

**Town of Boscawen  
Select Board  
MEETING MINUTES  
Thursday, March 31, 2022 at 6:00 PM**

In Attendance: Matthew Burdick, Lorrie Carey, Paul Dickey, Kate Merrill, Nicole Hoyt, Katie Phelps, Kearsten O'Brien, Gary Moore, Alan Hardy, Kim Kenney, Polly Dawson, Tim Kenney, and Lyman Cousens.

Chairwoman Carey opened the public meeting at 6:00 P.M.

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

**Selectman Paul Dickey motioned to approve the Consent Agenda with the removal of the 03.24.22 minutes. Seconded by Selectman Matthew Burdick. All in favor. None opposed.**

**New Business:** Ms. Kim Kenney, a member of the OHD Committee came before the Board to seek guidance. She said OHD Committee has a lot to get done before August 27<sup>th</sup>. Ms. Kenney is in charge of entertainment for Old Home Day and the Golf Tournament. At their last meeting, the Committee discussed having food trucks at the OHD event. Ms. Kenney asked for help with gathering information on food trucks and the contact of one of the entertainers she is trying to contact. There was an email chain containing information and times. Ms. Kenney feels that the Committee needs to meet more than once a month because they have too much planning to do and decisions to make before August for two major events. Vendors contact at their own convenience, so it is important to be able to meet and approve things that need to be done in a timely manner. Ms. Kenney is seeking clarification on how to make once a month meetings work with a small committee. Chairwoman Carey said RSA 91-A has become more complicated and stricter as time has gone on. When more than one person is added into a conversation it is considered a meeting. Chairwoman Carey said they have been given guidance by Town Counsel to not "reply all" in emails. It is appropriate to reply one on one with the individuals. No decisions should be made by email. Decisions should be made at meetings, so the public understands why the Committee made the decision. Ms. Kenney asked why OHD Committee became a part of the Town. Mr. Lyman Cousens thinks that is a different issue. He stated the law says a meeting is a quorum of the Committee. A discussion between two members without making a decision is appropriate because it is considered seeking information. Ms. Polly Dawson said two Committee members are going to meet with Dick Denbriht in which they will need to make decisions at that time. Chairwoman Carey suggested at the Committee's meeting they should authorize the members to make that decision. If they need to spend money, they can pre-authorize the member to spend up to that amount and then confirm the purchase at the next meeting. Ms. Kenney asked if other people could join her entertainment subcommittee so she can contact them. Chairwoman Carey said the issue with subcommittees is if they are a quorum of the Committee. Ms. Dawson stated the bigger the Committee, the better. Deputy PCD Director Kearsten O'Brien is actively trying to recruit volunteers for the Committee.

Code Enforcement Officer Alan Hardy said the question about how the town goes about the repairs at Jamie Welch Field has come up. There has been a fair amount of vandalism in the last

two years in which the town didn't address because they weren't actively using the park. The Merrimack Valley Youth Baseball and Softball League has asked to get things back in place. Town Administrator Katie Phelps sent pictures to Primex, and they came back with suggestions. The suggestion was to bring it to code. CE Officer Hardy doesn't think everyone is aware of the consequences to bring it up to code. It would mean they have to bring it up to the current code if they made significant modifications. Within the building codes, there is a 40% threshold. CE Officer Hardy wanted the Select Board to be prepared for questions on if they should take everything up to code. The issue right now is the replacement of a warmup or on deck circle where the chain link fence was torn down. The second issue is a low set of bleachers. It is typically 3 to 4 rows high, so it doesn't require a back and sides. CE Officer Hardy wouldn't replace the current bleachers they have. The current bleachers have treated plank. The plank deteriorates over time and creates splinters. CE Officer Hardy would recommend the three row all aluminum sets. There was also a question on how tall the chain link fence should be. CE Officer Hardy said they have both 4-foot and 6-foot. He thinks that they should replace all with 6-foot because it is safer. The third issue is vandals took out the serving window that faces the Dorval House. He would recommend that it be replaced with safety glass. He spoke to Facilities Director Gary Moore about a way to find a contractor that would be willing to make a repair rather than a replacement. They can go back to the code if necessary. The steps coming out of the dugout weren't part of the original discussion, but they are an issue. They are depressed in the ground 31-inches to the lower deck. CE Officer Hardy said almost every single measurement in there is wrong currently. The issue would be if they want to replace all four sets in which would mean bringing them all up to code. It also means there would need to be a handrail. There is no handrail currently. It also means the step coming out of the dugout, back to grade is too deep. They have found a solution for this in the past by changing a landing with ledge pack or concrete. Selectman Dickey thought they were asked to replace the bleachers and the fence. TA Phelps said the other issues arose when she sent the pictures to Primex. Chairwoman Carey asked if anyone was held responsible for the vandalism. TA Phelps said there was no claim filed and no one was caught. CE Officer Hardy said the two acts of vandalism were separate. Selectman Dickey asked if they could use plexiglass for the snack shack window. CE Officer Hardy said they could look at newer products like Lexan that might meet the code. Selectman Dickey said Public Works could replace the steps. Chairwoman Carey asked if the serving window is boarded up when the season is over. There was a panel that was hinged at the top and hitched on the inside so you could put it up. Selectman Dickey asked when the season started. The Merrimack Valley Youth Baseball and Softball League will email TA Phelps a list in April when it is finalized. Primex just gave recommendations, but it isn't required to bring it up to code. They could focus on what is necessary for this year. Selectman Dickey thinks they should replace the bleachers and window this year. Chairwoman Carey suggested checking with FD Moore on the pricing. FD Moore already received pricing on the bleachers. He is waiting to receive information back from 3 fence companies. He was under the impression they were only replacing the one bleacher that wasn't there. FD Moore has been in touch with a company in Manchester for the glass. He is going to try to take the existing frames and put an acrylic in it. Selectman Dickey recommended boarding up the glass in the winter. FD Moore will come back with more information on the timeline on when it can be done. They are looking to do the bleachers immediately and the 6-foot fence.

Deputy PCD Director O'Brien presented an intent to excavate for Map 81A, Lot 19, Sublot A.

**Selectman Burdick motioned to approve the intent to excavate Map 81A, Lot 19, Sublot A. Seconded by Selectman Dickey. All in for. None opposed.**

Deputy PCD Director O'Brien presented a Gravel Tax Levy excavation warrant for Map 81, Lot 19, Sublot A.

**Selectman Dickey motioned to approve the Gravel Tax Levy excavation warrant on Map 81, Lot 19, Sublot A. Seconded by Selectman Burdick. All in favor. None opposed.**

Deputy PCD Director O'Brien presented a Timber Warrant for Map 47, Lot 44.

**Selectman Burdick motioned to approve the Timber Warrant 21.049.02T, Map 47, Lot 44 in the amount of \$77.54. Seconded by Selectman Dickey. All in favor. None opposed.**

Deputy PCD Director O'Brien presented a Timber Warrant for Map 94, Lot 17.

**Selectman Dickey motioned to approve the Timber Warrant 21.049.01T, Map 94, Lot 17 in the amount of \$2,005.93. Seconded by Selectman Burdick. All in favor. None opposed.**

Deputy PCD Director O'Brien presented an Intent to Cut for operations 21.049.12T.

**Selectman Burdick motioned to approve the intent to cut for operations 21.049.12T. Seconded by Selectman Dickey. All in favor. None opposed.**

**Department Head Updates:** FD Moore said the original quote for the Torrent roof was \$37,800. By going to an architectural shingle, they were able to save \$5,800. In total the project would be \$32,000. The architectural shingle is the same make as the other. They have the same 50-year lifetime warranty. The only difference is the shape. They match shingles on the Penacook Rescue Squad building as well. The people working on this project are doing different parts such as putting all new plywood underneath. If it doesn't need to be done, the town could save more money. They are also using ice and water shield to cover the whole roof. In the chimney, they are grinding out and applying new 12" lead flashing into the Mortar Joint. The cupola roof will be completely reconditioned with new plywood, ice and water shield, drip edge, shingles, apron flashing, wood trim detail and a new fully adhered .60 mil rubber membrane system. They would like to get this done in May. Jasmor is willing to only require a \$10,000 deposit and give the town enough time to pay the remaining balance after taxes come in June. FD Moore said he made a verbal agreement with them that if it takes longer to pay the balance, they are okay. Chairwoman Carey said in looking at their policy regarding purchasing, they did approve it under a sole source justification originally. The company had the shingles they were looking for. This would be a change from those shingles to the new shingles. This company did the municipal building roof. Chairwoman Carey is recommending under the Town of Boscawen's Purchasing Policy that they exercise #5 under "Cases Not Requiring Bidding Procedure" which is other situations as determined on a case-by-case basis by the Select Board and that they retain the sole

source for this situation. The contractor can start sooner and has previously worked on a town building. It will cost taxpayers \$5,000 less than what was anticipated.

**Chairwoman Carey motioned under the Town of Boscawen's Purchasing Policy to exercise #5 under "Cases Not Requiring Bidding Procedure" and approve Jasmor Properties LLC's updated quote of \$32,000 for roof repair. Seconded by Selectman Dickey. All in favor. None opposed.**

FD Moore presented the updated contract for Jasmor Properties, LLC. to the Board.

**Selectman Burdick motioned to authorize Town Administrator Phelps to sign the updated Jasmor Properties, LLC. contract on behalf of the Select Board. Seconded by Selectman Dickey. All in favor. None opposed.**

Chief Tim Kenney received another bill from MRI at the end of January. He is wondering if they can take the expense out of the Contingency account. TA Phelps noted that the books for last year are closed and they can't take it out of contingency at this point. Last year the Board approved to take the study out of contingency, but the bill was received after the books had closed. At this point, they need to find a budget line to pay the bill. The total amount is \$768.20. Chief Kenney said he is willing to absorb the cost in his budget. He could take it out of his FD administration line. Chairwoman Carey said if there is a budget issue that arises, they will revisit the topic.

Deputy PCD Director O'Brien and Finance Director Kate Merrill met with the firefighters to talk about the safety manual. Even though they are not employees, they're volunteers, it is important to know their concerns about the fire department needs. They said they need a new washing machine for fire gear because it could save the town money down the road. Health hazard wise, it helps firefighters overcome secondhand smoke that wasn't properly washed off the first time. The current wash machine doesn't have a fast enough extractor to spin. Deputy PCD Director O'Brien talked with Chief Kenney about having a Fire Advisory Board because fire volunteers are going to be paid on call. It can help address the fire station's concerns and stay on track with Primex. Deputy PCD Director O'Brien's goal is to continue to work with the fire department. Chief Kenney thinks it's a great way for civilians to get to know the Fire Department and understand what they do and how it operates. It also is another outlet for Chief Kenney to get information. His only concern is they would need to meet more frequently to get going and understand what the fire department does. He would want to meet once a month for the first year at the municipal building. Deputy PCD Director O'Brien is asking to change it from a commission to an advisory board and keep the ex-officio the same.

**Selectman Dickey motioned to approve Deputy PCD Director O'Brien assisting the Fire Department and advising the Select Board on the Fire Department's needs. Seconded by Selectman Burdick. All in favor. None opposed.**

Deputy PCD Director O'Brien, Life Safety Office Chuck Bodien, and Fire Chief Tim Kenney went to Town Hall and sent a package of pictures on what they observed. They need to repair and replace the inoperative emergency lighting units, repair the openings in the ceiling, and

provide fire separation in the boiler rooms. Use of the kitchen facility is dependent on resolving the stove hood issue. It must be brought up to the commercial use standard. The barrier free ramps do not meet the current standard with respect to the slope, handrails, and clear openings to exterior door. Any proposed renovation projects should include a code review by a licensed architectural engineer. The current slope grade on the ramp going into Town Hall is a 2x12. It needs to be a 1x12. The metal railings need to extend up past where the ramps start. The door going to the wheelchair ramp needs to be at 36 inches. It is currently at 30 inches. The boiler needs an inspection as of April 28<sup>th</sup>, 2022. Deputy PCD Director O'Brien clarified that it is not the Life Safety Officer's position to say they can't operate but he will not sign the Place of Assembly Permit. It is the discretion of the Select Board. Deputy PCD Director O'Brien is concerned as the Joint Loss Mitigation Chair that if they allow people in Town Hall with the current issues and something happens, they would be liable. She recommends having Primex evaluate the building and make recommendations. Regardless, they would have to board up the kitchen because it can't be used. Selectman Dickey asked what was wrong with the boiler. Deputy PCD Director O'Brien said the wall needs fire suppression in between it. Chief Kenney said he discussed with LSO Bodien that there is no easy solution to renovating the building. He said the Select Board needs to determine what they want to do. It isn't as simple to bring it up to code. The Select Board needs to determine how many people are allowed in there. They also need to find out how much work it would be to bring it up to code. Chief Kenney recommended having a professional such as a PE that can review the issues. Chief Kenney said his review of anything up to 2010, they got rid of the exemption for existing on ADA compliance. The building would now need to be ADA compliant. They would need to determine the square footage of area and find out if it needs two exits. Chief Kenney suggested the Select Board decide on what they want to do with the space and have a professional look at the codes and estimate costs. Deputy PCD Director O'Brien said Primex made recommendations back in 2015 and the hall was out of compliance. There was multiple issues. There was no GFCI by the sink or coffee makers. The boiler room required 5 age code drywall metal screening openings and Life Safety was out of compliance at the time and still is. Primex would like Joint Loss to get back to them on a BCC facility usage agreement. There is currently no facility usage agreement with BCC. Deputy PCD Director O'Brien said if the Select Board wishes she can request Primex to do a walk through. Chairwoman Carey said they need to know what priorities need to be done to open the building. Deputy PCD Director O'Brien said the Select Board can see it in person as well if they let her know so she can schedule it. Chairwoman Carey said they also need to respect what townspeople have provided for the Town Hall as well. Deputy PCD Director O'Brien will contact Primex to do a walkthrough. Selectman Burdick suggested having a member of the church as part of the walkthrough. Deputy PCD Director O'Brien has kept in touch with members of the church. When she did the town's Place of Assembly, she also reviewed the church.

PCD Director Easler asked the board if they had specific locations for the traffic counters. Selectman Dickey suggested one on Route 4 and one on Corn Hill Rd. Chairwoman Carey said they should put them near new developments. Selectman Dickey said they are only putting in two this year. Deputy PCD Director O'Brien suggested US 3 West of Queen St. PCD Director Easler said in 2020, US 3 and 4 South of Queen St and North of Queen were done with a count of 14,000 vehicles. The Select Board decided to redo them. PCD Director Easler will find out when they will be installing the counters.

TA Phelps said UConn is accepting applications for their summer and fall Municipal Assistance Program. The summer application deadline is April 15<sup>th</sup>. They provide Brownfield's redevelopment, inventory, summaries of environmental records, site reuse assessment, sampling plans and community engagement materials. TA Phelps wanted to know if the Board was interested in the program since they have a Brownfields site. TA Phelps said NH Department of Environmental Services had sent the opportunity to the town and suggested it. The Select Board decided on the evaluation of re-development options for priority sites in a municipality.

TA Phelps was notified that the Department of Revenue rejected their warrant because it was not signed by the Select Board when it was posted. It will require a Special Town Meeting to fix the procedural defect. Other than this procedural defect, there are no concerns from DRA with the warrant. Selectwoman Carey commented that the Water Precinct had also had to go through this process in the past to correct a procedural defect. The Select Board will need to determine a date for a Public Hearing to explain why they are having a Special Town Meeting to fix a procedural defect. They also need to pick a date for the Special Town Meeting. Multiple department heads have been discussing the matter and have come up with suggestions. They recommend holding the Public Hearing on Thursday, April 14<sup>th</sup> after 6:00pm at the Select Board meeting to explain the purpose of the Special Town Meeting. It was recommended that the Special Town Meeting be held at a location that could accommodate the same amount of people as Town Meeting. The municipal complex cannot hold that capacity. Mr. Fred Reagan confirmed that Boscawen Elementary School is available Friday, April 22<sup>nd</sup> at 7:00pm or Saturday, April 23<sup>rd</sup> at 11:00am. TA Phelps said it will require the attendance of the Moderator, Town Clerk to take official minutes, Supervisors, and the Select Board. TA Phelps said there would be one warrant article to ratify the results of the March 8, 2022 meeting. They need to post the signed MS-636, the procedurally defective warrant (unsigned) and the new ratified warrant (with hand signed signatures). The Select Board decided on holding the Public Hearing on April 14, 2022 after 6:00pm at the Municipal Building. The Special Town Meeting will be held at Boscawen Elementary School at 7:00pm on April 22, 2022.

**Selectman Dickey motioned to approve having Legal Counsel at both the Public Hearing and Special Town Meeting on April 14<sup>th</sup> and April 22<sup>nd</sup>. Seconded by Selectman Burdick. All in favor. None opposed.**

TA Phelps said there was a phishing email going around to staff posed as an NHMA email. One unfortunate person clicked on it and entered their information and password. From there, emails were sent from that individual's email across the United States. She has been receiving calls and emails and the US Department of Homeland Security CISA Department opened an investigation. The email account has been deleted at this point. They tried to change the password, but it didn't work. They are working with Cybertron, Primex and US Department of Homeland Security to get it resolved. TA Phelps suggested checking emails twice before clicking on them and ask if they think it is suspicious. TA Phelps said there is a Cyber Security team from Primex looking into it as well.

Town Clerk Hoyt said they just finished the first quarter of the year so they will have revenue numbers for next week. Every quarter they submit their tax totals to the Census Bureau. She will

be receiving the Water Precinct numbers next week to create the Commitment report in the second warrant for 2022. They sent out all the cards for the dogs that were unregistered to let community members know about the rabies clinic. Town Clerk Hoyt received a letter from Concord Regional Solid Waste. They are part of that cooperative and they usually have two representatives from Boscawen. Concord Regional Solid Waste requested a reappointment. The current board representative was Ms. Rhoda Hardy, and the alternative was PWD Dean Hollins. They would like to switch positions. Town Clerk Hoyt presented appointment letters for the Select Board to certify.

Town Clerk Hoyt said there are two sewer abatements that happened last year during COVID. The authorizations were made during the meeting, but a signed document was never received. They were reapproved last week in the consent agenda. The Select Board signed tonight.

Chief Kenney said they got the new Mini Pumper truck on Tuesday. It will not be in service for two weeks while the Fire Department trains on it. They are coming Monday night to give the fire fighters a pump class. It operates differently than the engines. Chief Kenney has two license plates, but they are different. Town Clerk Hoyt received two certificates of origins for the truck with the same VIN numbers but different information. Chief Kenney said he and the Clerk need to meet about the fire permits too. Chief Kenney is asking for permission for Corporal Mottram to try to get a free pickup truck or SUV from the military to have a command vehicle. It will help when the road project starts. It will be lettered and have sirens to get through the project area.

**Selectman Dickey motioned to approve authorization of Corporal Mottram to investigate a free vehicle from the military surplus for Fire Department usage. Seconded by Selectman Burdick. All in favor. None opposed.**

Chairwoman Carey wanted to bring up the Town Historian. She suggested taking a senior member of the community and partnering them with a junior member of the community. It will give them some transition and longevity in the position. The board members agreed with the suggestion. Chairwoman Carey said the public recommended Elaine Clow. She suggested partnering Ms. Kim Kenney with Ms. Elaine Clow if they would be willing.

**Chairwoman Carey motioned to enter a nonpublic session under RSA 91-A, 3 II (d). Seconded by Selectman Burdick. All in favor. None opposed.**

**Chairwoman Carey motioned to exit a nonpublic session under RSA 91-A, 3 II (d). Seconded by Selectman Dickey. All in favor. None opposed.**

**Selectman Dickey motioned to reverse the deeding process for landowner K. Seconded by Selectman Burdick. All in favor. None opposed.**

**Chairwoman Carey motioned to enter a nonpublic session under RSA 91-A, 3 II (a). Seconded by Selectman Burdick. All in favor. None opposed.**

**Selectman Burdick motioned to exit a nonpublic session under RSA 91-A, 3 II (a). Seconded by Selectman Dickey. All in favor. None opposed.**

**Selectman Dickey motioned to seal the nonpublic minutes under RSA 91-A, 3 II (a) for three years. Seconded by Selectman Burdick. All in favor. None opposed.**

**Next Meeting:** Thursday, April 7, 2022 at 6:00 PM.

**Selectman Burdick motioned to adjourn. Seconded by Selectman Dickey. All in favor. None Opposed.**

*Respectfully submitted by Hannah Gardner*