

**Town of Boscawen  
Select Board  
MEETING MINUTES  
Thursday, February 8, 2024, at 6:00 PM**

In Attendance: Lorrie Carey, Bill Bevans, Katie Phelps, and Jason Killary

Absent: Matt Burdick

Guests: Mason Donovan, Loren Martin, and Joshua Crawford

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

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

**Consent Agenda Items:**

- P&L, Balance Sheet, Check Manifest & Payroll
- Public Minutes for Approval—02/01/24
- Backpack Program Donation \$500 Franklin Savings Bank
- Riverbend PILOT Agreement Renewal (Signatures)
- 2024 Merrimack Valley Youth Baseball & Softball Field Use Agreement (Info)
- Municipal Records Committee Appointment—KJE (Signatures)

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

**Department Head Updates:** Town Administrator Katie Phelps presented a request on behalf of Boscawen Girl Scout Troop #63928. They would like to sell cookies at the Municipal Office on Thursday, February 22nd from 3:00PM to 5:30PM, and on Saturday, March 2nd at the Transfer Station from 10:00AM to 2:00PM. TA Phelps checked with Public Works Director Dean Hollins, and he had no issues with them selling cookies at the Transfer Station.

**Selectman Bevans motioned to allow the Boscawen Girl Scout Troop #63928 to sell cookies at the Municipal Office on Thursday, February 22<sup>nd</sup> from 3:00PM to 5:30PM , and at the Transfer Station on Saturday, March 2nd from 10:00AM to 2:00PM. Seconded by Selectwoman Carey. Roll Call Vote. All in favor. None opposed.**

TA Phelps noted that the Penacook-Boscawen Water Precinct Budget Hearing will be Wednesday, February 14th at 6:00PM at the Precinct office: 9 Woodbury Lane.

TA Phelps reached out to Boscawen Elementary School (BES) about the town meeting location. Principal Jeff Drouin approved the town to hold the town meeting portion on March 12th at BES. TA Phelps clarified the town still needed a voting location for town meeting. Discussion ensued. Selectwoman Carey stated the preferred location would be BES, but if the school was not an

option, the Boscawen Public Library would be the Board's second choice. TA Phelps will reach out to the Trustees of the library to see if they could accommodate.

TA Phelps presented a resignation for the Zoning Board (ZBA) for Mr. Roger Sanborn.

**Selectman Bevans motioned to accept Mr. Roger Sanborn's resignation from the Zoning Board. Seconded by Selectwoman Carey. Roll Call Vote. All in favor. None opposed.**

TA Phelps noted that the town received a purchase offer for the Torrent Station. She invited Mr. Mason Donovan—121 Water Street to the table to discuss. Mr. Donovan explained that he offered to buy the Torrent Station with the vision of turning it into commercial use. He mentioned there were still many limitations that could cause issues such as hazmat remediation, sharing the lot with Penacook Rescue Squad, limited parking, no green space, replacing windows, new electrical and plumbing. Mr. Donovan planned to work with Mr. Mike Harmon to renovate the Torrent Station. Selectwoman Carey asked what type of commercial use Mr. Donovan envisioned for the building. Mr. Donovan envisioned the building to be used for living space upstairs and a store or art gallery downstairs. He did not feel it should be used as a food establishment given the limitations. Discussion ensued. Mr. Donovan would maintain the façade of the building. He had an idea for a mural on the building showing the history of the Boscawen Fire force. Selectwoman Carey will send Mr. Donovan contacts at Kimball Jenkins who could help with the mural. The Board will vote next week on how to proceed when all board members are present. TA Phelps asked Mr. Donovan if any considerations were made for Penacook Rescue Squad, since they were located in the rear of the building. Mr. Donovan said the agreement between the town and Penacook Rescue Squad would have to be conveyed over to the new owner. No further discussion.

TA Phelps noted that the Cybersecurity and Infrastructure Security Agency (CISA) assessments for the Police Department (PD) and Municipal Building have been scheduled. The PD assessment will be on Thursday, April 18th and the Municipal Building will be on Tuesday, April 23rd. CISA staff will come into the building and spend approximately 3 to 4 hours on each assessment. Cybertron staff will be available for any questions they may have. TA Phelps discussed the Protected Critical Infrastructure Information (PCII) Program which protects information and discovered vulnerabilities from being disclosed via RSA 91-A. TA Phelps said there was an expressed and certification statement form that could be submitted to CISA which would keep the information private. The Board agreed to submit the expressed and certification statement form.

**Selectwoman Carey motioned to approve the Cybersecurity and Infrastructure Security Agency assessments. Seconded by Selectman Bevans. Roll Call Vote. All in favor. None opposed.**

Selectwoman Carey opened public comment at 6:12PM.

Ms. Loren Martin previously voiced concerns about misappropriation of impact fee spending to the Board. Ms. Martin stated when she met with the Board, the course of action discussed was that Ms. Martin would continue to gather information from town staff, and then she would reconvene with the Board to determine how to proceed. Ms. Martin was surprised to receive a letter from Town Counsel stating that the Board was confident that all the spending was approved by the Board. Ms. Martin noted she did not disagree that the current Board or prior Boards approved that spending. Ms. Martin questioned what changed from the original course of action. Selectwoman Carey stated the discussion was a personnel matter and the Board was unable to discuss further. Ms. Martin previously asked the Board to enter a non-public session under RSA 91-A:3 II (c) and the Board discussed the matter and due to the nature of how it was presented, the Board cannot discuss it further publicly. Discussion ensued. Ms. Martin stated she was not asking a personnel question or naming anyone; the question was for the Board pertaining to impact fee spending. Selectwoman Carey said it would have been ideal if Ms. Martin submitted a list of questions so the staff could follow up because neither she nor Selectman Bevans would have direct information on the filing and recordkeeping of impact fees. Ms. Martin stated she provided the information to the Board and provided it again at the Planning Board meeting. Ms. Martin said she raised legitimate concerns about the fees that were misspent such as upgrading the school sound system, school paving, a shooting range, meeting room monitors, the PCD door, checks, and an office chair. Selectwoman Carey noted that was Ms. Martin's opinion. Ms. Martin noted the items did not appear to be needed for new development, so her question was pertaining to whether the Board planned to rectify the issue. Selectwoman Carey said the Board sent all the information provided by Ms. Martin to legal counsel. Selectwoman Carey mentioned at the Planning Board meeting, Ms. Martin, and Central NH Regional Planning Commission (CNHRPC) disagreed with information CNHRPC provided the town regarding impact fees. Ms. Martin admitted to disagreeing with Mr. Mike Tardiff. She noted when she spoke to him about it, he had mentioned it to his colleagues, and they disagreed with him as well. Selectwoman Carey stated Mr. Tardiff did not mention it in public to the Board and it was too late because he provided the recommendation years ago to Community Development. Ms. Martin clarified it was not a recommendation from CNHRPC. It was specifically about Chief Jason Killary's spending when he spoke about the radar signs. Ms. Martin asked Mr. Tardiff directly if he had made recommendations to the Board on impact fee spending and he said they do not provide recommendations on it, and they would tell the town to contact town counsel. Ms. Martin heard from town counsel, and they did not necessarily believe that the town complied with the law which was why she asked the Board how they planned to move forward. Selectwoman Carey said they were working on the issue and because it was a personnel matter, they could not discuss further steps at this point. Ms. Martin stated personnel did not misspend the money. She said the Board approved the spending. Selectwoman Carey clarified that the Board approved recommendations from the staff. They have to research who made the recommendations and who supported them. She stressed that it was a lot of work because Ms. Martin essentially asked for all the town's history on impact fees, and it takes time to find the information because most people who made the decisions no longer work for the town. Selectwoman Carey noted there was also a lot of legal fees involved and she regretted cutting the legal expense budget for this year. Ms. Martin asked why legal counsel was at the Planning Board meeting. Selectwoman Carey said counsel was present to answer any questions

on impact fees. Ms. Martin stated there was a difference between her role as Planning Board Chair and what that means with impact fees, and her questions regarding misappropriation of funds. She included impact fees on the agenda for Planning Board to discuss the impact fee schedule because Planning Board was obligated to review the schedule annually. Selectwoman Carey said since there was lack of clarity on why the town of Boscawen had impact fees, legal counsel was there in case there was a misunderstanding on why the town had fees. Discussion ensued. The Board and Ms. Martin did not agree on the ability to discuss further. The Board noted they could not discuss it due to it being specifically requested as a personnel matter. Ms. Martin did not believe she was asking a personnel matter and was just questioning the board on a plan. Selectwoman Carey noted Ms. Martin specifically requested the discussion to be a personnel matter and made accusations regarding personnel which was why they could not discuss it further and must investigate. Ms. Martin clarified that she did not make any accusations and she specifically stated she was not there to name names or point fingers. Selectwoman Carey stated there was an ongoing investigation and until it was complete, they could not discuss. Selectman Bevans noted they were currently trying to go back into records to find who approved and why. No further discussion.

Mr. Ray Fisher questioned why the public could not give comment at last week's public hearing regarding the Boscawen Town Budget. He stated they went through the municipal part of the budget, but not the material in the Warrant. The public hearing was closed, and only the Budget Committee and Select Board could speak on it. Selectwoman Carey clarified that it was the Advisory Budget Committee meeting and the Chair opened public comment back up because the issue was raised that people wanted to speak on the warrant. They presented the warrant and then closed public comment. Mr. Fisher stated he spoke about the Municipal part of the budget and asked if they were going to discuss articles in the warrant. The only article they discussed was Article XIII before the meeting was closed. Mr. Fisher said in the closed session they spoke about the Facilities Manager's car, and he wanted to speak about it. Mr. Fisher asked why the Facilities Manager had a personal vehicle to run back and forth to work with. Selectwoman Carey clarified that the truck was stationed at the Municipal office. Selectman Bevans said the Facilities Director does not have the truck for personal use. It has been strictly used for town business. Mr. Fisher voiced concern about the meeting not being open to the public the entire meeting. Selectwoman Carey noted it was the Advisory Budget Committee's meeting and he reopened it at the warrant article section which only Mr. Fisher spoke about Article XIII, so they closed it hearing no other comment. Discussion ensued. Mr. Fisher suggested public comment be allowed if someone has their hand up during a Public Hearing.

Selectwoman Carey closed public comment at 6:27PM.

### **Non-Public Sessions:**

**Selectman Bevans motioned to enter non-public under RSA 91-A:3 II (c) at 6:28PM. Seconded by Selectwoman Carey. Roll Call Vote. All in favor. None opposed.**

**Selectman Bevans motioned to exit non-public under RSA 91-A:3 II (c) at 6:34PM. Seconded by Selectwoman Carey. Roll Call Vote. All in favor. None opposed.**

**Selectman Bevans motioned to seal the nonpublic minutes under RSA 91-A:3 II (c) as it could affect adversely the reputation of any person other than a member of the board. Seconded by Selectwoman Carey. Roll Call Vote. All in favor. None opposed.**

**Next Meeting:** Thursday, February 15, 2024, at 6:00PM.

**Selectwoman Carey motioned to adjourn at 6:35PM. Seconded by Selectman Bevans. Roll Call Vote. All in favor. None Opposed.**

*Respectfully submitted by Hannah Gardner*