

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
October 27, 2010**

I. CALL TO ORDER

Chairman Brown called this meeting to order at 6:30 p.m. on Wednesday, October 27, 2010 in the large meeting room in Citizens' Hall.

Those persons present were as follows:

Members

Present: Steve Brown, Arnie Byam & Donnie Sawin

Staff

Present: Jim Bingham (Town Administrator), RA Perry, Kevin Boette

Public

Present: Signup sheet is attached to hard copy in town office

Media

Present:

Recorder: Kate Thorndike

I. Agenda Items

6:35 Appointment – Candidates for NH House representatives - Jennifer Daler, Kary Jencks, Andrew French, & Theodore Groh

7:00 Appointment – Kent Perry, Road Agent, Lease proposal for 2007 JD 710-J Backhoe

7:30 Citizens' Open Forum

7:45 Town Administrator Report:

13 Grove Street - status

1645 Center Rd. Appraisal & status

Schedule a public hearing for acceptance of unanticipated revenue from FEMA

Report on logging activities on Mt. Rd. and New Rd.

Generator fence at school

Funds to Turn-Out Gear- status

Perambulation Schedule

Old Business:

Review coverage information from State Police

Review Emergency Support Function – Information & Planning

9:00 Non-Public RSA 91-A:3 II (b)

9:20 Review & signing of warrants and documents

II. Adjournment 9:30

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Appointment – Candidates for NH House representatives - Jennifer Daler, Kary Jencks, Andrew French, & Theodore Groh, William Condra, Frank Holden, Bill O'Brien.

A discussion followed including several local and state issues of concern and interest.

Appointment – Kent Perry, Road Agent, Lease proposal for 2007 JD 710-J Backhoe

Kevin Boette, Burton Reynolds and Don Guertin, members of the Budget Committee were in attendance.

KP: presented a CIP document to the Board and discussed the Block Grant. I don't want to hurt the paving plan; operating budget is still sound, older machine cost and expenses. There is a future trend of more expensive replacement components. We can expect one or more major repairs within the next 2-3 years in the high teens/low 20s. **KB:** Yes, but the lease payment is more than a repair. We have always bought machines at Town meeting. You take away the resident's involvement. They are used to that and they love it. **KP:** They won't have to pay \$40,000...I'll be out of the way and you guys can buy something else.

Don: why current problems? **KP:** purchased used and with more hours than the machine we're looking at. **Don:** Is this the proper machine? Is it being used the way it should be?

KP: Yes. **Don:** What about buying a used loader doing something that it is designed for?

KP: That machine would essentially sit idle in the summer. We use two backhoes all the time. We have a two team system. I do all my own culvert work. **KB:** We rely on Kent and we hired him to make these decisions. You know, this is what Kent wants to do his job and I have to say that things have been alright. **Don:** You can't have everything you want. What about other options? Do we really need two backhoes? **Andy Roeper:** What about a rental on excavators? **KP:** Jobs surround around the costs, moving them to where they need to go. With our own machine we can do 10 times the amount of work. **AR:** I have a little concern about a single use machine. **KB:** It is already in the CIP. **KP:** The present machine is not going to make it. We are taking away block grant money from something else but it is less.

Burton: In this bad economy, we have put off a lot of things. It is already close to a spike. The picture isn't particularly pretty even with this \$40,000 taken out. This machine will last around nine years, add inflation, we are going to have pretty good size payments. Apply this money to the future purchase of a replacement machine. **SB:** Block grant money for big projects which helps the town. As long as we're not hurting the paving/highway plan that makes a big difference. **KP:** This big machine does most of the work for these projects.

JB: This could be a lucky break for the town to get a high cost machine without having to raise taxes to do it. There are only 1300 hours on the machine

SB: Kevin, I am sensitive to your comment about not involving the people. **KB:** that is the thing that is bothering me the most. He price is good. I think you could pass this at town meeting. I think if you do this you'll get a mob. I'm bummed that the email went out yesterday about this. I think more than a one day notice would have been helpful particularly because you want and asked for the Budget Committee's input. I like the money. I don't like the fact that we're not doing this at Town Meeting. **Walter Holland:** You are saving \$140,000. That is money that we don't have to spend in the future. **Burton Reynolds:** I am in favor. I am a very strong advocate of bringing these types of issues to town meeting. However, there are exceptions to every rule and this is one of those times I think there is room for an exception. If I were on the Board I would stand up and take the heat. We are

using Block Grant money not taxpayer money. In the long run it will save on repairs. We're getting trade in now. We won't get that later. The CIP has more money in it than we're going to be paying in this lease for the upcoming year. Every way I look at it financially it makes sense. The only thing I don't like is what Kevin said but sometimes you just have to stand up and sorry; this is what we felt was in the best interest of the town and the taxpayers. **DS:** I think it's a good deal and I trust Kent's judgment. We didn't solicit it. It came to us. It's going to be replaced any way it's just going to cost more money. **AB:** I like to see things go before the town but as Burton said it is probably the cheapest way to go. **RM:** Where would the block grant money go if we didn't use it? **SB:** Another highway project. **AB:** Block grant is able to be spent on equipment as well as road projects.

Selectman Sawin moved to purchase the 2007 JD 710-J Backhoe using the Block Grant money through the lease purchase program with John Deere. **Selectman Byam** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

Citizens' Open Forum

See list of Attendees

Bob Rogers: I have two comments first, with re: to the ongoing controversy about where the police cruiser sleeps at night. I have a suspicion that this is part of a larger personnel issue that you can't talk about and that might be why nothing has been happening. So, I can cut you another couple of weeks slack. My second thing is (and I'm not being personal just matter of fact about it) that general opinion is that Mr. Sawin really should be recusing himself from all discussion/votes that involve the PD because he is still a member of the department. Right now, you need to regain a little more credibility as a Board and this would help.

The discussion continued and some of the issues/concerns that were brought to the Board's attention were as follows:

- Definition of On-call?
- The need for a mediator to help with communication between the PD and BOS.
- Who is running the PD? Is the BOS micromanaging the department?

SB: The BOS has the obligation under the current structure to do administrative tasks that are typical of what a Chief would do which includes, budget, finance. **ACTION...TA Bingham** will email a copy of the PD policies related to the delineation of duties to Sally Curran. **SB:** It may not be obvious to people in town but there are certain things that given our structure, the BOS is responsible for.

- Is Kevin Maxwell still the OIC or now an Acting OIC?
- The BOS is conferring with Town Council on certain issues in relation to the running of the PD and division of duties between the BOS and OIC.
- One resident mentioned the idea of an independent Ethics Committee to look into the action of the BOS.

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-Whether or not meetings are being posted in a timely manner and Non Publics are being legally run. **Chairman Brown** offered a lengthy explanation of the rules and regulations of Non Public sessions.

-Hiring new officers? The department has been understaffed since last fall. **AR:** Why has it taken so long to get the PD properly staffed? How often have candidates been presented to the BOS? So, in one year, you've had one face to face. That's of concern. Three candidates were mentioned last week. What is the status of that?

KM: I'll answer that. One was uncertified and the Board indicated that they were not interested in hiring an uncertified officer. One was full time certified with 27 years experience. Due to some recent changes to the way the Board has been conducting business, both candidates have withdrawn their applications and have no interest in working here under the current form of administrations.

Lee Mayhew: Did you Board ever take a vote to hire him as the OIC or was it a presumption? **LS:** I will have to go back and double check my minutes. I almost think we did.

LS: Donnie-potential conflict. I would assume that the Board asked counsel for an opinion. Incompatibility of office...I am wondering what the opinion was in terms of what he should and shouldn't speak to.

KB: You can't share the recommendation of town counsel? **Lee Mayhew:** Town counsel's opinion is not a public document.

- Suggestion was made that Selectman Sawin needs to recuse himself from all PD matters.

-Concern over how long it is taking for the Board to make a decision. The Board was asked to finalize something and get back to the residents.

AR: There is a strong perception that the cruiser issue was punitive and not rational. Get it higher on the list. One candidate in a year? . I'd like to know why Kevin hasn't done more about bringing candidates to the Board and I'd like to know why the Board hasn't made more of an issue beforehand.

Kevin: I'd be glad to answer. I sent an email to the Board that I wasn't comfortable with the way the Board was doing things and if they were going to continue to micromanage and allow someone who I thought had a conflict to continue to interfere to the extent of telling the Monadnock Ledger that he (Officer Sawin who was a Police Officer at the time) was going to take a leave of absence. He was going to work on changing the policies of the PD and then come back to the PD. I made it clear to the Board that was not an environment I was going to bring people into. I wasn't going to subject people who I respect to that type of working environment. I felt it was unethical. I felt there were a lot of things that were going on that were wrong and I pointed that out on many occasions. I asked for clarification on multiple issues multiple times and wasn't getting answers. I made it very clear to the Board that I was not going to bring people in. I brought two candidates in when it got to a critical point, they saw what was going on and withdrew their applications.

SB: Be careful. That is your perspective and we gave you answers that you may not have liked. If we continue this much further, we can go into Non Public. We need to work through this and at the same time, I think it is inappropriate to try and throw us under the bus.

KB: Whatever you can do just speed it up. I know you're not doing malicious things.

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Walter: Rewriting policies/procedures? Isn't that what we paid Mike French for? Kevin said that Selectman Sawin was rewriting policies. **SB:** We are not rewriting them, **Walter.** Not true

Lee Mayhew: I was going to wait to listen to statistics. I'll start by saying that I've know Kevin for years. However, forgive me...I think your tone and articulation is not what I would expect from someone who is in theory the head of the PD. It is too adversarial with those who employ you. I would counsel you to temper your tone and words. I have yet to see data that would have me advocate for them to change this decision. We have a mutual aid agreement with Wilton and on a busy night they can respond faster to Bob Roger's house than Kevin. If Kevin did get to take the car home...I believe it is a taxable benefit and we should check with auditors. True on call is a cost to this community. What strikes me here is that there is a lobbying effort for the prize of the cruiser and I don't think that's appropriate. It should be based on need and that's what this Board needs to figure out. I'm not too pleased with that. What I would ask is temperance in discussion, particularly Kevin with respect to the board. I would never allow an employee of the town to speak in an uncandid and exceptionally frank manner because the PD is no different that the Highway department. The adversarial nature of this has got to get out of here otherwise, rational discussion can't happen. This cruiser is not a prize and you are not unprotected. We have mutual aid with Wilton. Let's bring it down to what the real need is. **Betsy:** The Board has been banging their heads around this issue for a long time and people aren't getting answers. Any idea that maybe this OIC structure isn't going to work for the town and where do we go if not. **SB:** I haven't given up yet. **Don:** Democracy: You work for the will of the people. Haven't heard one person speak against him taking it home. Those who wish to express themselves have. Why would that board not ask for a vote for how to handle the situation? Until you figure out how you're going to figure this out. I would ask you to ask the people in this room. **SB:** I think it is pretty clear. This is not a democracy. You vote people in and hope that they have the value set and thought process to represent you.

Linda: I truly believe that Donnie should resign from the PD. I don't think that the cruiser is a prize. I wish you could explain. Again, a two week...Steve read off the state police information.

Hayride: Brief discussion on the hayride followed.

Town Administrator Report: TA Bingham

13 Grove Street Status: The work is done

1645 Center Rd. Appraisal & status: TA Bingham updated the Board.

FEMA Public Hearing: Unanticipated funds were received. Need public hearing.

Logging Activities: New Road. Kate Thorndike updated the Board on two questionable logging operations.

Generator Fence: The work is almost done.

Funds to Turn-Out Gear- status: Contacted manufacturer: \$1,350 per set.

Selectman Sawin moved that the Board approve the purchase of 14 sets of turnout gear for the Fire Department which will be paid for in part by FEMA encumbered funds as well as Fire Department funds. **Selectman Byam** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

Perambulation: New Boston...Bump it back to the 20th.

JB: Trying to schedule Jen Weston for the Board. I have spoken with Kevin about that. 11-3 is her only open Wednesday.

Old Business:

- Review coverage information from State Police:
- Review Emergency Support Function – Information & Planning:

SB: When do we want to change or reaffirm our cruiser position? **JB:** Designate two or three nights for on call with cruiser home. We don't have a schedule of what Kevin's hours are. The Board did ask for a schedule and we've gotten nothing. It is difficult for the Board to make a decision due to lack of information. **AB:** Lets' check with LGC and make sure that we're not going to be getting a big bill. **ACTION...**Jim will check with some other departments and LGC to be sure. **DS:** Before I sign off on that I'd want to see reports of what happened each on call night. **SB:** Let's look at what we need to do, have a discussion with Kevin, modify the letter.

BOARD OF SELECTMEN'S WORK SESSION

The Board reviewed documents pertaining to the operation of the Town, approving various items as listed below.

III. ADJOURNMENT

All scheduled items having been addressed, Selectman Brown moved to adjourn; Selectman Sawin seconded the motion.

VOTE: Chairman Brown called for a verbal vote on the motion. All members voted in favor.

Chairman Brown then declared the meeting to be adjourned at 10:20 p.m.

Date: October 27, 2010
Kate Thorndike, Recorder

Steven M. Brown, Chairman

Arnold A. Byam, III

Donald R. Sawin