

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
March 10, 2010**

I. CALL TO ORDER

Chairman Strube called this meeting to order at 6:30 p.m. on Wednesday March 10, 2010, in the large meeting room in Citizens' Hall.

Those persons present were as follows:

Members

Present: Lorraine Strube, Steve Brown & Arnie Byam

Public

Present:

Staff

Present: TA Jim Bingham, RA Perry, FC McQuade

Media

Present:

Recorder: Kate Thorndike

I. Agenda Items

6:35 Meetings Update:

PB – public information session – 3/4/10
Election Day report – set up and process

6:50 Town Administrator Report

Contract from TDS for faster internet service
Generator check w/ Mark Weissflogg
Town Meeting update -preparation
Quotes for repair of plaster walls for Citizens' Hall

7:30 Citizens' Open Forum

7:45 Old Business:

8:15 New Business:

Rose Farm Rd. – Brandon Greene
C & W Auto – Forest Rd.

II. Adjournment 9:30

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Meetinghouse checklist: LS: Let's get it finalized and posted. Kate will contact Andy Roeper and get the list finalized.

Mtg. Update:

Planning Board: Brief update on meeting

AB: The biggest issue was the discussion on the Rose Farm Road Warrant article which should have been on the Warrant and wasn't. The question was whether or not he brought it to the BOS specifically or whether they were supposed to be notified solely through the PB minutes.

There was some discussion on communication between the BOS and PB and changes that need to occur to prevent this from happening in the future.

JB: The bottom-line is that Brandon Greene is not happy. He spent eight months working with the PB with the subdivision proposal and one of the stipulations for moving forward was this warrant article re: The question of accepting Rose Farm Road as a town road. So, at this point he is not in compliance with the stipulation of the development plan. **AB:** Let's talk with the PB. It is up to both Boards to assure Mr. Greene that this request will be on the Town Warrant next year. His biggest issue is that if he sells a lot he needs to be able to assure the buyer a building permit.

Action: BOS will speak with PB. **SB:** I think the answer to Brandon needs to be that the BOS will get together with PB to figure out options. Clearly, the town made the mistake and in good faith we need to try and make it right. Legally we can't do anything until next year's Town Meeting.

TDS: faster internet: There is an exit clause if the funding doesn't come through. It is a 3yr. contract and it has tripled the speed at the same price we pay now.

JB: Last Thursday, Mark Weissflogg tested the switch over to the generator. He looked at the timing and amount of power and didn't find anything that was indicating that there were some circuits that weren't working the way they should.

There was a lengthy discussion re: electrical issue in Citizens' hall.

SB: I don't recall what circuits come on when the generator kicks on. What about marking those circuits?

JB: I still think that we might want to look further into the electrical limitations of the building.

Eligible FEMA expenses from the windstorm: **TA Bingham** submitted some rough estimates but has a call in to FEMA.

Plaster repair:

JB: I met with one vendor who specializes in historic renovations/plastering. Another contractor is interested but I haven't met with him yet.

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SB: From a cash flow standpoint, wouldn't it make sense to get the insurance money now? The Board agreed and TA Bingham will contact the insurance company to request the insurance payment.

Altner abatement appeal: BTLA Order of Mediation

JB: Todd Haywood is recommending that we accept the settlement as agreed to. The Board reviewed Todd's letter. **Selectman Brown** requested a Non-Public session.

Non-public Session RSA 91-A: 3 II (e) Legal

Selectman Brown moved to go into a non-public session regarding an issue of litigation under the provisions of Non-public Session RSA 91-A: 3 II (e). **Selectman Byam** seconded the motion, so moved.

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

The Board then went into nonpublic session, as recorded separately, at 7:10 p.m. The Board returned to public session at 7:20 p.m.

Selectman Brown moved to accept the settlement agreement between the Town of Lyndeborough and Mark and Pamela Altner as recommended by Todd Haywood. **Selectman Byam** seconded the motion, so moved.

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

Citizens' Open Forum

Mike Decubellis was in attendance

Jim will check on a speaker for the top of the stairs so anyone downstairs can hear what is going on at the meeting. **JB:** I have secured the Girl Scouts to lead in the Pledge of Allegiance. **LS:** Jim, would you please get me the contact information for their leader? **TA Bingham** will forward that information to **Selectman Strube**. The Supervisors will be set up in the back alcove.

Road ordinance: **LS:** The roads are posted, right? What does it say about violators and fines? We are looking into that. Lorraine will look into her notes to check it out. State roads are posted as well.

RM: The guys did a phenomenal job today on the rescue, well coordinated. This guy slipped on ice at Purgatory Falls, grabbed a small tree and was able to use his cell phone to call 911. He was very lucky. There was a lot of good mutual aid from Wilton. The Mule did an awesome job. We got some good pictures that we will use to critique the rescue event.

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MD: Kudos to Donnie Sawin who thought quickly and got a tow rope from his cruiser which we immediately got around a tree and then through the guys belt buckle. I tried earlier today to get an update on the status/Terms of the agreement of French Road situation. I am still looking for that information, please?

JB: I sent a letter of agreement to Deb/Dave Buxton which stipulated that they would address and conduct erosion control deployment including sediment removal according to the BMPs. I also included in the letter that the work needed to be done to the acceptance of the Road Agent and that they would have to submit a monitoring report with photos at various stages of the work which would be sent to DES. I sent that over to them and got an auto "out of town" response indicating they were out until the 18th of March.

MD: Are these things that they have already agreed to or did you just type it up and will now see how they respond to it?

JB: I typed it up as my understanding of what has been agreed to verbally between Kent and Dave and also to follow up on whatever is necessary to be done in order to be compliant with DES and follow BMPs.

MD: So, is he installing the culverts and we're supplying the culverts? **JB:** We are supplying all of the materials that will be necessary to do the work. Now, whether a culvert is necessary or not is something that Kent and Dave will determine. My understanding is that the stone culverts were cleared and they are accommodating the water. I mentioned that to Emily at DES and she said that if they are working then we may not need to have a metal culvert as well. They have until August 30th and they will go back in after the wet season.

MD: So, he has verbally agreed to you that he will do the work.

JB: Yes, he has.

MD: So he agreed to put in the drainage and siltation fencing, etc?

JB: Whatever he needs to do on that. That is what the confirmation letter is for.

MD: But, he said to you that he would do that work?

JB: No, he did not say he agrees to it. He said that he would be working with Kent to look at that. There is still a question of what absolutely has to happen. If siltation fences need to be put in, that is what he'll do. If culverts need to be put in, that is what he'll do. At this point, I still want him to agree to those steps.

MD: As far as I'm concerned, all that has to be said is that he must follow the BMPs. May I have a copy of that letter?

JB: Yes

MD: Can we close French road again to prevent erosion? **KP:** I don't see a problem with that. **RA Perry** will take care of closing the road this week.

Mike volunteered to do some tractor work to put in water bars if Kent wanted to supervise.

RM: Met with Les Cartier from the Fire Marshall's office who assists with the billing for HazMat incidents. He gave us RSAs to review and told us what we can bill for and what we can't. Originally, I wasn't planning on billing for anything other than lost expenses such as the diesel fuel and a nice rescue suit. He strongly suggested that we do bill to recoup town costs. His recommendation was to send out certified letters asking all of the towns involved asking whether or not they will be billing and if so to ask them to respond by a certain date one way or the other. When it falls under a Hazmat issue then it is a different thing.

TA Bingham is going to talk to the auditors to determine how the money is handled when Suburban pays. **JB:** Les Cartier recommended a certified letter go also to suburban because they have a 30 day window of time. **RM:** We have about 2 weeks to get our bill out. The town should try to recoup the costs of this incident.

Town Script:

The Board reviewed the script.

TA Bingham will contact Gary Zirpolo to confirm that he will be at the meeting.

Selectman Brown moved to authorize the use of the FD tanker for a wedding ceremony. **Selectman Byam** seconded the motion, so moved.

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

FC McQuade mentioned some new requirements for crowd control and there was brief conversation regarding upcoming training.

C & W auto:

PD/OIC:

ADJOURNMENT

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

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

Chairman Strube then declared the meeting to be adjourned at 10:15 p.m.

Date: March 10, 2010
Kate Thorndike, Recorder

Lorraine A. Strube, Chairman

Steven M. Brown

Arnold A. Byam, III

Approved by the Board of Selectmen on March 24, 2010