 91-A:3 II (l). Seconded by Selectman Burdick. All in favor. None opposed.

Public meeting reopened at 8:42 pm.

Selectman Burdick motioned to seal the nonpublic minutes for 1 year under RSA 91-A:3 II (l). Seconded by Chairwoman Carey. All in favor. None opposed.

No public comment.

Next Meeting: Thursday, January 26, 2023, at 6:00 PM.

Selectman Burdick motioned to adjourn at 8:43pm. Seconded by Chairwoman Carey. All in favor. None Opposed.

Respectfully submitted by Hannah Gardner