

Selectboard Minutes

July 5, 2023

Present: Jennifer Jones, chair
Andy Artimovich, vice-chair
Russ Kelly
Paul Kleinman

At 6pm, Jones called the meeting to order.

Artimovich motioned, seconded by Kelly, to accept the consent agenda which consisted of treasurer's report (found at the end of these minutes) and the following building permits:

- W.A.D. Property Management, 13 Prescott Road, Electrical
- Brian R Revocable Trust, 39 Stevens Drive, Electrical
- CABN Properties, 53 North Road, Building
- 3 Ponds LLC, 93 Three Ponds Drive, Plumbing

All were in favor.

Jones opened the meeting to public comment.

Letty Bedard, Middle Road, explained she attempted to compare the proposed amendment to Article IV, Section R, but could not find the original document. She asked if it was available to the public. Karen Clement, Town Administrator, responded it is available in hard copy in her office. Bedard asked if it could be made available electronically. Clement stated she could post the Selectboard handbook to the Selectboard page on the website.

Liz Faria, South Road, referring to the amendment of Article IV, Section R, she asked who drafted it, when it was drafted, why it was drafted, and why it was not put into place before the appointments that were just made. Jones responded it would be discussed later in the meeting and added it was drafted by Paul Kleinman. Faria questioned who recently appointed to a committee meets bullet point 5: "to the extent practicable, the board may seek to balance committee and board appointments with individuals who have diverse opinions". Jones responded that could possibly be answered later in the meeting.

Lois DeYoung, Crawley Falls Road, read a prepared letter stating she believes the town needs to coordinate and prioritize the many proposed town projects and questioned if the efforts were being coordinated in any way. Jones stated the Budget Committee and the Planning Board have been working to prioritize projects with the use of the Capital Improvement Plan (CIP). She believes there was some discussion on the Planning Board to create a subcommittee to prioritize the projects.

DeYoung believes there is some immediacy in choosing the projects. She stated the town is divided on which projects to support. Jones reminded DeYoung that anything approved by the various boards goes in front of the voters. DeYoung states she foresees at least four warrant articles at the next Town Meeting in March.

Jones responded she believes Budget Committee and Communications subcommittee have plans to work together to create a voter pamphlet to increase voter's information ahead of voting. She added there are two different situations regarding projects – there are long-term planning that would go in front of the voters and the use of ARPA funds.

Artimovich stated she believes DeYoung is trying to express her desire for the town to not put forward more than one large project in front of the voters at Town Meeting.

Kleinman stated he wants to make sure the CIP is pushed forward. He explained there is no scheduled Planning Board meeting this week, but he will address it at an upcoming meeting. Kleinman further added that there was discussion about forming a subcommittee to prioritize projects but explained that nothing has yet been formed. He agreed to address the

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Planning Board about the concern with “renewed motivation”.

Kelly asked Clement if there was anything in the letter presented by DeYoung that needs clarification for accuracy. Clement responded that in paragraph 2 regarding “projects approved at 2023 town meeting will already increase taxes on a \$400,000 home over \$900”, refers to dollars approved but does not account for revenues, what is actually expended, or dollars from unassigned fund balance used to buy down the tax rate.

Kleinman addressed the proposed amendment to Article IV, Section R second paragraph. Responding to Faria’s earlier questions, he stated it was drafted in the last week or so. His reasoning, Kleinman explained, was following the first few committee appointments he feels there is potential to improve the process. Two major differences between the existing document and the proposed amendment are that discussion of candidates and their qualifications would be in public session opposed to non-public session and the criteria will be more reasonable and easier to measure, according to Kleinman.

Kleinman listed these factors as guidance in deciding which candidate to appoint: the individual’s stated reason for volunteering and their willingness to commit to the process; applicant’s background, qualifications, and experience; individual’s objectives and goals for the position and whether these are consistent with that of the board or committee for which they are applying; whether the applicant’s vision is consistent and/or compatible with the town employee(s) who heads and/or staff that department; seek balance to committee and board appointments with individuals who have diverse opinions; possibly giving priority to someone who has yet to volunteer on a town board or committee over reappointing someone who has already served for at least 2 terms. Kleinman believes the listed criteria would give more guidance to the board when making a decision.

Jones asked Artimovich if he remembered where the wording came from about 5 years ago when the Selectboard handbook was created. Artimovich responded he was unsure exactly where it came from, but he believed it was created from information gathered from other towns. Jones asked Artimovich if there was discussion about committee appointments. Clement responded she believes it was taken from Gilford’s handbook. Artimovich stated he remembers there being some confusion about employees’ rights versus other factors like police/fire having the right to waive non-public sessions.

Kleinman stated he believes the only exception to section 2 of 91-A is (c) which refers to matters that may adversely affect the person’s reputation which he believes does not apply to general determination. Jones responded that the handbook was voted and agreed upon at a previous Selectboard meeting, with the agreement it could be tweaked, if needed. Kleinman admitted he also agreed and voted on the handbook previously. Jones reminded the board it was wording that was already existing and prior boards were not following it. She would like to hear Jon Morgan’s thoughts before a vote is taken to amend that section, especially given the board just approved it not many weeks prior.

Artimovich read Section R as currently published on page 11 of the Selectboard handbook. “The Selectmen act as the Appointing Authority for many other Town Officials, including employees, members of boards and committees and to fill vacancies in some elected offices. Often times these appointment decisions have long-term implications in much the same way as the President may appoint a Justice to the Supreme Court, with an emphasis on local consequences. In making these decisions by majority vote, the Board should always discuss individual qualifications in a non-public session (except for positions that are subject to future elections in which case all discussions must be done in public, and all application materials are subject to public disclosure). Ultimately decisions to appoint should be made based primarily on a candidate’s qualifications, experience, track record and ideology, even when considering re-appointments.”

Jones explained Artimovich read the original wording and the board had voted to amend that based on the timeline for applying and the timelines for decisions to be made. Kleinman explained the amendment he put forward did not include the wording on track record or ideology as he believed that was vague wording which could be better defined. Jones believes 91:A – reputation covers a lot of ground. She believes it would be worth reaching out to NHMA or town counsel for suggestions on understanding the language. Kelly supports reaching out to both.

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Artimovich stated he is an advocate of discussing in public what can be discussed in public. He feels NHMA would be less expensive to get clarification. Artimovich suggested allowing town counsel to review it after it is written or whoever would defend the town in a libel suit. Clement responded that Primex will not review Right to Know request information. She explained she could ask NHMA at no cost, but the review by town counsel would come at a fee. Jones supports clarity on 91:A and feels it would be helpful to have a professional opinion.

Artimovich believes NHMA has a staff attorney who deals with 91:A. Kelly supports following what the law/statute says. He stated he can see both sides of the argument of utilizing non-public or public sessions.

Kelly argued “diverse opinions” can be vague and asked how that could be determined. He stated if there is a concern about the appointment process, there is an avenue to express the concerns.

Kleinman stated he believed the Statement of Interest was public. Jones responded it was not published. Clement explained it could be requested through a 91:A request and the applicant’s personal information would be redacted before being dispersed.

Jones suggested NHMA be reached out to see if 91:A is definitive in this situation and allow Morgan to share his thoughts and opinions on the matter. She suggested putting the topic on a future agenda. Kleinman stated he was trying to create a process that everyone could feel comfortable with and is open to suggestions.

Jones spoke about correspondence the board had received from Norma Fuller on Pickpocket as a result of the last Selectboard meeting. Fuller’s specific request was to have a public discussion about her property. The Conservation Commission has added the item to the July 12th Conservation Commission meeting.

Artimovich stated he spoke with Conservation Commission chair, Mark Young, earlier in the afternoon. He explained Young could not make it to the Selectboard meeting due to prior commitments, but he shared information for Artimovich to relay. Young shared with Artimovich he was concerned about the timeline listed specifically regarding being told about the decision of the property due to it being spoken about at the Selectboard meeting. Artimovich explained Young had reached out to Jeremy Lougee, SELT representative, after the Conservation Commission vote. Young believed Lougee was working with Norma Fuller. Young believed Lougee would have passed along the info to Fuller about Conservation Commission’s decision.

Jones believes the most respectful and helpful way to assist Young in his new role is for Artimovich, Jones, and Clement to meet with Young to learn how to best support him going forward. Jones shared the board may need to consider offering additional resources from the town such as possibly hiring a consultant.

Clement presented the board with a form from DRA stating they will not be using PA-28 inventory forms for assessing purposes. Jones asked if this is a common practice in the past. Clement responded it was. Artimovich motioned, seconded by Kelly, to sign form PA-28. All were in favor.

Clement presented the board with MS-535 prepared by the auditors which requires signatures. Clement explained the audit was completed last week and it went well. Artimovich motioned, seconded by Kelly, to sign the MS-535 which stated the audit went well. All were in favor.

Clement presented the board with a license for Bob’s Heavy Equipment on Middle Road to operate a junkyard. The last license was issued in 2020 and expired in March 2022, according to Clement. She explained Mr. Webb has since passed away and a new LLC with his wife as trustee has been formed. Clement explained it is within the two-year window and does meet the criterion. Artimovich motioned, seconded by Kelly, to sign the junkyard permit for Bob’s Heavy Equipment on Middle Road. All were in favor.

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Clement presented the board with 3 Elderly Exemption applications and 2 Veteran's Credit applications she recommended to be approved. Artimovich motioned, seconded by Kelly, to accept the 3 recommended Elderly Exemptions and 2 Veteran's Credit applications. All were in favor.

Clement explained in 2022 there were eight residents who qualified for elderly exemptions. In 2023, with the new income/asset limitations, nine new residents qualified bringing the total of exemptions to seventeen residents. The last MS-1 had the exemption of \$840,000. There was a net change of \$1,875,000 for a new exemption amount of \$2,715,000. Jones confirmed with Clement that there were no predictions on how many people would apply. Jones shared a few of the residents previously missed the cut-off for income/asset limitations. She shared those residents were very happy they now qualified. Letty Bedard asked how the number compares to the tax base. Clement responded the tax base is 700 million dollars.

Clement explained that annually, all churches are required to file a BTLA-A9 by April 15 stating they are still using their property for religious purposes. She explained one church in town submitted their form on June 12. Clement explained the statute allows for a late submission with the accompaniment of a letter to the Selectboard explaining the cause/reason for the late submission with a request for acceptance of the form providing the letter is submitted prior to the tax rate being set. Clement explained the reason in the letter stated the submitter was a new employee and she had just found the form to be filled out. Artimovich motioned, seconded by Kelly, to accept the letter. All were in favor.

Clement updated the board about Peabody Drive which has been washed out and has one passable lane. She explained Wayne Robinson, road agent, has a meeting set up in the morning with Bell & Flynn. They will assess damage and prepare an estimate. Clement shared Robinson was also concerned about portions of Pickpocket Road. Bell & Flynn will also be assessing that road. She shared Robinson feels confident he will be able to handle any other roads which had been affected.

Jones asked if there was a line item available should there be a significant cost to repairing Peabody Drive. Clement responded there is currently \$350,000 warrant article for paving. She explained Robinson may need to reassess the paving priorities. Jones asked about the road construction line in the highway budget. Clement said that funding was reduced due to the operating budget being reduced at town meeting.

Artimovich had no committee updates.

Kelly had no committee updates.

Kleinman stated the Planning Board completed a site walk at 335 Route 125 and they seem to be making progress.

Jones had a committee question about the status of the Energy Committee and the recommendation to possibly buy out the solar contract. Kelly responded Rick Labrecque, Energy Chair, was working hard to get his recommendation ready to be presented to the board.

Jones also shared there is an interim update on the library's fundraising. Janice Wiers, library director, will be on the next meeting agenda. Jones shared some information about the raffles the library currently has going on. The raffles will go on until the end of July.

At 6:59pm, Artimovich motioned to adjourn. Kelly second the motion. All were in favor.

Respectfully submitted,

Tamera Peek

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WEEKLY TREASURER'S REPORT				
DATE:			7/5/2023	
General Fund:			TD BANK	
Previous Balance:			3,638,696.26	
Deposits:			4,452,977.49	
Payroll:			37,919.83	DDP: \$34,707.96
				CHK: \$3,211.87
FICA:			8467.13	
A/P:			123,961.68	Reg A/P Cks \$123,961.68
				Swasey \$
Transfer to Impact Fees				NHRS \$
GF to PD Detail CC				CO-OP: \$
Trans from GF to Rec CC			(\$1,455.00)	
Account Balance:			7,919,870.11	
Interest Earned YTD:			55,253.59	
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Joyce A. Gallant, Treasurer				