

**Town of Boscawen
Select Board
MEETING MINUTES
Thursday, October 12, 2023 at 6:00 PM**

In Attendance: Matt Burdick, Lorrie Carey, Bill Bevans, Katie Phelps, Kate Merrill & Jason Killary

Guests: Loren Martin, Owen Harrington—Boscawen School Board Representatives & Bill Heinz

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
- Nonpublic/Public Minutes for Approval—09.28.23
- Nonpublic/Public Minutes for Approval—10.05.23
- Executive Report from Councilor Warmington
- Sewer Abatement 146 N Main St—Signatures
- 2022 Audit Final Report (Informational)

Selectwoman Lorrie Carey noted grammatical changes to the 10.05.23 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: TA Phelps welcomed Ms. Loren Martin and Mr. Owen Harrington, Boscawen School Board representatives, to discuss the payment agreement for Merrimack Valley School District and the tuition reduction for Andover. Mr. Harrington explained that a letter had been sent out from the Merrimack Valley School District's legal counsel outlining the process and the current situation. He expressed that he was not fully aware of the dynamics. Selectwoman Carey noted that she was surprised by the letter from legal counsel because it did not address the questions the Select Board had asked. Instead, it addressed whether the School Board had the legal authority to amend the contract, a question to which the Board already knew the answer. Chairman Burdick noted the first question was when did Andover School District request the reduction of tuition and to whom did they make the request to? Mr. Harrington did not have an answer. How many times did the Andover School District request a reduction of tuition during the life of the current agreement that expires in 2024? The Board questioned the process that was in place when a reduction of tuition was requested. Did a Merrimack Valley School Board Committee review the request and make a recommendation to the School Board for a tuition reduction? Selectwoman Carey clarified that any contract or discussion typically goes to a committee for review, and the committee then makes a recommendation to the School Board, which the School Board takes action on. Chairman

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Burdick asked whether the School Board could provide minutes of the meetings where the reduction of tuition payments for Andover School District was discussed and approved, both at the committee and board level. Ms. Martin inquired whether the Select Board questions were submitted to the School Board under a right-to-know request, and if not, whether it should be. Selectwoman Carey said it was not submitted under a right-to-know request. She stated that a right-to-know request, RSA 91-A, was typically an adversarial process, but that was not the intent of the Boscawen Select Board. Selectwoman Carey explained that the reason they decided to speak with Boscawen school representatives was that they didn't perceive the situation as adversarial. Instead, it was seen as a process for clarification, as Boscawen residents had previously approached the Select Board to express their concerns about the situation. Selectwoman Carey mentioned that the Board aimed to gain clarity on the situation so they could effectively communicate the process used back to the residents. Mr. Harrington asked if it was the first time the list of questions had been asked. Selectwoman Carey said the questions had been asked in several different ways over a period of time, but they did not receive any answers. She personally stated that she read the letter from the School District's legal counsel and found it to be a fabrication due to the lack of facts provided. Selectwoman Carey said that the first thing any lawyer should do is determine the facts with which they can initiate a conversation with anyone involved in the process. Selectwoman Carey served as the Chair of the School Administrative Unit (SAU) for 10 years, and the lawyer never reached out to her. She led all the negotiations for the contract and also chaired all the meetings that were called to order. She believed that if the lawyer was seeking facts, they would have contacted her. Selectwoman Carey stated that there were no requests from the Andover School Board for tuition reduction, no meetings held to discuss the contract, and no meetings held by the Merrimack Valley School Board to discuss the contract. There was never a vote taken, and it was never an agenda item. Selectwoman Carey noted that problems arise when the government decides to sweep things under the rug because there will come a time when these issues emerge. She expressed that it's always better to admit when you have made errors rather than lie. People start to distrust the government due to the lack of transparency. Selectwoman Carey also noted that for 15 years, the same contract had been on the website, and there was never an amendment presented to the public. She said the public believed that the document on the website represented the agreement between Merrimack Valley and Andover. Selectwoman Carey noted that the Select Board was within their rights to ask these questions. Mr. Harrington agreed but mentioned it was his first time hearing these questions, and, therefore, he couldn't answer them at this time. Selectwoman Carey stated she initially believed through the annual meeting that it was an error or omission. At the time, she reached out to Randy Wormald and mentioned she thought it could be resolved and asked if they could clarify with Primex that it would be covered under the error or omission policy. That was when she was informed that it wasn't an error or omission. She noted that Ms. Seelye Longnecker, Chair of the Merrimack Valley School Board at the time, was equally surprised about the issue. Selectwoman Carey said she believed when it was brought to the attention of the school board, that it would be corrected. She attended a School Board meeting to ask them to fix the issue, and she concurred with all questions the Select Board and residents posed. She stated they had a Department of Education corrective action plan, which stated in the minutes that Andover was satisfied with their agreement and no changes were made. She also noted that within Mike Martin's transition plan, when he transferred out of the Superintendent

role, there was a transition plan with an education component of every aspect of the school operations. She stressed the importance of the information being reviewed. Chairman Burdick stated the Select Board's hope was to have the Boscawen School Board representatives take the questions back to the SAU to get answers. Mr. Harrington agreed to bring the questions before the SAU board but mentioned he could not guarantee the Select Board would hear back. Chairman Burdick said the purpose of tonight's discussion was to contact the Boscawen School Board representatives, who serve for Boscawen, to investigate the matter and provide feedback based on their findings. Selectwoman Carey noted that residents found that Andover had an average household income of over \$101,000, while in Boscawen, they have an average of \$88,000. Andover's tax rate was \$21 per thousand, and Boscawen's was \$31 per thousand. She said residents voiced their concerns over why they were subsidizing tuition for a wealthy community to send children to their school. Ms. Martin mentioned that since she joined the School Board, there has been no vote or discussion regarding the agreement currently in place. Any such discussions or votes would have occurred before her time on the Board. Selectwoman Carey recommended that when adjustments are made to agreements, they should be discussed in public sessions and posted on the website to ensure transparency and provide the public with a clear understanding. Furthermore, she recommended creating a policy that would require any contracts that generate revenue for the Merrimack Valley School District to undergo review by both the School Board and the Superintendent to ensure oversight. Selectwoman Carey suggested that a Superintendent serving on two SAUs could create a conflict of interest. Regarding negotiations, the Superintendent should not be directly involved, but serve in an advisory role to prevent any perception that one district is favored over the other. No further discussion. The Boscawen School Board representatives will bring the concerns and questions to the SAU and Merrimack Valley School Board.

Department Head Updates: Finance Director Kate Merrill presented donations for approval. At movie night, there was a donation jar for the Parks and Recreation program, and they made \$132. There was also an anonymous donation of \$100 for the Backpack Program.

Selectwoman Carey motioned to approve the \$132 donation for the Parks and Recreation program. Seconded by Chairman Burdick. All in favor. None opposed.

Chairman Burdick motioned to approve the \$100 donation for the Backpack Program. Seconded by Selectman Bevans. All in favor. None opposed.

FD Merrill presented a budget line transfer on behalf of Town Clerk Nicole Hoyt. The transfer was between Town Clerk and Tax budgets.

Chairman Burdick motioned to transfer \$315 from account #4151334 TC Equipment, Software and Supplies to account #4151334 TX Lien Expenses under RSA 31:10E. The Lien Expenses line item was underfunded to cut the budget. It was a fluid amount based on how many people pay to release their prior liens. Seconded by Selectman Bevans. All in favor. None opposed.

FD Merrill spoke with Mr. John Jones from Franklin Savings Bank, who asked if the town would like to apply for another tax anticipation note. The town applied for one last year because they didn't know when the tax rate would be set, but they didn't end up utilizing it. FD Merrill suggested applying for another tax anticipation note as a precaution in case anything were to happen.

Selectwoman Carey motioned to approve moving forward with the application for a tax anticipation note. Seconded by Chairman Burdick. All in favor. None opposed.

FD Merrill noted the Social Security Administration released their 2024 COLA at 3.2%. There was no action on the COLA.

Police Chief Jason Killary gave an update on the Police Department. They hired a new police officer today, Officer Noelle DeLorie from Tilton Police Department. She comes with 10.5 years of experience and lives locally across the river in Canterbury. She has a great interest in doing evidence which is uncommon because it involves a lot of dangerous items, timelines, and restrictions. Her first day will be October 30th. Police Chief Killary was excited to bring her on because she has a lot of experience that could benefit the department.

Police Chief Killary accepted a letter of resignation from Officer Ryan Smith. He will be leaving the department on October 21st. Officer Smith will be working for the Northfield Police Department and receiving a \$5,000 sign-on bonus, \$2 to \$3 more an hour, and a take home car. Police Chief Killary said the officers are saddened by his departure and are grateful for his service. Once Officer Smith leaves, they will be looking to hire another officer.

Police Chief Killary discussed the Police Advisory Board, which is an official town committee subject to specific rules and procedures. The committee expressed that the group's purpose could be better served if it were not a formal town committee. Police Chief Killary gave some background on why the Committee was established. Discussion ensued. Selectwoman Carey stated that one of the reasons the Police Advisory Committee was established was due to an incident on social media. As a result, it was decided that the committee should be established so that the public would have input into the Police Department and could ask questions. It also offered the Police Department the opportunity to use the committee as a sounding board as they created their budget. Selectwoman Carey said they also had discussion about combining Police, Fire and Public Safety so all entities could give advice to the public. Police Chief Killary agreed that the three departments should be intertwined but emphasized the difficulty of getting people to participate. He asked the Board what they would like to see from the committee. Chairman Burdick agreed that it did not need to be an official committee. Selectwoman Carey suggested the committee could share any programming ideas that the community might need. She said for example if they wanted to incorporate a police or fire explorer program. Chief Killary asked if other town committees present updates to the Board. Selectwoman Carey clarified that all town committee's give the Board an update and they also have Ex-Officio's for all committees. She noted for example that the Beautification Committee was not as formal, but they present and ask for permission on any project or change they would like to initiate. Selectwoman Carey felt the

Board should be aware of the events and ideas the advisory committee has. Chairman Burdick suggested making it less formal and having department heads report any updates to the Board. Discussion ensued regarding notice requirements. The committee meets every two months. Chief Killary said they discussed switching locations of the meeting between the Police Department and Fire Department to further involve townspeople in their work. Selectwoman Carey mentioned they recently provided pizza at the Fire Department meeting to encourage people to come and make it less formal. Chairman Burdick asked how many members were on the committee besides the three chiefs and minute taker. Chief Killary noted they have 2 members. Selectwoman Carey suggested advertising the Police Advisory Committee on the town website to encourage people to join. Chief Killary asked for guidance on what the committee should be doing. Selectwoman Carey said the committee can help with budget formation because the public will provide feedback. Furthermore, it allows the departments to explain the needs of their budgets. The departments serve to educate the public on what they do. She also suggested to involve younger residents. Chief Killary said they are trying to involve younger community members. He asked about the requirement on the number of members on a committee. Town Administrator Katie Phelps said currently that the Committee shall have a minimum of 4 appointed members. Chief Killary asked the Board to reduce the minimum number of members to 3.

Selectwoman Carey motioned to reduce the number of members required for the Public Safety Police Advisory Committee to 3. Seconded by Selectman Bevans. All in favor. None opposed.

TA Phelps asked for clarification about whether the committee was still called the Police Advisory Committee or the Public Safety Advisory Committee. Discussion ensued. Chief Killary asked the Board for approval to change the Police Advisory Committee to the Public Safety Advisory Committee.

Chairman Burdick motioned to approve changing the name of the Police Advisory Committee to the Public Safety Advisory Committee. Seconded by Selectwoman Carey. All in favor. None opposed.

TA Phelps noted she sent out the draft Rules of Procedure for the Public Safety Advisory Committee to Ms. Barbara Randall. They need to approve it at the next meeting. She mentioned that Ex-Officios can vote. Chief Killary clarified that the Chiefs are not voting members of the committee.

Selectwoman Carey suggested publicizing the need for members on the Public Safety Advisory Committee. Chief Killary said at the Gate Night event, they will be handing out pamphlets on how to join or attend. They want to ensure that as many residents as possible attend, to allow the departments to answer any questions the residents may have and provide a better understanding of what they do. Chief Killary noted it could bring in interested individuals for the professions as well. Selectwoman Carey saw that as an opportunity because the Police Department has an auxiliary group that would like to create a scholarship. Chief Killary said they want to create a

scholarship and change the name. Right now, there are more female officers than male officers at the department. The Police Ladies Auxiliary is outdated and inaccurate. One of their goals for next year will be to change the name to the Boscawen Police Department Benevolent Association to better portray the mission of the group. Chief Killary said they want to do a scholarship for a local youth attending college in a law enforcement program. They also want to focus on monthly events to engage with the community. The Chiefs discussed going to the library in their gear to do reading time with the kids. They work with the Elementary School a lot as well. No further discussion.

TA Phelps noted one of the account numbers was incorrect on the budget line transfer and needed to be amended.

Chairman Burdick motioned to amend the motion made earlier for the transfer of funds for \$315 from account #4140332 TC Equipment, Software and Supplies to account #4151334 TX Lien Expenses under RSA 31:10E. Seconded by Selectwoman Carey. All in favor. None opposed.

TA Phelps presented a request from a resident to allow them to post a tree stand in the Boscawen Town Forest. He has made this request for a couple years in a row. TA Phelps had the resident sign a release of liability form.

Chairman Burdick motioned to approve permission for Nathan Young to post a tree stand in the Boscawen Town Forest with a permit expiring October 1, 2024.

Selectman Bevans asked why the resident waited until October to ask for permission. He noted hunting season expired December 15 or 20. He had no issue with it but mentioned that kids go in the town forest and could find hunting equipment. Chairman Burdick noted it was a good point because Fish and Game recently changed the rules as far as public land tree stands. Selectman Bevans said they changed the rules so that people could put up a tree stand on landowner's properties without permission, but for public land, permission was still required. TA Phelps said the Board can vote to change the date if they prefer it to be the end of the year.

Chairman Burdick amended the previous motion to approve permission for Nathan Young to post a tree stand in the Boscawen Town Forest, with an expiration of December 31, 2023. Seconded by Selectman Bevans. All in favor. None opposed.

The Board also requested that the tree stand be removed effective December 31, 2023.

TA Phelps presented an Intermunicipal Agreement with the Town of Canterbury. TA Phelps and Planning and Community Development Director Kellee Easler met with the Town Administrator of Canterbury. The agreement has been amended to allow both towns to recover personnel fees if they were to cover for building inspection or code enforcement. Boscawen pays inspectors per inspection. This update would ensure that taxpayers were not paying for inspections in other towns. The amended agreement would have compensation of \$60 per inspection for Building

Inspector and Code Enforcement Officer fees for both towns. Selectman Bevans asked if the town has to pay mileage for the inspectors. TA Phelps said mileage was included under administrative.

Chairman Burdick motioned to approve the Intermunicipal Agreement between the Town of Canterbury and Boscawen for the Building Inspector and Code Enforcement fees as amended. Seconded by Selectwoman Carey. All in favor. None opposed.

TA Phelps presented three solar exemptions for approval.

Chairman Burdick motioned to approve the \$7,200 Solar Exemption for Map 45, Lot 3. Seconded by Selectman Bevans. All in favor. None opposed.

Chairman Burdick motioned to approve the \$6,400 Solar Exemption for Map 183C, Lot 121. Seconded by Selectman Bevans. All in favor. None opposed.

Chairman Burdick motioned to approve the \$4,800 Solar Exemption for Map 183D, Lot 23, Sublot T7. Seconded by Selectwoman Carey. All in favor. None opposed.

Selectwoman Carey gave an update on the Agricultural Commission meeting. She gave a shoutout to a few individuals. Mr. Steve Geddes sculpted the old man of the mountain into a 750lb pumpkin that was grown in town, at the Big E. Furthermore, at the Big E, New Hampshire residents were recognized as Agricultural Adventure Awardees and that included Mr. John Porter. Selectwoman Carey mentioned the weekly market bulletin of the Department of Agriculture was written by Mr. Josh Marshall. At the meeting, the Commission renewed their NH Preservation Alliance membership. They discussed farm bill status and Asian jumping worms. People should be concerned with these types of worms. They look like earth worms, but they deplete the soil, so people don't want them in their gardens.

Selectwoman Carey mentioned that the 1st Annual Pumpkin Ride and Walk will be held Saturday, October 14th from 10AM to 2PM, at the Jamie Welch Park. There will be pumpkin painting and the rail trail history walk that the Boscawen Historical Society and Northern Rail Trail members organized. Children are invited to wear costumes. There will be refreshments and they are encouraged to tailgate. There will be vendors including Kate's Confections, Batulo's Kitchen, and Fresh Start Farms. The 2nd Annual Police vs Fire Softball Game will start at 4PM. The Teenie Weenie's food truck will be there for food and refreshments.

TA Phelps gave a shoutout to the Public Works Department, Mr. John Keegan, Mr. Bill Heinz, and the Briar Hydro staff. They installed the Boscawen sign by the Briar Hydro building. Briar Hydro donated granite posts for the project.

Chairman Burdick gave a shoutout to Public Works for the work they did on Commercial St.

Selectman Bevans noted that Mr. Shawn Brechtel from the Penacook Rescue Squad said he had to leave the meeting as they were discussing the Torrent Station, but they will pass it onto their legal team to advise.

Chairman Burdick opened public comment at 7:11 PM.

Resident of Tremont Street—Mr. Bill Heinz spoke about the installation of the Boscawen sign at the Briar Hydro building. He gave a shoutout to Swenson Granite for helping reduce the costs of the granite posts and Mr. Dan Nudd for accessing it. Mr. Heinz said Mr. John Keegan noticed they were under the budget amount of \$1,500 and asked for a donation to the Beautification Committee. Mr. Heinz said they may donate some funds to the committee.

Mr. Heinz spoke about the Police Ladies Auxiliary group. His mother was on the Auxiliary, and at the time, they discussed crime watch and police budget. He suggested the minutes for the Public Safety Advisory Committee be simple and short.

Mr. Heinz asked for a copy of the handouts that were provided to the Boscawen School Board Representatives in regard to the Merrimack Valley tuition reduction for Andover. TA Phelps will forward the handouts to Mr. Heinz.

Chairman Burdick closed public comment at 7:15 PM.

Next Meeting: Thursday, October 19, 2023, at 6:00 PM.

Chairman Burdick motioned to adjourn at 7:16PM. Seconded by Selectwoman Carey. All in favor. None Opposed.

Respectfully submitted by Hannah Gardner