

# Approved

## Town of New Boston Selectmen's Meeting January 19, 2022

**PRESENT:** Karen Scott Selectman  
David Litwinovich Selectman via Zoom  
Donna Mombourquette Selectman

Finance Director Jennifer Allocca, Assistant To The Town Administrator Laura Bernard, Moderator Lee Nyquist, Gail Parker, Bill McFadden, Kaleb Jacob and one or more additional members of the public were present for all or part of the meeting.

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

**Consent Agenda-** The Selectmen reviewed the January 19, 2022 consent agenda.

There were questions about Accounts Payable December 21, 2021 as there was a \$735 expense. Finance Director Jennifer Allocca was present and noted this is the annual cost for the I Am Responding App used by the Fire Department.

There were questions about the January 4, 2022 Accounts Payable:

- Select Board office assistants received mileage reimbursements for trips to the Post Office and bank that has not been done before. Jennifer explained this is a new policy to submit mileage quarterly for daily trips to the Post Office with personal vehicles. Sometimes one also goes to TD Bank in Goffstown. They plan to use the town vehicle for these trips when it is available, although town inspectors have priority to use this vehicle.
- Highway Department submitted multiple requests for miscellaneous supplies. These charges will be reviewed with the Road Agent or the Foreman. Karen is concerned due to past spending habits. Jennifer noted Department Heads sometimes spend leftover budget funds at the end of the year as they have been managing it over twelve months in case of emergency, but once they know no emergency will occur they spend the funds on needed supplies, and sometimes this is done to avoid the expense in the upcoming year.
- There was a \$14,000 charge for salt from Eastern Minerals. Karen asked if there was a Purchase Order signed by the Select Board or a bid process used for this purpose according to the Purchasing Policy. Karen is concerned this is not happening. The policy will be reviewed.

Donna moved to approve the January 19, 2022 consent agenda items including payroll, Accounts Payable and other signed official documents conditional upon David's signature. Karen seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes.

## **B. PUBLIC FORUM:**

David 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 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, David closed the first session of public comment.

## **C. APPOINTMENTS:**

**Item 1: Request From Gail Parker For A Formal Agreement Regarding Shared Well On Mill Street:** Gail Parker of Mill Street was present to meet with the Select Board to request a formal agreement regarding a shared well on Mill Street. She reviewed the history of a water well shared by the Community Church of New Boston, Northeast Café, and New Boston Historical Building (Town of New Boston) noting it was originally dug in the 1930's, eighteen feet deep with a 6' casing producing two gallons per minute. It was originally dug for the benefit of the Community Church and the New Boston Library then located across the street, now the Historical Society. The land the Historical Society building sits on belongs to the Town of New Boston. The well worked well until the mid-1990's when testing showed E coli when a proper drilled well was proposed and completed April 8, 1997 at the Church Extension Main Entrance, Under Porch (wooden floor). The depth of the well is 340', with 70' of 6", yielding thirteen gallons per minutes at time drilled and all parties shared 1/3 of the costs. Gail and Randy Parker acquired the Café building and arranged to share water from the new well, the Café also had a water line from the old well. Gail noted there is no formal agreement, the parties involved have shared costs over the years 1/3 each although the well is named "Community Church Well" and "Identification number 1649010002" on some documents. Gail has met with the church trustees and is now meeting with the Select Board as the Café owner to request a formal written agreement between the three parties to reflect the water from the well is available to all three parties and the three will share well expenses. The Church Trustees unanimously approved. Gail read the Trustees' motion aloud.

### **Vendors and Costs:**

L.G. Cushing and Sons, Inc. Keene, NH 03431	Drilling and Casing	\$ 3,010.00
King Plumbing and Heating	Pump	1,463.20
King Plumbing and Heating	Offset Piping and connections	1,910.00
H.C. Bo Strong	Backhoe ditching and preparation	320.00
	Total	\$ 6,703.20

### **Payments:**

Community Church of New Boston	\$ 2,234.40
Town of New Boston	2,234.40
H. Randall and Gail C. Parker Café Owners	2,234.40
	Total \$ 6,703.20

From well completion in 1997 to the present time, January, 2022, no repairs or replacements have been required for this well installation. The State of New Hampshire requires a twice-yearly water test for commercial wells. All tests have been submitted as required, and there have been no adverse reports. The Community Church has covered the cost of the tests, about \$25 each, or \$50 per year.

The requested formal statement be prepared by Town of New Boston legal counsel to be registered at the Hillsborough County Registry to transfer with the properties, listing three parties: Community Church of New Boston, Town of New Boston, and Owner of the property at 8 Mill Street, New Boston, NH, presently Parker Family Trust FOB Gail C. Parker, as each having the right to draw water from the Community Church Well on Mill Street, New Boston, NH, drilled in 1997; and a one-third financial share of the responsibility for maintenance and repair of said Well. The Select Board agreed. Donna moved to engage town counsel to work with the parties Community Church of New Boston, Town of New Boston, and Owner of the property at 8 Mill Street, New Boston, NH, presently Parker Family Trust FOB Gail C. Parker, to draft legal documents to assure this agreement is recorded with the Registry of Deeds as each having the right to draw water from the Community Church Well on Mill Street, New Boston, NH, drilled in 1997; and a one-third financial share of the responsibility for maintenance and repair of said Well. Karen seconded the motion. Discussion: All parties will plan to sign the documents at a future Select Board meeting as determined by town counsel. Town counsel will contact all parties to discuss the agreement. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes.

#### **D. NEW BUSINESS:**

**Item 2: Appointment Of Mark Suennen To The Finance Committee:** The Selectboard reviewed Mark Suennen's application for appointment to the Finance Committee. Donna moved to appoint Mark Suennen to the Finance Committee for three years. Karen seconded the motion. Discussion: Karen noted this is pending the typical form for Select Board signature. The motion carried. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes.

**Item 3: Request from Piscataquog Area Trailways:** The Selectboard reviewed a request dated January 6, 2022 from Piscataquog Area Trailways for permission to use the field on Route 13 adjacent to the Post Office for parking purposes relative to a horse-riding event for May 8, 2022. Karen moved to allow the Piscataquog Area Trailways to use the field on Route 13 adjacent to the Post Office for parking purposes relative to a horse-riding event for May 8, 2022. Donna seconded the motion. The motion carried. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes.

**Item 4: Preparation for Deliberative Session:** Moderator Lee Nyquist was present to meet with the Select Board for discussion in preparation for the Deliberative Session February 7, 2022 noting a similar meeting took place in 2021 with one major difference, that being availability of the COVID-19 vaccine. The Deliberative Session in May 2021 is the example that should be followed February 7, 2021 at 7:00 PM at the NBCS Gym with socially distanced seating, masks requested but, if declined, be offered their constitutional duty to attend and speak but be seated in an area designated for unmasked individuals. The Speaker of the NH House of Representatives Sherman Packard has adopted these same protocols. Lee thanked the Police Chief,

Superintendent and Fire Chief for their time spent in 2021 designing the layout of the room for the Deliberative Session. It was postponed from February 2021 to May 2021 due to a COVID-19 surge and concerns of unvaccinated individuals. It proceeded in May 2021 under safer conditions and went very well. Although there was spread at the NH House of Representatives meeting early in 2022, a February 2022 Deliberative Session is needed to meet the competing obligations the town has to complete the voting process in a timely fashion and do everything possible for safety protocols. Everyone at the front table will be masked and the microphone and anything else will be cleaned periodically during the proceedings. He hopes all who attended the May 2021 meeting agree the meeting took place routinely and all felt as safe as they could under the circumstances. It is unfortunate that the town has to proceed with its business when there are some safety concerns, but these suggestions would be a fair balance of public safety and proceeding with town business in a timely fashion.

David noted Superintendent Balke was invited to this meeting to discuss. He was unable to attend but assured David that the School Administration plans to do everything they can to accommodate the Deliberative Session in the gym and appreciates the work of all involved including the Police and Fire Chiefs, Town Clerks and Supervisors of the Checklist.

The Select Board thanked Lee. David moved to proceed with the Deliberative Session as stated by Moderator Nyquist following the protocols used at the May 2021 Deliberative Session. Donna seconded the motion. The motion carried. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes

The Select Board then reviewed the Warrant to determine who will move, second and speak to each Article. Assistant To The Town Administrator Laura Bernard was present and noted the Select Board's office will prepare binders for the Select Board, Moderator and Deputy Town Clerk and work with the School Administrators to set up the gym.

#### **E. OLD BUSINESS:**

**Item 5: Continued Review Of Meeting Polices:** The Select Board will continue to review the most current draft document and will consider this further at a future meeting.

**Item 6: Approval of Public Minutes of December 20, 2021, Public Minutes of January 3, 2022, Public Minutes of January 10, 2022, Non-Public minutes of January 3, 2022 and Non-Public Minutes of January 10, 2022:** The Select Board reviewed the Public minutes of December 20, 2021. Karen moved the Public minutes of December 20, 2021 be accepted as presented. Donna seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes The Select Board reviewed the Public minutes of January 3, 2022. Karen moved the Public minutes of January 3, 2022 be accepted as presented. Donna seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes The Select Board reviewed the Public minutes of January 10, 2022 along with corrections to page five from Transfer Station Manager Gerry Cornett. The Select Board deferred approval pending verification of the corrections. The Select Board reviewed the Non-Public minutes of January 3, 2022. Karen moved the Non-Public minutes of January 3, 2022 be accepted as presented. Donna seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes The Select Board reviewed the Non-Public minutes of January 10, 2022. Karen

moved the Non-Public minutes of January 10, 2022 be accepted as amended. Donna seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes

## **F. OTHER BUSINESS:**

**Item 7: Town Administrators Report:** Laura reviewed the Town Administrator's report as follows:

- The Interim Town Administrator has been out for a week, but town matters are moving forward.
- Carpeting was installed in the Planning Office which has also been rearranged. It looks fabulous. This was the final town office to get a fresh start.

## **Item 8: Selectmen's Reports:**

Karen reported the Road Committee met January 12, 2022. The Committee missed the Road Agent at the meeting as they had questions for him about upcoming projects and the budget. Foreman Charlie Byam attended and will follow up with the Road Agent. The Committee felt the Highway Department is on the right path to move forward with the yearly paving plan and schedule of maintenance such as culvert improvements and tree cutting. The Committee will not meet in February.

Donna reported the group/unofficial broadband committee plans to meet again January 24, 2022 with a representative from Cell Coverage Mapping as they are interested in the services the company can provide for cell service dead zones. The Committee is considering how to gather more information from citizens of if they have broadband and what they are experiencing. Jennifer Allocca created an e-mail address specifically to gather information from citizens for the broadband project. It was published in the New Boston Beacon and the Committee looks forward to hearing from citizens.

David reported the following:

- The Planning Board will meet again in February to discuss Board goals including a commercial solar ordinance the Energy Committee is drafting.
- The Select Board reviewed information regarding town employee mask use and COVID-19 testing from Emergency Management Director Dan MacDonald and Interim Town Administrator Jim Brace.

David noted with the latest COVID-19 surge the town should consider returning to the previous masking policy for one month due to concern for town employees and residents. Weekly employee testing was also suggested but David is not in favor of that.

Donna recommended expending ARPA grant funds for air purifying system in the town hall. Finance Director Jennifer Allocca was present and noted these have not yet been researched or purchased. Donna noted she volunteered to work with the Health Officer to do this research.

Karen noted she is also against weekly testing of town employees. She is in favor of employees getting tested if they have symptoms and then they would follow CDC

guidelines. She noted if employees are concerned and want to wear a mask they can, but she is not in favor of a mask mandate for town employees. The previous mask mandate occurred prior to abilities to become vaccinated and was appropriate at that time for that reason but at this point in time individuals have had the opportunity to be vaccinated if they desire. She noted there is a new Omicron variant, it is a flu, she agrees there are compromised individuals with higher risk factors who should take additional precautions, but she is against a mask mandate.

Donna noted weekly testing is relevant if there is no mask policy as town employees may be asymptomatic but are infectious. 50% of New Boston residents are vaccinated, there has been a surge of positive COVID-19 cases in town, she wants to ensure all employees are protected and treated fairly. She agrees with a masking policy for one month or until air purifying system is installed for all employees to wear an N95 mask for all time working with breaks outside. Employees riding in vehicles could remove their masks if the windows are open. Vaccines are not fully protecting those who are vaccinated as they are testing COVID-19 positive. The town governing body can determine a mask mandate is needed although the state does not have a mask mandate.

Karen noted town offices have plexiglass barriers and doorways and other mitigating factors and she is against a mandate to wear N95 masks.

The Select Board is interested in the air purifying system and agrees there are mitigating factors already in place and town employees and residents can wear masks if they want to. David moved to direct the Interim Town Administrator to research the air purifying system for town buildings and to post at town buildings that unvaccinated individuals are required to wear a mask in town buildings. Karen seconded the motion. Discussion: Laura noted asking unvaccinated individuals to mask when entering buildings is appropriate but with the surge in COVID-19 positive cases in the town hall it is a civic duty to notify individuals entering the building there are currently positive COVID-19 cases within the town hall, please take care and wear a mask to protect employees and residents. The mitigating factors currently in place will not protect individuals from virus spread around the building. The motion failed. 1-2 Poll Vote: David-no, Karen-yes and Donna-no David moved to direct the Interim Town Administrator to research the air purifying system for town buildings and to post at town buildings that unvaccinated individuals are required to wear a mask in town buildings including information that there have been positive cases in town buildings. Karen seconded the motion. The motion carried. 2-1 Poll Vote: David-yes, Karen-yes and Donna-no Donna will begin researching an air purifying system tomorrow.

- David noted concern of the January 31, 2022 deadline to submit the Safety Complex Warrant Article to NH DRA and recommended a Select Board meeting be scheduled for next week to allow the Select Board to meet with the Safety Complex Committee/design team and vote on the Warrant Article as required. This will allow all Select Board members to have the opportunity to have all questions and concerns addressed. David will coordinate a meeting for January 24 or January 26, 2022 to allow enough time for the required posting to NH DRA. Jennifer sent two proposals for bond counsel to the Select Board for review and approval. These will be reviewed and considered at this meeting as well.

## **G. PUBLIC FORUM:**

David 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 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.

Bill McFadden of Dane Road was present and noted concern as Geotech drilled for soil conditions as part of the design process and there are survey stakes at the area the Piscataquog Area Trailways requested using and there may be an issue if the Safety Complex Warrant Article is approved. David will research this and Piscataquog Area Trailways will be notified if this is a concern.

Kaleb Jacob of Fraser Drive was present and asked why the mask discussion was not included on the agenda. David noted it was proposed due to events that occurred after the agenda was prepared. Kaleb is concerned it was not included on the agenda to avoid public pushback and large meeting attendance. David noted that was not considered. Kaleb asked if the current COVID-19 surge is deadly. He noted he is aware many people are immunocompromised and agrees the town should protect individuals in town buildings, but he wants to protect his rights and liberties as a citizen and taxpayer. The vote taken tonight violates his rights. He disagrees with the proposed sign and plans to address the individuals voted into office anytime he wants to. He accused Donna of having thin skin as an elected official serving the town and of treating Karen inappropriately. He accused Donna and David of smirking. David noted he was not smirking, and he is a strong advocate for allowing individuals to express public comment and supports the political process. He asked if there is a Board of Health in town, the Board noted it serves in this capacity and the town has a Health Officer. He asked for copies of the information regarding town employee mask use and COVID-19 testing from Emergency Management Director Dan MacDonald and Interim Town Administrator Jim Brace discussed above. The Board will consider this. Kaleb noted if he does not have an answer by noon tomorrow he will consider filing a Right To Know request. He agrees an air purifying system will help mitigate COVID-19 infections in town buildings but will not solve the problem and does not mean individuals who want to wear masks for protection should remove them. He understands there was a serious infection in the Town Clerk's office and is very concerned about that, but he arrived at the town hall tonight and noticed the Town Clerks are not wearing masks, so they are not taking the infection seriously and are not on board with a mask policy. The alternative to a mask policy is the freedom to wear a mask or not. He asked how the town would enforce a mask policy for unvaccinated individuals and noted other countries have removed mask mandates and said "let it rip" as all are anticipated to contract COVID-19. The vote taken tonight is a shocking and appalling overreach and more than is required in the state. He noted there may be a different situation in school buildings as there are scared mothers although children here will not die from COVID-19 (.001% are anticipated to succumb). He does not agree with a mandate forcing town employees to wear masks at all times in their offices. He does not think open windows would protect employees riding in vehicles from COVID-19. Karen noted this matter was not brought by the Board Chair; it was brought by the Emergency Management Director to the Chair. She

would have preferred a communication from the Emergency Management Director to the entire Board instead of using this irrelevant fear tactic. Kaleb noted he should have attended this meeting to defend the recommendation instead of leaving the Board hanging.

Seeing no further Public Comment, David closed the second session.

**Item 9: Possible Request for Non-Public-Per RSA 91-A:3, II(b):** David moved to enter Non-Public session per RSA 91-A:3II (b) at 7:40PM. Donna seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Donna-yes and Karen-yes. The Board then entered non-public session.

**Move to exit Non-Public Session:** Karen moved to exit Non-Public Session at 8:05PM. Donna seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Donna-yes and Karen-yes.

Donna moved to seal the non-public minutes for five years. Karen seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Donna-yes and Karen-yes.

**ADJOURNMENT:** Karen moved to adjourn the meeting at 8:06PM. Donna seconded the motion. All were in favor. 3-0

*Prepared by Maralyn Segien*

**Next Scheduled Meeting:  
Whipple Free Library January 26, 2022 (5:00 PM)  
Mont Vernon Road- New Boston, NH 03070  
Phone: (603) 487-2500-[www.newbostonnh.gov](http://www.newbostonnh.gov)  
Handicap Access available**