

# Approved

## Town of New Boston Selectmen's Meeting January 27, 2021

<b><u>PRESENT:</u></b>	Joe Constance	Selectman	via audio/conference call
	Karen Scott	Selectman	via audio/conference call
	David Litwinovich	Selectman	via audio/conference call
	Peter Flynn	Town Administrator	

Moderator Lee Nyquist, Superintendent Brian Balke, Fire Chief Dan MacDonald and other members of the public were present for all or part of the meeting via town hall streams/audio/conference call.

This meeting is being conducted remotely consistent with Governor's Executive Order 2020-04 insuring compliance with RSA 91-A considering COVID-19 circumstances. Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. Please note that the public can access this live meeting by viewing it via a "live-stream" link on the New Boston NH website. Please note that all votes that are taken during this meeting shall be done by roll call vote.

**A. CALL TO ORDER:** A regular meeting of the Board of Selectmen was called to order by Joe Constance at 6:00PM beginning with the Pledge of Allegiance.

**Consent Agenda-** The Selectmen reviewed the January 27, 2021 consent agenda. Karen moved to approve the January 27, 2021 consent agenda including approval of a Health Insurance change to HealthTrust-Blue Cross. David seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-yes. All were in favor. 3-0

### **B. PUBLIC FORUM:**

Joe noted the Board always welcomes public comment and feedback. There are two opportunities for public comment, one at the beginning of the meeting and then another at the end. Anyone with a comment is asked to call 603-848-5387 to comment as per the rules for live meetings and state your name and address for the record and that comments be respectful and thoughtful. The Board will listen, but public comment is typically not back and forth. If there is any need for extended dialogue a request to be added to the agenda and supporting documentation should be sent to the Town Administrator beforehand. Seeing none, Joe closed the first session of public comment.

### **C. APPOINTMENTS:**

None.

#### **D. OLD BUSINESS:**

##### **Item 1: Discussion And Decision Relative To Proposed Date Of Deliberative Session:**

Moderator Lee Nyquist was welcomed to give his review the Governor's Order and Lee's recommendation. He reviewed SB24 regarding postponing Deliberative Sessions and Town Elections until as late as the second Tuesday in June due to COVID-19. Governor Sununu incorporated all of the provisions of SB24 in his recent Emergency Order 83 on January 22. Lee has been considering this issue very carefully as the Town Moderator/fiduciary of twenty-nine years to do what is best for the town residents. He believes the strong message by Governor Sununu and the Emergency Order 83 is clear and the town Deliberative Session and Election should be postponed to a date certain in early May and the second Tuesday in June respectively. SB24 cited in Emergency Order 83 passed the Senate unanimously. Lee recommends in his consultative role as mandated by the text of Emergency Order 83 that says the governing power (Selectmen) can do what they choose in this respect and must consult with the Town Moderator who must make the best recommendation in their point of view. He must take a very careful look and protect and promote the democratic process at all times as it relates to Town Elections and Deliberative Sessions as SB2 has been in place for over twenty years. He must create the opportunity for the most participation by voters as possible at the Deliberative Session and Election. He welcomes feedback in making this decision. Objective facts relating to the COVID-19 crisis are extremely important and are bad at this time. January 2021 was the most deadly COVID-19 month in NH and every other state across the country. It is thought things might be a little better in February but are expected nationally to be just as bad as January. This is significant. He is considering and asks the Selectmen to consider, it is not whether it is possible to create a safe condition, it is the voter's perception that it is safe, that they believe in full numbers that it is safe to participate in the Deliberative Session next week and the Election day in March. A significant number are not expected to make that decision regardless of how safe individual Selectmen or others might feel. As it pertains to the Deliberative Session it's especially critical as there is no absentee ballot provision and this makes it more important to take these things into consideration. There is a generous absentee ballot provision extended by Executive Order 83 for the election as was done for 2020 federal elections. Therefore, election participation is anticipated due to the availability of absentee ballots. He reviewed the health situation as it pertains to the democratic process. Vaccines have begun to be administered to approximately 20,000 residents. Approximately 200,000 residents have applied and received appointments for the vaccine in coming months. Phase 1b should have been completed by the May Deliberative Session and Phase 2 will be well underway. Vaccines nationally are beginning to exceed 1 million per day and President Biden plans to have at least 100 million Americans vaccinated by April 30, a few days before the recommended May Deliberative Session. Lee is not a health expert but pays attention to these things and seeks to make fact based recommendations. Due to this, he expects voters to be living in a different and more positive world by May and June through success of vaccination measures and other COVID-19 mitigation efforts vigorously pursued over the next three months. His best conclusion is the town will be in sufficient position to have a full and fair Deliberative Session in May and full and fair Election with absentee provisions by the second Tuesday in June. This is an unprecedented but correct recommendation to postpone the Deliberative Session until May and hold the Election the second Tuesday in June according to the authorization of Executive Order 83.

Fire Chief and Emergency Management Director Dan MacDonald noted he was asked to speak

to this. He is not a policymaker but has been involved with the program for New Boston with the State and Manchester Health Department. He believes the political process of town business needs to move forward in a timely manner but safety is paramount for maximum voter participation. Vaccine registration opened January 22, over 200,000 NH residents registered and 60% received appointments to take place over several weeks. The town should do the right thing to keep voters safe and representatives of town business should do what is necessary to take the steps possible to protect residents.

David confirmed the latest date in May to hold Deliberative Session for election date first Tuesday in June.

Lee noted there is discretion for the Selectmen to choose a reasonable date to allow printing, publication and absentee ballot distribution of the Warrant that could be possibly amended at the Deliberative Session, approximately five to six weeks under these circumstances. Therefore the first Monday in May would be the recommended Deliberative Session date, May 3.

Karen asked how delaying the Deliberative Session and voting would affect the budget.

Lee noted Emergency Order 83 speaks to that and gives broad discretion to the Selectmen to allow Department Heads to continue business as usual to a standard reasonable as compared to the previous budget. That would seem to allow the town to do as a minimum according to the previous year's budget with reasonable flexibility. The intent of the Governor and SB2 seem to allow towns to proceed with reasonable and necessary expenditures.

David thanked Lee and Dan for presenting and for their thoughts and consideration to this matter. He thanked interested parties for sending e-mails for consideration. This situation creates a large logistical headache for town departments. He supports the democratic process and is concerned about disenfranchising any town voter. He feels the town will be in a much better position in May to proceed safely with voters being comfortable to attend the Deliberative Session and subsequent Election. He referred to the letter Police Chief James Brace submitted with concerns the town will be in the same health situation it is in now in three months. David is an engineer with a background in statistics and reviewed Chief Brace's calculations along with the vaccination rate. David is confident vaccination availability and distribution will increase over the next few months and weather will improve. He expects these factors to improve voter safety.

Joe noted he supports Lee's recommendations as put forth, especially the issue of disenfranchising many voters. Several regular Deliberative Session attendees have commented to Joe that they were not planning to attend the Deliberative Session in March due to health concerns. He also reviewed Chief Brace's letter. He noted most events around the country are off schedule and planned to be delayed in 2021. He feels it is better to be thorough and careful v. just to get things done. He is concerned that many voters would not participate due to real or perceived threats.

Dan noted this could set a new rule or direction that has never been done before. He has been attending weekly meetings at the state level with the NH Municipal Association and Attorney General's office and noted other towns delayed their election procedures in 2020. There is

precedent, lessons learned and resources to engage to ensure New Boston's impact is minimized and business goes on as usual. There will be some pain but the town has resources to access for advice on how to proceed.

Lee noted Executive Order 83 expires December 31, 2021. 2022 will have exactly the same laws relative to the election that were in place prior to COVID-19, including restriction on no-excuse absentee ballots. Setting a precedent is a concern but postponing does not set a precedent. This is the first worldwide pandemic causing this much devastation in over 100 years and he hopes it will be another 100 years before a Selectboard needs to consider a similar Executive Order and the world will return to normalcy in 2022.

Karen noted she is not in favor of this recommendation. She reviewed vaccination levels and schedule. Phase 1b is currently taking place for people age 65 and older with two necessary appointments for each person. Some first appointments are scheduled as late as April. The rest of the population is not expected to receive their first dose until summer with second dose early fall. The vaccination issue is not a good argument as a very small resident population will be vaccinated. She noted the town has already held two in person voting events at NBCS that went very well with high voter turnout, possibly the most ever. These went smoothly and all that worked those days stepped up and residents commented the town did an excellent job to provide easy and safe voting where voters felt comfortable. There were even areas for people who chose not to wear masks. Meetings have been held to discuss methods to hold the Deliberative Session safely and this was determined to be possible. The number of attendees in the past was used in this determination. The date has been announced. She does not understand how the situation will change. She is very concerned if the SB2 process is delayed and the pandemic situation has not improved as expected, would the SB2 process continue to be delayed further. This is a concern as there are many items that need to be voted on and projects that cannot be done unless passed by voters. Election procedures were practiced at the two elections in 2020 and the town has the ability to get this done using the process determined at NBCS.

Joe moved to support Moderator Nyquist's recommendation at the appropriate dates for the town Deliberative Session May 3 and Election June 8. David seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-no. The motion carried. 2-1

The Selectmen thanked Lee and Dan for their research, work and inspiration.

**Item 2: Approval Of Public Minutes Of January 9, 2021:** The Selectmen reviewed the Public minutes of January 9, 2021. Karen moved the Public minutes of January 9, 2021 be accepted as amended. David seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-yes. All were in favor. 3-0

#### **E. NEW BUSINESS:**

None.

## **F. OTHER BUSINESS:**

**Item 3: Town Administrators Report:** Peter noted he sent his report to the Selectmen over the weekend and there is nothing to add at this time. It concerned mostly the presentation heard tonight.

### **Item 4: Selectmen's Reports:**

Joe reported the Forestry Committee did field work at the Sherburne and Lydia Dodge Town Forest Lots last weekend and plans several more.

David reported the following:

- David met again with Police Chief James Brace and residents including Graham Duck to discuss Graham's concerns of trucking in the area of Byam and Wilson Hill Roads discussed at the November 16 Selectmen's meeting. The meeting was very productive and positive.
- The Planning Board meets February 9 to review a lot line adjustment application, an informational session of a possible subdivision on Lyndeborough Road and non-residential site plan amendments to New Boston Road Construction Inspection Procedures and Water Resource.

## **G. PUBLIC FORUM:**

Joe noted the Board always welcomes public comment and feedback. There are two opportunities for public comment, one at the beginning of the meeting and then another at the end. Anyone with a comment is asked to approach the podium and state your name and address for the record and that comments be respectful and thoughtful. The Board will listen, but public comment is typically not back and forth. If there is any need for extended dialogue a request to be added to the agenda and supporting documentation should be sent to the Town Administrator beforehand.

Kaleb Jacob of Fraser Drive asked if deadlines for Petition Warrant Articles and candidacy filing would be postponed now that the Deliberative Session and election are postponed. Peter noted the Governor's Order only applies to SB2 meeting schedules and the election and not anything else pertaining to this issue. He will contact Moderator Nyquist for clarification tomorrow and will subsequently contact Kaleb with the answer.

Bill McFadden of Dane Road asked the same question via text and noted he was able to hear the response via livestream.

Seeing no further public comment, Joe closed the second session.

**Item 5: Non-Public-Per RSA 91-A:3, II:** Joe moved to enter Non-Public session per RSA 91-A:3II at 6:38 PM. David seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Joe-yes and Karen-yes. The Board then entered non-public session.

**Move to exit Non-Public Session:** David moved to exit Non-Public Session at 6:44 PM. Karen seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Joe-yes and Karen-yes.

**ADJOURNMENT:** David moved to adjourn the meeting at 6:45PM. Karen seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Joe-yes and Karen-yes.

*Prepared by Maralyn Segien*

**Next Scheduled Meeting: Town Hall Conference Room on February 17, 2021 (6:00 PM)  
7 Meetinghouse Hill Road- New Boston, NH 03070  
Phone: (603) 487-2500-[www.newbostonnh.gov](http://www.newbostonnh.gov)**