

**Town of Boscawen  
Select Board  
MEETING MINUTES  
Thursday, August 24, 2023 at 6:00 PM**

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

Guests: Ross Cunningham—Merrimack County Administrator & Loren Martin—Avitar Associates

**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 (2 Weeks)
- Nonpublic/Public Minutes for Approval—08.10.2023
- Final Sewer 53 Eel & 37 Commercial—*Signatures*
- 23.049.05E Intent to Excavate
- 22.049.12T Timber Warrant

Selectwoman Lorrie Carey noted grammatical changes and clarification to the 08.10.23 public minutes.

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

**Scheduled Guests and Hearings:** Mr. Ross Cunningham, Merrimack County Administrator, spoke about the request for good cause for two parcels of County land and the proposed Memorandum of Understanding (MOU) for the Boat Launch, and the issue surrounding taxing the areas. Mr. Cunningham put together a letter noting good cause and gave points for each parcel as to why it fits the categories. He wanted to discuss the letter and receive feedback from the Select Board. The areas discussed as part of the MOU are county owned land for governmental purposes, exempt from taxation per RSA 72:23, unless it was part of the county farm. A letter he drafted clarified that the parcel was not part of the county farm and was exempt from taxation because; a) it primarily contains the cemetery for the nursing home and wetlands; b) river access is also governmental purpose and not part of the county farm; and c) none of those uses (nursing home cemetery, wetlands, boat ramp or river access) relate to the county farm and therefore the property is exempt. Selectwoman Carey asked if they received feedback from Avitar Associates on the situation. Ms. Loren Martin from Avitar Associates provided her feedback on the MOU and request for good cause. She stated the parcels were not exempt under RSA 72:23. The parcels are owned by the Merrimack County Farm and not in use for

governmental purposes. It is a vacant parcel with a boat launch. Ms. Martin said the statute was clear and it would not be exempt from state law. She suggested once the bills were out, the county could apply to the Town for an abatement. It would need to be reviewed by the Select Board annually after taxes. Ms. Martin felt the Select Board did not have the authority to enter into agreements that would lock in future boards. The Board could decide whether to abate fully or partially. Selectwoman Carey clarified that RSA 72:23 would not be applicable in this case and legally the town could not make an argument. However, the Board could, as part of the MOU, review it annually for abatement and good cause. Selectwoman Carey asked Mr. Cunningham if this was acceptable. Mr. Cunningham said with the anticipated work they have discussed doing, there may be a change in view of what would be taxed and not. He noted the county paid a legal team to also review the MOU and good cause. Presently, the public has access to the boat launch without any work being done. The request for good cause would memorialize working in partnership to improve the space so townspeople will be more drawn to use the area. Mr. Cunningham felt that the RSA should be challenged by the County Delegation and have a discussion surrounding what county farm is versus what it isn't. He noted the terminology was outdated. The property is not used as a farm anymore. They have some areas where they grow crops. Mr. Cunningham stated he would need to review with the County Commissioners about the annual review process. Ms. Martin said she recommended reviewing annually for future board decisions. Mr. Cunningham understood the concept of reviewing annually but on the county side, if they were to do all the work to improve the space and something fell apart, and the MOU went away, there could be a tax increase. Selectwoman Carey inquired about next steps. Ms. Martin said the county would file an abatement after the bill and the board would review it for approval. She said the board could make an agreement now, but it would not be legally granted until after the bill was out. Selectwoman Carey suggested amending the MOU to have an annual review and abatement as part of the process. Selectman Bevans clarified that the MOU was still in process. He said the town has to pay the tax anyway along with other towns in the county. Selectman Bevans felt that other bigger towns in the county would question why their taxes went up. He noted the taxes would be raised for everyone in the county to pay the bill. Selectwoman Carey supported amending the MOU and having an annual review because it keeps the town legally compliant, it allows the relief the county was seeking and allows future Select Boards to review. Mr. Cunningham will discuss further with the County Commissioners and continue to work with Planning and Community Development Director Kellee Easler and Town Administrator Katie Phelps.

Selectwoman Carey suggested if the County Commissioners felt the land was not assessed for modern times, it would be a good time to review it as well. Mr. Cunningham said their attorney suggested having a conversation with representatives about the outdated terminology. He said the situation was awkward regardless of if they collect taxes or raise the taxes. They are using an outdated RSA for taxing, and it needs to be updated. Mr. Cunningham said the only county that has farming operations is Grafton County. They sell their produce to the community. Mr. Cunningham said Merrimack County donates anything they don't use internally. They also have a contract for hay. Mr. Cunningham noted Commissioner Tracey suggested donating the hay, so they weren't generating revenue which is why the hayfields have been a bone of contention. They were collecting \$3,500 for hay which was why they decided to donate it because there was

no tax benefit. Discussion ensued. Ms. Martin said the land should be in current use farmland and if it isn't, she was willing to review it. PCD Director Easler asked if they would be looking at land use change tax (LUCT) when they do the solar project. Ms. Martin did not have an answer. Selectwoman Carey noted there were many complications with the tax structure in the state of New Hampshire because it was based on an agrarian system which the town no longer operates under. She said it was the responsibility of the legislature to update some of the statutes. No further discussion.

**Department Head Updates:** PCD Director Easler gave a Board of Health update. There was a property in town that was releasing chemicals from air conditioners. The complaint process has been started and they are working on a Cease and Desist order. Selectman Bevans said they were opening air conditioners and draining them out into the air which was very dangerous. PCD Director Easler spoke with the NH Department of Environmental Services (DES), who stated it was not in their jurisdiction. Deputy PCD Director Kearsten O'Brien put in a request to the Environmental Protection Agency (EPA) but has not heard back. PCD Director Easler noted the Police Department cannot get involved until it has gone through the court system. Discussion ensued. PCD Director Easler will send updates to the Board and have more information at the next meeting. Selectwoman Carey asked PCD Director Easler who she contacted at NHDES. She reached out several times to the Air Permitting Department but has not heard back. Selectwoman Carey suggested reaching out to the Water Department because it would impact water quality. PCD Director Easler will reach out to the NHDES Water Department tomorrow.

PCD Director Easler and TA Phelps discussed the towns previous practice regarding welfare inspections. In prior years, they had a health and life safety inspection prior to issuing town funds for welfare. It was recommended to conduct an inspection before giving out money for housing, in order to meet Chapter 48-A Housing Standards for rentals. PCD Director Easler said over the years the inspections stopped and she was unsure why. Selectwoman Carey was in favor of conducting health and life safety inspections. She noted it was important, given the situations they have dealt with recently, to be aware of the services people need. Town Clerk Nicole Hoyt asked how often the inspections would take place. PCD Director Easler said the inspections would be conducted on Tuesday and Friday mornings. If they receive the necessary information the day before, then they can schedule the inspection for the next day. It has usually been conducted within 24 hours. Finance Director Kate Merrill asked if it would be an annual inspection for hotels. PCD Director Easler said the previous Community Service Director would send the individuals to her for an inspection and they would notify the CS Director if they passed. TA Phelps asked how the costs would be covered for the contractors to complete the inspections. PCD Easler was a salaried employee and Mr. Chuck Bodien was paid through life safety by the inspection. Discussion ensued. Selectman Bevans asked how many cases they have previously inspected. FD Merrill said there has been sometimes where they process checks on a weekly basis and multiple times a week. She was concerned that it could get expensive in the winter if they are sending inspectors to the hotel weekly. FD Merrill suggested doing a general inspection on hotels. Overall inspections would take place at hotels or any housing that the town is paying for. Town Clerk Hoyt mentioned a situation that took place a few months ago during the discussion of reinstating inspections. They found a landlord that wasn't supposed to be a

landlord and had to find new housing for the individual. She was in favor of reinstating the inspections because it can also ensure that landlords are following life safety requirements. Selectman Bevans suggested if it was a landlord or rooming house, they should be able to charge the person that owns the building. PCD Director Easler said it would need to be a decision made by the Select Board. Chairman Burdick said the landlords could decide not to house anymore or charge more. Selectman Bevans said rooming houses in town should be required to have an annual inspection that the landlord pays for. There are 2 sober living facilities in town. Chief Kenney said the Fire Department inspects them annually. He stated there should be a life safety inspection conducted annually as well. Chief Kenney will discuss further with Mr. Bodien. FD Merrill asked if the inspections would only take place in town. She noted they did homelessness assistance outside the town as well. PCD Director Easler was unaware they did homelessness assistance outside of town. She was focused on inspections in Boscawen. FD Merrill said in the past it was hard to find places when programs ended so they would have to reach out to other towns. Town Clerk Hoyt noted it was part of the law that they must pay for it no matter the location. Selectwoman Carey asked for an estimate of how many individuals they process each year. Town Clerk Hoyt could not provide an estimate. She said sometimes it has been returning individuals or just helping with resources. Town Clerk Hoyt will ask Community Services Director Alicia Hakins for a number of individuals who may meet the criteria for this year. She noted CS Director Hakins was working on updating the costs for food for families. Town Clerk Hoyt noted housing costs were extremely high which will be an issue going into budgeting for next year. PCD Easler will research inspections further and the Board will decide at the next meeting.

TA Phelps and PCD Director Easler attended the 2023 Brownfields Conference in Detroit, MI. They did a lot of walking and training. PCD Director Easler said they had modular apartments that were stacked for small lots. TA Phelps noted there were also examples of mixed-use concepts, similar to thoughts for Commercial Street, with businesses on the bottom and living space on the top. PCD Director Easler said she did learn that the town will need to pay for the infrastructure on Commercial Street. A developer will want a site ready in order to purchase it. Selectwoman Carey suggested speaking with the congregational delegation and ask for funds.

PCD Director Easler stated the town has a Building Inspector Municipal Agreement and there was a question about how to pay for it. She noted their new employee has been keeping track of building and life safety inspections. They have a municipal agreement to help the Town of Canterbury. FD Merrill said the agreement stated the town does not get reimbursed for personnel expenses. She proposed if the town lends out a building inspector or life safety officer, they should be getting reimbursed. PCD Director Easler noted previously it was part of staff's salary. Presently, building inspectors are paid per inspection by the people getting permits. FD Merrill mentioned it should be the building inspector and admin fee since it was scheduled through the town office. The fee would be \$75. Selectwoman Carey asked if it was an ongoing agreement. PCD Director Easler said the last time it was signed was 2021. Selectwoman Carey suggested reviewing it annually. PCD Director Easler asked how they would like to proceed with Canterbury. Selectwoman Carey suggested making proposed changes to the agreement and send the draft to Canterbury. Furthermore, to invite them to a meeting to discuss further.

PCD Director Easler presented an abatement for Land Use Change Tax (LUCT) for Map 183D, Lot 16 Sublot 1. Selectwoman Carey asked for clarification on the abatement. Selectman Bevans said the value decreased by \$2,500. They need to abate it and add another abatement for the difference. Town Clerk Hoyt asked if it has been paid. Selectman Bevans said according to the email, it was outstanding. Ms. Martin from Avitar Associates noted it can be fully abated and reissued to correct the difference or they can leave what was billed and abate the difference. She noted there was an acreage issue and part of the land on the lot was still in current use. FD Merrill asked if there was supposed to be an abatement and supplemental. Ms. Martin said it would be an abatement and new bill. FD Merrill said both letters were abatements. Ms. Martin said the supplemental bill should be with the abatement. There was no revised abatement in the materials for the meeting. Chairman Burdick suggested deferring the abatement to revise it and only do the difference. Discussion ensued. Ms. Martin said it was originally billed at \$6,450 and it should have been billed at \$6,200. She suggested revising the abatement and posting the difference of \$250. PCD Director Easler will retype the abatement for the next meeting.

Town Clerk Hoyt will have an update on the revised Tax Payment Agreement at the next Select Board meeting.

Town Clerk Hoyt noted each year she requests for the office to be closed for 3 occasions. At the end of June, they close at noon for the state fiscal close. In December, they close at noon for the Tax Collector fiscal close. This year the dates fell on Fridays, so they don't need to close. The last event is the NH City and Town Clerk Education Conference because the town staff in the Town Clerk Department work on the election and motor vehicles. Town Clerk Hoyt requested to close the office on October 11th and 12th (Wednesday/Thursday). She also asked if moving forward it would be better to present the closure requests, if dates are known, when FD Merrill presents the holiday closure schedule. Selectwoman Carey suggested all departments should be presenting conferences, training dates and election dates. She said they could hold a town meeting, so residents are aware of the possible closure dates due to conferences, trainings etc. Town Clerk Hoyt noted next year there will be 3 closure dates for elections. The town election will be able to stay open because it will be at the library. Town Clerk Hoyt noted when Select Board members are at elections, they should be utilized for ballot clerks or greeters.

Town Clerk Hoyt updated the Board on the number of transactions happening online for Invoice Cloud. Since January the town has had 1,918 transactions that brought in \$718,696. It included 41 of residents on autopay and 240 on paperless. The number was brought up from the previous discussion on whether or not to add an option on the website where people could make a round up donation. Town Clerk Hoyt said they didn't budget for it, but it will be part of her presentation for next year's budget. Selectman Bevans asked if they would need to approve every donation. Selectwoman Carey said they would just approve the process. FD Merrill will check with the auditors on the process. She said they will need to distinguish what cause the donations are going to. There was discussion on having a drop-down menu and letting residents choose which organization or committee to donate to. Town Clerk Hoyt recommended they could bring the online payments monthly for approval. FD Merrill said she doesn't usually bring

the box donations for approval because they are cash and if they are denied, they can't return them. Town Clerk Hoyt will research further for information. Town Clerk Hoyt noted residents will have numerous donation options with a minimum. Selectman Bevans asked if there was a surcharge for paying with a credit card. The surcharge is 2.95%. He asked if the surcharge would apply to the donations. Town Clerk Hoyt will research further.

Town Clerk Hoyt brought up the Merrimack County situation with the Memorandum of Understanding and abatement. She referenced the town charging the Town of Canterbury for inspector fees. She questioned if it would be worth it to tax the county because the tax rate would go up and they have to tax the residents of each town within the county. Selectwoman Carey noted the argument was that other surrounding towns are actually making out because Boscawen has been conducting life safety and building inspections for free. She said years ago they calculated the cost of their services that are provided to the county and back then it was \$32,000, the cost of an employee. Since then, they have talked about having a Payment in Lieu of Taxes (PILOT) agreement with the county to help cover the cost of that town's employees who represent the multitude of services that the town provides to the county. Boscawen has a lot of untaxed land and a big portion of it is county land. If the county were taxed, it would make a difference in the tax rate for Boscawen. Selectwoman Carey said the argument goes both directions, there is a benefit and a cost to residents of Boscawen for supporting the county.

At the last meeting, Mr. Jarad Vartanian, managing Shareholder of Vachon Clukay & Company PC, presented a proposal for audit services for Town consideration. FD Merrill presented the cost proposal for entering into a contract for audit services for the Board to review. They provided a proposal for 2023 but left 2024 and 2025 optional. FD Merrill said the Town has a 3-year contract with their current auditing firm and has been following that practice. At the last meeting, Treasurer Tama Tillman recommended doing the 3-year contract unless the Board had reason not to. FD Merrill said if they do a 1-year contract the prices could increase. The 3-year contract would also help with budgeting. The Board was in agreement to move forward. FD Merrill will have Vachon Clukay & Company PC draw up a contract to be signed for 3 years. All concurred.

FD Merrill presented an ARPA Transfer for approval. She noted the request was to transfer the money back to the General Fund.

**Chairman Burdick motioned to transfer \$41.98 from the General Operating Account to the ARPA Fund to correct the overage that was previously approved to transfer on 08.10.23. Seconded by Selectwoman Carey. All in favor. None opposed.**

TA Phelps noted the Board received notification from Town Clerk Nicole Hoyt that she was submitting resignation for the Penacook Academy Review Committee. TA Phelps asked the Board to accept the resignation. TA Phelps made a recommendation to the Board to appoint PCD Director Easler to replace Town Clerk Hoyt on the Committee as the Town's representative. PCD Director Easler stated she was interested in filling the position. TA Phelps and Town Clerk Hoyt explained the role of the position and the Committee overview.

**Chairman Burdick motioned to accept the resignation of Ms. Nicole Hoyt as a member of the Penacook Academy Review Committee. Seconded by Selectwoman Carey. All in favor. None opposed.**

**Selectman Bevans motioned to approve the appointment of Ms. Kellee Easler as the Town's representative on the Penacook Academy Review Committee. Seconded by Selectwoman Carey. All in favor. None opposed.**

TA Phelps presented a request on behalf of the Merrimack Valley Youth Baseball & Softball League (MVYBS). The league requested to use Jamie Welch Field and the 90-foot Babe Ruth field from August 20th until October 22nd on Sundays, Tuesdays, and Thursdays from 5:00 to 7:30PM. TA Phelps approved them to use the field from August 20 – 24<sup>th</sup> because the Board didn't have a meeting last week. Chairman Burdick asked about transferring over the 90ft field for the youth softball league. TA Phelps noted that no vote has happened with MVYBS yet as there were concerns from the baseball parents.

**Selectman Bevans motioned to allow the Merrimack Valley Youth Baseball & Softball League to utilize the Jamie Welch Field and the 90-foot Babe Ruth baseball field from August 20<sup>th</sup> to October 22<sup>nd</sup> on Sundays, Tuesdays, and Thursdays from 5:00 to 7:30PM. Seconded by Chairman Burdick. All in favor. None opposed.**

TA Phelps mentioned that Garrett Halvorson approached her to discuss his company Apparel Impact which provides clothing and shoe drop bins. He asked if the town would allow a clothing and shoe bin at the municipal office building. It is a veteran owned business, and they would make frequent pickups. Chairman Burdick said there was one at the Transfer Station and asked if the Police Station had one. Discussion ensued. Selectman Bevans noted that there was one at the Transfer Station, but he wasn't interested in putting one at the municipal building. All concurred. TA Phelps will relay the information to Mr. Halvorson.

TA Phelps gave an update on upcoming Old Home Day events. Old Home Day will be held on Saturday, August 26th. They had a golf tournament at Den Brae Golf Course today. There are two food trucks confirmed for OHD. The parade will begin at the Municipal Office at 11:00AM and the activities at the field will begin at 12:30PM. There will be music at OHD starting at 5:30PM and ending at 8:30PM. The Teenie Wienies food truck will be serving handcrafted Italian sausages. Their truck is still 3-weeks out from their fire suppression system so they will be set up with a pop-up tent and griddles. The other food truck was Winnie's Diner. The previous truck, What's Forkin' was confirmed in May, but stopped communicating in June. They did not receive any liability insurance or deposit and last Friday, Chairman Burdick found out that the food truck was being sold. TA Phelps noted Elektrisola Copper 5K will start at 5PM tomorrow, August 25<sup>th</sup>. PCD Director Easler mentioned Central NH Regional Planning Commission will be talking about housing at OHD from 12 to 4PM and the River Walk Visioning Session for Redevelopment of the Mills on September 9, at 1pm on Commercial Street.

TA Phelps received a 91-A request from the Monitor for the 03.23.2023 Non-Public minutes. TA Phelps sent them with redactions because it mentioned Veteran's tax credit information. She recommends that the Board review the minutes and seal due to the confidential information. It appears that they were meant to be sealed, however, there was no motion made in the public minutes sealing them in March.

**Chairman Burdick motioned to seal the 03.23.2023 Non-Public minutes under RSA 91-A:3 II (c) because it would 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.**

Selectman Bevans attended the Public Safety Committee meeting at the Fire Department and noticed the fire alarms in the bay area needed to be fixed. He put them in 20 years ago at no charge and would like to fix them again at no cost to the town. Selectwoman Carey said if he was donating services, he has to provide an assessment of the value of his services and submit it to the town. The town would need to confirm there was no payment received from Selectman Bevans to the town. Selectman Bevans will provide an assessment and fix the alarms.

Fire Chief Tim Kenney gave an update on the Fire Department. They are getting ready to transfer the old Police Chief's vehicle. He said it doesn't make sense to take out the radios and emergency lights to reinstall them, so they are looking to transfer the Fire budget to the Police budget for the cost. FD Merrill asked if they could code the expense out of the fire budget instead of doing a line transfer so next year when they do the budget, it doesn't show that it increased. It won't be a yearly expense. Chief Kenney said he will code it out of his radio personnel line.

**Selectman Bevans motioned to allow the Fire Chief to cover the cost of the Police Department emergency lights and radio from the Fire Department budget. Seconded by Selectwoman Carey. All in favor. None opposed.**

PCD Director Easler was informed about illegal OHRV use on the Boscawen Village Town Forest. People are accessing it from private land on Queen Street. She noted it was being investigated and will be addressed accordingly.

Selectwoman Carey opened public comment at 8:28 PM.

Selectwoman Carey closed public comment at 8:29 PM.

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

**Chairman Burdick motioned to enter a nonpublic session at 7:29pm under RSA 91-A:3 II(c). Seconded by Selectwoman Carey. Roll Call Completed. All in favor. None opposed.**

**Selectwoman Carey motioned to close the nonpublic session at 7:56pm under RSA 91-A:3 II(c). Seconded by Selectman Bill Bevans. Roll Call Vote. All in favor. None opposed.**



**Chairman Burdick motioned to seal the nonpublic session under RSA 91-A:3 II (c) under affects 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.**

**Selectman Burdick motioned to enter a nonpublic session at 7:58pm under RSA 91-A:3 II(I). Seconded by Selectwoman Carey. Roll Call Vote. All in favor. None opposed.**

**Selectwoman Carey motioned to close the nonpublic session at 8:15pm under RSA 91-A:3 II(I). Seconded by Selectman Burdick. Roll Call Vote. All in favor. None opposed.**

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

**Next Meeting:** Thursday, September 7, 2023, at 6:00 PM.

**Selectman Bevans motioned to adjourn at 8:18PM. Seconded by Selectwoman Carey. All in favor. None Opposed.**

*Respectfully submitted by Hannah Gardner*