

**Town of Boscawen
Select Board
MEETING MINUTES
Thursday, March 28, 2024, at 6:00 PM**

In Attendance: Matt Burdick, Lorrie Carey, Bill Bevans, Katie Phelps, Kellee Easler, Norma Caporale, Nicole Hoyt, Jason Killary & Tim Kenney

Guests: Joshua Crawford, Jeff Abbe, Alan Hardy & Attorney Michael Harris

Roll Call: completed and guests introduced.

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

Public Hearing: Chairwoman Carey read the public notice into record: *The Town of Boscawen will hold a Public Hearing per RSA 31:95-E to take public testimony regarding the acceptance of a gift from Lowe's; a donation of equipment for the renovation of the Police Department kitchen with an estimated value of \$5,854.00 to the Town of Boscawen Police Department. The public hearing was held on Thursday, March 28, 2024, at 6:00PM in the 4th floor meeting room at the Boscawen Municipal Complex, 116 North Main Street, Boscawen, NH 03303.*

Chairwoman Carey opened the public hearing at 6:04PM.

Police Chief Jason Killary explained that one of their officers found that Lowe's donated goods to different organizations and causes, so she wrote a letter to them expressing the Boscawen Police Department's needs. Lowe's donated cabinetry, counter tops, and appliances including a refrigerator/freezer, stove, and sink. Mr. Peter Rojas from Great Dane Construction agreed to donate his labor and time to install all appliances and cabinetry. Mr. Rojas will also work with subcontractors for anything needing licensures such as electrical or plumbing.

Mr. Joshua Crawford, 22 Corn Hill Road, was in favor of accepting the gift from Lowe's for the Police Department kitchen.

Chairwoman Carey closed the public hearing at 6:07PM.

Selectman Matt Burdick motioned to accept the donation from Lowe's of equipment for the renovation of the Police Department kitchen. Furthermore, to accept Mr. Rojas' donation of labor and time to install all the appliances and cabinetry. Seconded by Selectman Bill Bevans. Roll Call Vote. All in favor. None opposed.

Non-Public Session:

Chairwoman Carey motioned to enter a nonpublic session under RSA 91-A:3 II (c) at 6:07PM. Seconded by Selectman Bevans. Roll Call Vote. All in favor. None opposed.

Selectman Bevans motioned to exit the nonpublic session under RSA 91-A:3 II (c) at 6:18PM. Seconded by Selectman Burdick. Roll Call Vote. All in favor. None opposed.

Selectman Bevans motioned to waive Map 83, Lot 88, Sublot T12 in the amount of \$3,885.50. Seconded by Chairwoman Carey. Roll Call Vote. All in favor. None opposed.

Selectman Burdick motioned to deed Map 83, Lot 88, Sublot T19 in the amount of \$3,873.97. Seconded by Chairwoman Carey. Roll Call Vote. All in favor. None opposed.

Selectman Burdick motioned to deed Map 79, Lot 94, Sublot T4B in the amount of \$2,383.80. Seconded by Selectman Bevans. Roll Call Vote. All in favor. None opposed.

Town Clerk Nicole Hoyt recommended that the deeds for Map 79, Lot 94, Sublot T4B and Map 83, Lot 88, Sublot T19 be recorded at the Merrimack County Registry of Deeds. The Board concurred with the recommendation.

Consent Agenda Items:

- P&L, Balance Sheet, Check Manifest & Payroll
- Public Minutes for Approval—03/21/24
- Code Enforcement Job Description Update
- Police Department Report Mar 18th-24th
- Revised Select Board Rules of Procedure & Agenda Policy
- Sewer Project 3 & 4 – CWSRF – Disbursements #1 and #2
- Map 183D Lot 76 Supplemental Sewer Warrant
- Elderly Exemption Landowner L - \$48,000
- Intent to Cut #24-49-01-T Map 83, Lots 68 & 68/4
- Map 96 Lot 3 –Timber Warrant #23-049-01-T - \$3,988.57
- Map 47 Lot 12 –Solar Exemption - \$17,600
- Map 79 Lot 70 Sublot 1 –Solar Exemption - \$9,600
- Veterans Credit – Landowners E, J, and J - \$500
- Map 45 Lot 4 –Land Use Change Tax & A-5/A-5W
- Map 94 Lot 23 – Timber Warrant #23-049-10-T - \$732.13
- Map 81D Lot 80 –Abatement - \$1,055.05

Chairwoman Carey inquired about the public notice budget. Town Administrator Katie Phelps explained that the town has spent 80% of the budgeted total. This was due to requirements to post public notices that were unanticipated. Chairwoman Carey asked if there was another budget line that they could use to cover the potential over expenditure. TA Phelps said that she did not plan to transfer money from another budget line at this time, perhaps closer to the end of the year, if needed. She noted it would likely be absorbed within the executive department budget.

Selectman Burdick motioned to approve the Consent Agenda as presented. Seconded by Selectman Bevans. Roll Call Vote. All in favor. None opposed.

Timber Proceeds: Mr. Alan Hardy and Mr. Jeff Abbe, Chair and Vice Chair of the Conservation Commission, discussed timber proceeds with the Board. Mr. Hardy gave background on past discussions regarding timber proceeds. The Select Board previously recommended to hold on the discussion until after town meeting so there was a decision on the Walker Pond Town Forest designation. Mr. Hardy said the transfers already took place on the books since then, and the total amount of revenue from prior timber cuts was already in the account when the transfer took place. Mr. Abbe gave history on the timber cut. The timber cut was needed due to the age of the trees. Selectman Burdick asked if the Board was waiting on the vote of the Land Use Change Tax (LUCT) at town meeting before deciding where to allocate the funds. Mr. Hardy clarified that the LUCT was specifically for the Conservation Fund. The proceeds for the timber cut go into the Town Forest fund which was a maintenance fund. Mr. Hardy said because the cuts were so spread out, the next cut from Mr. Charlie Niebling's perspective would be in 2 to 3 years in the Weir Road Town Forest. The proceeds would be about \$25,000. The Village Town Forest was cut before the town acquired it, so the Conservation Commission does not expect to cut there for 10 to 15 years. Mr. Hardy said they will spend more time creating information on the Walker Pond parcels. He noted the Conservation Commission will recommend that the northern parcel remain natural and to only do what will be necessary to maintain it. The southern parcel cuts will be in 10 to 15 years. Chairwoman Carey said Mr. Niebling mentioned the Conservation Commission was donating timber to a project at Jamie Welch Park. Mr. Hardy said there was an initial discussion, but there have not been any plans. Discussion ensued. Mr. Hardy said the Conservation Commission's recommendation was to leave the proceeds in the Town Forest fund, and to proceed with the removal of the pump house, and relocation of the hydrant.

Selectman Bevans motioned to approve proceeding with the removal of the building and relocating the dry hydrant. Seconded by Selectman Burdick. Roll Call Vote. All in favor. None opposed.

Department Head Updates: Planning and Community Development Director Kellee Easler presented a request for a building permit on a Class VI road. PCD Director Easler sent the Select Board the initial correspondence and the letter. The resident had applied for a variance and PCD Director Easler could not accept it until the Select Board had a chance to review the building permit application to either approve the request or deny. PCD Director Easler stated they must follow the 2008 letter and Select Board vote because they have not approved a policy about building on Class VI roads. Chairwoman Carey noted the Select Board would refer it to Planning Board to gather their input. PCD Director Easler clarified that they are still working with legal on the Class VI road policy, it had to go to legal prior for input, then proceed to Planning Board. Chairwoman Carey recommended to suspend the request until they received a recommendation from legal and the Planning Board.

Attorney Michael Harris, BCM Environmental & Land Law PLLC, requested to speak as he represents the applicant, Michael Brazil. Mr. Harris asked for clarification on what the recommendation from Planning Board and legal would pertain to. Chairwoman Carey clarified that the town has been discussing building on Class VI roads for over a year now. Fire Chief Tim Kenney noted that the plan was as long as there was an existing building on the lot, there was no objection on additions, but to not move forward to allow new buildings to be built on an existing lot on a Class VI road. Chairwoman Carey questioned providing fire suppression. Fire Chief Kenney said the fire suppression would be limited due to how the roads would be maintained. There would be no guarantee the fire department can get down the road. Mr. Harris stated the towns policy did not need to be changed. The 2008 policy clearly stated that at the time the Select Board exercised their discretion not to exercise the two exemptions under RSA 674:41, I, under (c) and (d). The applicant's request was to issue the building permit under RSA 674:41, I, (b) which pertained to the specific Class VI road being an accepted road as it appeared on the official town map. Mr. Harris noted the policy did not require permits to be issued under the provision of RSA 674:41, I, (b). He suggested checking with the town's legal counsel. He mentioned if the town wanted Planning Board's recommendation, they would request that the Board deny the request so they could move on to the Zoning Board. Chairwoman Carey stressed that it takes time to make change and that the applicant was not the only one who they needed to address this request with. The requests would be handled in the order received once they make a decision. Chairwoman Carey mentioned Planning Board would be able to make a recommendation at their May meeting. At this point, the Board can't make their decision without their input. Mr. Harris requested to deny the building permit. PCD Director Easler mentioned they would need to go to legal if it went to Zoning Board and their next meeting would be at the end of April. She suggested that waiting for the Planning Board meeting in May would be the quicker option. Mr. Brazil was concerned about getting an addition built before the colder months. Discussion ensued. Mr. Brazil withdrew his building permit request. TA Phelps will follow up with legal on the questions posed.

Police Chief Killary gave an Emergency Management update. He gave an overview of the impacts from the storm this past weekend. For the capital region, Merrimack County was hit the hardest. There were many trees and wires down. There were damaged vehicles and homes due to the trees falling. Between the Police, Fire, Rescue and Highway department, they responded to over a dozen incidents. There was at least one fire medical incident and mutual aid had to come assist. There were areas of town without power for an extended period of time. Police Chief Killary reached out to the other public safety departments to get estimates on labor and equipment used during the storm because he expects an email from the NH Division of Homeland Security and Emergency Management (HSEM) about disaster declarations and how much the town may have spent. Police Chief Killary said the major hazards have been cleaned up. Chairwoman Carey asked if disaster declarations assist homeowners with their insurance claims as a result of the storm damage. Police Chief Killary said it generally has been used to reimburse municipalities, but he was unsure. No further discussion.

Fire Chief Kenney gave an update on the Fire Department. He noted due to the storm, King Street was shut down in a few places and Route 4 by the Fire Station was closed for a period of

time. There was one injury, and the person was going to be okay. Fire Chief Kenney thanked Penacook Rescue Squad for assisting with the calls. Chairwoman Carey thanked all the first responders who worked during the storm.

TA Phelps noted that the Brownfields Advisory Committee will be meeting on Monday, April 15 at 7:00PM at the Municipal Building.

TA Phelps sadly informed the Board that the Boston Post Cane recipient, Lottie Hanks, passed away Sunday, March 24th. Her services will be at Phaneuf Funeral Home on Friday, April 19th at noon. The service will start at 1:00 PM and the interment will be at NH Veterans Cemetery at 2:00 PM. Mrs. Hanks was just shy of her 102nd birthday.

Chairwoman Carey suggested the Boston Post Cane policy require the Board to wait 60 days after the person has passed before soliciting applications for another recipient. All concurred. TA Phelps will revise the policy and bring it to the Board for approval next week.

Chairwoman Carey discussed improving the process of the Advisory Budget Committee and pushing engagement. She suggested inviting the Advisory Budget Committee to Select Board meetings when department heads are presenting their budgets. TA Phelps noted they have been including the members in the emails for those meetings. Discussion ensued. Selectman Bevans suggested having an additional meeting with the Advisory Budget Committee prior to the meetings with department heads, to present the initial budget and allow them to discuss. TA Phelps will schedule the organizational meeting, the meeting with the department heads, the public hearing, and the final determination meeting.

Chairwoman Carey opened public comment at 6:57 PM.

Joshua Crawford inquired about a past discussion from last week's meeting regarding the seminar in Portsmouth and what costs were associated with it. TA Phelps mentioned there may be expenses for lodging and meals. Mr. Crawford asked if they planned to use lodging for the seminar. TA Phelps noted that PCD Director Easler and Finance Director Merrill will be lodging and TA Phelps and PCD Coordinator Kara Gallagher will be commuting back and forth. Mr. Crawford questioned if there was a policy on distance for lodging. Chairwoman Carey said there was no policy on distance. The department heads plan out their budgets for training costs which include reimbursement for mileage, food, and lodging. Chairwoman Carey said there were also sometimes benefits for staying overnight including networking. Police Chief Killary added that the seminar offered evening events, and the morning events can start as early as 6:00 AM. No further discussion.

Chairwoman Carey closed public comment at 6:59 PM.

Next Meeting: Thursday, April 4, 2024, at 6:00PM.

Selectman Burdick motioned to adjourn at 7:01PM. Seconded by Selectman Bevans. Roll Call Vote. All in favor. None Opposed.

Respectfully submitted by Hannah Gardner