

**Town of Boscawen  
Select Board  
MEETING MINUTES  
Thursday, June 22, 2023, at 6:00 PM**

In Attendance: Matt Burdick, Lorrie Carey, Bill Bevans, Katie Phelps, Nicole Hoyt & Tim Kenney

Guests: John Keegan & Nancy Towle—Beautification Committee

**Roll Call:** completed and guests introduced.

Chairman Matt Burdick called the meeting to order at 6:00pm.

**Consent Agenda Items:**

- P&L, Balance Sheet, Check Manifest & Payroll
- Minutes for Approval—06.15.2023
- Barn Easement for Signature
- Report from Exec Councilor Cinde Warmington
- Primex Coverage Updates

Selectwoman Lorrie Carey noted grammatical changes and clarifications to the 06.15.23 public minutes.

**Selectwoman Carey motioned to approve the Consent Agenda as amended. Seconded by Selectman Bill Bevans. All in favor. None opposed.**

**Scheduled Guests & Hearings:** Mr. John Keegan, Chair of the Beautification Committee stated the Committee would like to do some maintenance on a few trees located at the Municipal Complex. Ms. Nancy Towle contacted Mr. Joe Bartlett, an arborist, who came out and inspected the trees.

Ms. Towle noticed last year that the two trees near the side street of the Municipal Building were dead due to the salt in the area. The little oak tree, on the side of the Municipal Complex, was decimated last year and this year. It was affected by salt, the freeze and had bleeding canker (root rot). Ms. Towle noted salt plays a huge part because it is a preservative that dries the tree out and compacts the soil so the roots can't breathe. Oak trees can only live two years if they're decimated and Mr. Joe Bartlett said there was no way of saving it unless the town spent tons of money. He recommended cutting down the little oak tree. Mr. Keegan noted that Bartlett Tree Services would cut down the oak tree at no cost to the town. They would remove all the material and cut the stump as low as they can. The Committee would need to remove the stump at some point. Mr. Keegan noted the arborist recommended moving the location of the tree away from the entrance, towards the granite bench. Ms. Towle stated that Mr. Bartlett recommended replacing the oak tree with an ivory silk Japanese lilac tree. It doesn't have leaves like a lilac, but

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it would bloom around mid-June. Ms. Towle noted it wouldn't require maintenance. She suggested if they moved it closer to the granite bench, there wouldn't be as much salt. Ms. Towle mentioned the big oak tree was also decimated and had dead branches and caterpillars chewing on the bark. Mr. Bartlett recommended spraying for gypsy moths and to aerate, breakup and cultivate the soil. Ms. Towle noted they would deposit potassium solution every 3-feet to help the roots get healthy. The total cost would be \$470 to spray for gypsy moths, aerate and inject the roots with potassium solution. Chairman Burdick asked if the town should remove the trees discussed and replace them with new trees set back further so there are no issues in the future. Ms. Towle suggested that it may cost more money to replace them all. She noted all the trees were planted at the same time, but the big oak tree was about 40 to 50 ft tall and would take a lot of work to cut down and remove. Ms. Towle noted the oak tree was historical to the town and suggested it would be better to repair it back to health. Selectwoman Carey inquired about if there was a tree maintenance plan put together for the healthy trees. Ms. Towle reached out to Mr. Bartlett to come back and do an evaluation on all the trees. She noted there are a lot of dead branches on the big Oak tree, but it could be saved. She said Mr. Bartlett mentioned that dead branches can cause safety issues if they fall and are also a health hazard for the tree because the dead branches attract insects and diseases in the wood. Ms. Towle said she plans to follow up with Mr. Bartlett with more questions. Selectwoman Carey clarified for the record that one tree needed to be taken down immediately and another needed to be nurtured back to health. Chairman Burdick asked if the Beautification Committee would fund the tree project. Mr. Keegan said most of the Beautification budget was tied to the Roundabout. The Committee only has \$300 dedicated to Beautification. Mr. Keegan noted that the Beautification Committee was asking the town for financial help to support the tree maintenance. Selectman Bevans noted that Mr. Keegan mentioned in an email that there was an individual interested in donating supplies needed for the Oak tree. Mr. Keegan clarified that the individual was no longer interested. Mr. Keegan suggested deferring the decision in order to allocate time for promoting and fundraising efforts. Discussion ensued. Ms. Towle inquired about if the Committee could move forward with the removal/maintenance process if they were to use the Beautification funds and find a donor to help with the remaining costs. The Select Board had no issues, but Chairman Burdick suggested following up with the Penacook Academy Review Committee. Selectwoman Carey noted they invited the Penacook Academy Review Committee members to attend tonight's meeting. She noted under the agreements, there was nothing mentioned about landscaping, but she agreed with Chairman Burdick, that it was important to keep the Penacook Academy Review Committee involved in beautification discussions. Town Clerk Hoyt noted that Rebekah Rolfe Sutherland could not attend tonight's meeting. She mentioned that if dead trees needed to be removed or repaired, she was in favor of moving forward. Town Clerk Hoyt explained that if the discussion called for any changes, the town would need to provide the Penacook Academy Review Committee with a proposal of the changes and a public hearing would need to be established. There were no changes in the discussion. Chairman Burdick was in favor of moving forward with a tree maintenance plan. Selectwoman Carey added that she would be in support of learning more about the tree maintenance plan and ways the community can be involved in raising money to support the plan. No further discussion.

**Department Head Updates:** Town Clerk Hoyt provided an update on the Tax Department. Civil Forfeiture notices were sent out last Friday. Residents have been very responsive in paying the fines. Town Clerk Hoyt did receive two emails requesting the fees be waived. Selectwoman Carey noted that the Select Board had an issue in the past where fees were requested to be waived and the Board had no authority. Town Clerk Hoyt mentioned there was a previous situation where a single gentleman was in the hospital for 9 months and wasn't able to pay the fees. At the time, the fees were waived. Chairman Burdick stated a few years ago the Board voted to waive fees in a similar situation, and they were promptly corrected and informed that they did not have authority. Selectwoman Carey clarified that the Board must be given authority by the state. Town Clerk Hoyt will notify the individuals and provide information on the prior Select Board decision that was not approved.

Town Clerk Hoyt mentioned that the town had the capability to add a "round up" for payment of vehicle registrations on the Town website. The round-up money could be used for any project or charity in Town. Town Clerk Hoyt volunteered to research further for the Beautification tree project.

Last week, resident Dr. Scott Maltzie discussed the new \$100 fee for foster home inspections. Deputy Planning and Community Development Director Kearsten O'Brien sent the Board information on the number of inspections and recommendations they have each year. Town Administrator Katie Phelps asked the Board if they've reviewed the materials and/or have any further questions. Selectwoman Carey noted many individuals in different sectors, both private and nonprofit businesses, are required to pay the inspection fee. Her concern was that the state required the inspection, not the town. She noted it was an unfunded mandate meaning the state would not provide funding for the inspections. Chief Tim Kenney clarified that previously there was no fee for foster home inspections. Dr. Maltzie previously voiced his concern with the new \$100 fee for inspections, which was built into the town's fee schedule. Chief Kenney noted when Mr. Fisher was the Fire Chief, he received a budget line from the town, of about \$7,000 to complete foster home inspections. The budget line has since dropped to \$1,000 for inspections that the Fire Department requests. Chief Kenney mentioned Mr. Chuck Bodien was paid strictly out of the fee schedule. He also stated the \$100 fee was required every two years. TA Phelps asked if that was written in the report. Chief Kenney said he saw it on a post made by Deputy PCD Director O'Brien. TA Phelps clarified that the two-year requirement was not stated in the report. It only mentioned information regarding who had the inspections done. Chief Kenney noted he received an email back from the Town of Salem, and they confirmed they also charge an inspection fee. Selectman Bevans said Concord's fee was around \$150. Chairman Burdick noted the inspection fee was the only cost for foster homes. They don't have a fee for foster certifications or licenses. At this point, the Select Board decided there will be no change to the foster home inspection fee.

TA Phelps provided an update on the Merrimack Valley Youth Baseball and Softball League (MVYBS) proposal. The Softball Director changed the proposal to state that MVYBS would maintain the field and grass as part of the agreement with the town. TA Phelps noted she

reviewed the proposal with Public Works Director Dean Hollins, and he had no issues with moving forward.

**Selectwoman Carey motioned to approve the proposal between Merrimack Valley Youth Baseball and Softball League (MVYBS) and the Town of Boscawen with the updated changes. The proposal would be to transform the 90 foot baseball field at the Boscawen Town Park in to a 60 foot softball field. Seconded by Selectman Bevans. All in favor. None opposed.**

TA Phelps presented a resignation letter from Mr. Mark Varney as a member of the Planning Board, for Select Board approval. Mr. Varney's resignation is effective Friday, June 30.

**Selectwoman Carey motioned to accept with gratitude Mr. Mark Varney's resignation as a member on the Planning Board. Seconded by Selectman Bevans. All in favor. None opposed.**

On behalf of PCD Director Easler, TA Phelps asked the Board which members would be able to attend the meeting with the County Commissioners on Monday, July 10th, regarding the Memorandum of Understanding (MOU) for the boat launch. The meeting will be held at the Concord Courthouse at 10:00AM. Selectwoman Carey will be in attendance on behalf of the Select Board.

TA Phelps mentioned Friends of the Northern Rail Trail previously sent a request for a donation. The Board sent the request to the Conservation Commission, and they did not take any action. TA Phelps brought the request back to the Board to discuss. Chair Burdick noted although the town would love to help, there were no funds available for donations. No further discussion.

TA Phelps said Old Home Day vendor contracts will begin coming in shortly. She asked the Board if they would like to review them individually or have her review them and sign off.

**Chairman Burdick motioned to authorize the Town Administrator to sign off on all contracts for Old Home Day for 2023. Seconded by Selectwoman Carey. All in favor. None opposed.**

TA Phelps inquired whether there was any follow up discussion about the Merrimack Valley School District response that the town received regarding the Andover Tuition agreement. Selectwoman Carey noted the email did not answer any of the questions they asked. She stated the Board asked why the actual billing rate to Andover that was set, wasn't being executed per the agreement. The Superintendent's response was that people don't always follow agreements and Andover was paying what they were billed. Selectwoman Carey said it was correct that Andover was paying what they were billed but they were not being billed correctly. Andover does not owe any money. The Superintendent who provided the response via email stated the agreement started in 2009 and was not implemented via the stated billing. When the Superintendent assumed the position of SAU in 2014, the agreement had been in place for 5

years and 7 different budget cycles. Selectwoman Carey said the Superintendent continued as the status quo which she felt was problematic because the agreement was reviewed numerous times. She stated someone should have questioned why it wasn't being implemented correctly. Neither one of the School Boards had knowledge that it wasn't being implemented appropriately. The Superintendent was the only individual who knew, and he stated the School District could not be sued over the agreement. Selectwoman Carey noted in 2013, the New Hampshire Legislature changed the law so people could indicate standing as a taxpayer, under RSA 421:22. Selectwoman Carey did not concur with the observation provided and mentioned that the town never mentioned suing the school district. She clarified that the town only asked about what the School District plans to do now that they are aware of the issue. Chief Kenney asked if the town could pursue a lawsuit now to enforce Merrimack Valley to follow the agreement moving forward. Selectwoman Carey mentioned that the response seemed to indicate that neither the Andover School Board nor Merrimack Valley School Board was at fault in the issue. The fault lies with the decision of the Superintendent who technically did not have any authority to make that decision. It was an agreement negotiated between two school boards, approved by each school board, brought to annual meetings, and approved by annual meetings. Selectwoman Carey noted the process of approval does not allow within the agreement, any negotiation or altering of the agreement, other than through a Joint Review Committee. Technically, no one had authority to make a unilateral decision. Chief Kenney stated it should be enforced moving forward. Selectwoman Carey agreed and noted she was concerned there may be a conflict of interest by having a Superintendent of two districts be involved in the negotiation and making a unilateral decision to favor one district over the other in terms of billing. Chairman Burdick was concerned with the length of the contract being 15 years. He noted, in his experience, he looks at contracts yearly or every couple years. Selectwoman Carey mentioned the reason for the length of the contract was to make up the deficit over time that Andover owed Merrimack Valley. She said in the previous contract, Merrimack Valley was under billing significantly. At the time, Merrimack Valley voters were upset that they were paying more than Andover. When the new agreement was negotiated, it was set for a long duration at the state average because Andover would be paying \$1,000 extra per year, per child, which would make up for the previous agreement. The intention of the new agreement was to catch Andover up on their payments, so each school district was paying equally. TA Phelps asked if the Board would like to take action on the information provided. Selectwoman Carey suggested following up again with the question on what they plan to do now to correct the underpayment.

TA Phelps noted the Board was supposed to sign a Generator Grant Addendum tonight, however, they must hold a public hearing first. The public hearing will be held on Thursday, July 6, 2023 at 6:00PM, regarding unanticipated revenue in excess of \$10,000.

Town Clerk Hoyt mentioned that last year the Board decided last year that they wouldn't meet on the Thursday of the 4<sup>th</sup> of July week. Chief Kenney noted he remembered the approval. Selectwoman Carey noted Planning Board will be meeting on Wednesday, July 5<sup>th</sup> for an extended session. TA Phelps said that if the Board intends to take days off in the summer, they should request time off soon because the meetings are filling up with guests and hearings.

Chairman Burdick suggested reviewing the schedule as soon as possible. TA Phelps noted she can review the upcoming agendas and follow up with what has been planned for meetings.

Chairman Burdick opened public comment at 6:44 PM.

Chairman Burdick closed public comment at 6:45 PM with no public input.

**Next Meeting:** Thursday, June 29, 2023, at 6:00 PM.

**Selectwoman Carey motioned to adjourn at 6:45 PM. Seconded by Selectman Bevans. All in favor. None Opposed.**

*Respectfully submitted by Hannah Gardner*