

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
March 31, 2010**

I. CALL TO ORDER

Chairman Strube called this meeting to order at 6:30 p.m. on Wednesday March 31, 2010, in the large meeting room in Citizens' Hall.

Those persons present were as follows:

Members

Present: Steve Brown, Arnie Byam & Donnie Sawin

Public

Present: Mike Decubellis, Betsy Perry, Sharon & Larry Boisvert

Staff

Present: TA Jim Bingham, RA Perry

Media

Present:

Recorder: Kate Thorndike

I. Agenda Items

6:35 Update on committee meetings:
Meetinghouse Committee

6:45 Appointment – David Buxton, N.E. Forest Products,

7:15 Town Administrator Report:
Road Agent Report - FEMA-3/14 Rain Event estimate –FEMA visit
w/ Kent
Local Emergency Operations Plan
Perambulation updates

7:30 Citizens' Open Forum

7:45 Old Business:
Goal setting for this year
Review Action Item list (cont.)

8:15 New Business:
Review Purchasing Policy

8:30 Review & signing of warrants and documents

8:45 Non-Public RSA 91-A:3 (a)

II. Adjournment 9:30

Bruce Houston was sworn in by the BOS

Update on committee meetings:
Meetinghouse Committee

JB: They are not getting a high attendance which puts decision making responsibility back on to the Board of Selectmen. The idea was to have that committee handle some of the legwork for these projects and it would be great to have a more active committee able to take on some of this research. **SB: ACTION...**I will give Andy Roeper a call and talk with him about how he sees things working going forward. **JB:** Prior to their meeting I made up a folder for Andy which contained a number of bids/quotes and I wanted them to discuss the information and give this Board some feedback on a schedule, etc.

JB: Kent met with the FEMA rep, Fish and Game and DES and Jack Morehouse. **KP:** It went very quickly because our records were so good and they didn't even need to see the sites. They had everything that they needed. **SB:** Next step? **JB:** The President has signed the wind storm even as a disaster. I have an email in to Jack Morehouse to get more information and **ACTION...**when I find out I'll let the Board know.

LEOP Plan:

JB: I have started working on it. I am sending out components to dept. heads. Once I get feedback back from the Dept. heads, I will put it all together and submit it to the state. At that point they will probably want to meet with the town.

Discussion on emergency plans and how they relate to each other..

SB: ACTION...I will take a look at it before the next time we get together so I am more informed. I will dig up some other stuff that LEPC has been working on.

Perambulation: JB: I spoke with the TA in Milford. I told him it is this Board's position that this may not even be necessary. He is going to check into it further. I called Greenfield and gave them a couple of possible Saturdays in April.

Last week's Action Items:

Easement Letter/Gulf Road Bridge: JB: I held on to that to get an updated easement. I sent it over to Bill Drescher to get it revised due to a change in ownership. **ACTION...**I will contact him again tomorrow. He promised he would be looking at that and something else this week.

French Road: SB: Any update? **JB:** No, nothing more than what we already know. A Class VI road is not the town's responsibility. The focus of DES is to protect wetlands in general. So if they feel there is a violation they are going to address it.

SB: Did we get the 2- year moratorium from DES in writing on the Pettingill Hill? **JB:** No, but I've asked for it.

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Holden: Yes, I contacted them and they are going to contact Nancy Mayville re: Bridge Aid Program for the site. They still want to hold the April 7th meeting.

List of Town-owned Properties was given to the Board

Suburban HazMat: **JB:** We have set up the special revenue account.

SB: FC McQuade was going to send letters out certified letter to the towns re: Suburban incident. **KT:** I have provided him with letterhead so I think he is in process.

Fine Schedule: Donnie Sawin

Tarn Road: Letter for residents. (In Read file)

Appointment: Dave & Deb Buxton:

Summary Points of the Buxton's meeting with the board about French Road:

Dave Buxton presented a detail summary of the French Road issue explaining the following:

- Improvements that have been made to French road to date.
- A brief timeline of the meetings between himself and Road Agent **Kent Perry** when the road was reviewed in September and the site visit in December with DES after the complaint was filed and the Letter of Deficiency was received.
- Past efforts to mitigate erosion on French Road due to water flowing over the road and why the reasons the more expensive methods used this year based on BMPs were necessary.
- The responsibility of DES is to protect...just because water backs up doesn't make it wetland. Until we get clarification from DES on exactly what was discussed at the site walk we are not willing to address repairs on French Road. The presentation of that first complaint was very misleading.
- “We have spent probably \$3,500 to fix that road up so we can use it. Also, putting in a culvert is not something that the town wants to do. You have already stated that you don't want to maintain the road so why would you put a culvert in? Over the past 30 years, we have been on that road six times. As far as I know we are the only ones who have ever maintained that road. Our interest is in maintaining the roads so the next time we go in we need to do the minimal. We are not interested in scrimping on anything.” **Deb Buxton:** We would like to suggest that once we have a consensus that we send DES a letter of agreement indicating exactly what we all understand and what will be done. There is clear documentation that what we did on French Road has been done and endorsed by DES.

The discussion then focused on the six items listed in the November 30, 2010 Letter of Deficiency from the NHDES and Dave commented on each of the following points:

1. The letter identified six water crossing over French Rd. Dave informed the board that there are actually only four crossings each at the site of an old stone culvert. Two streams are considered perennial and two would be considered intermittent or seasonal.

2. At **Kent Perry's** suggestion, Dave covered the areas over the culverts where the two perennial streams crossed the road with washed 9" stone according to the NH Best Management Practices. The washed stone is far more expensive but eliminates any sediment coming off the stones into the water as the excess water flows over the stones. The layer of stones also protects the culverts from collapsing. **Jim Bingham** stated that he will discuss keeping the 9" stone where it is for the reasons just given.

3. On items 3 & 5 of the letter; Dave will remove the sediment/slash piles away from any surface stream jurisdictional areas.

4. There was much discussion regarding DES directive to install water bars across French Rd. Dave explained how the water bars' troughs are filled in during logging operations and then cleared out afterwards making a bump up to three feet deep. Dave mentioned that the water bars would significantly limit the road use especially for horse and vehicular traffic. French Road is a class VI road, which makes it a right of way to the public but does not obligate the town to maintain the road. There was speculation that water bars would be "overkill" for erosion control and are they necessary. Possibly ditching along one side of the road to allow the water to flow through the culverts may be a better option.

5. Dave emphasized that the rutting in the road is being caused by pickup trucks, ATVs, dirt bikes and other off road vehicles in addition to the logging trucks and equipment, yet it seems that the commercial loggers are held responsible and expected to make the repairs.

6. Dave stated which edition of the NH Best Management Practices for Timber Harvesting is the edition recognized by several agencies of the State and is the one used by a number of commercial loggers including him. He claimed that the version that the DES inspection officer was referencing is from the State of Maine, which does not recognize the use of washed stone as an erosion control method.

Dave Buxton: I believe Emily Lucas said that the stone was acceptable. **KP:** I thought she said that she was going to go check **AB:** She did not like that stone. Even though you put in the stone...it sounds like you're not supposed to be.

Mike Decubellis: My concern was the sedimentation going into the stream. To properly prepare you are supposed to put in fencing and deal with run off. Yes, it is old road but you have options. You either deal with it in accordance with the BMPs or wait until it is frozen.

Dave Buxton: When we left we back dragged and waited for it to freeze in. We can't be responsible for the six pickups that come through after we are gone.

Dave Buxton: Did we put the silt fence in the way you asked, Kent? **KP:** Yes.

JB: My inclination would be to put in the water bars. The Class VI road is to be passed at your own risk. It may outweigh the environmental issues.

SB: We will get in touch with Emily. **JB: ACTION:** I will contact Emily at DES and suggest a couple of meeting times.

Mike: When he was talking about putting stone down he made it sound like he was putting it on something dry. He put it on top of flowing water. You are not allowed to do that. If he had cleared the culvert so it was working properly then it wouldn't have been a problem. **JB:** The placement of that stone on the culverts doesn't violate DES regulations if the water has another access way. Those two culverts must be functioning. **MD:** The water needs to be able to flow on its own freely without passing through stone. **KP:** No, I disagree. **MD:** Also, one other point of clarification, that little book that he was saying was from Maine is a NH book authored by the same guy who wrote the one that he was supporting. It is all about sedimentation.

MD: In the future going in the winter would have prevented all of this but that was his choice.

JB: I will keep in touch with you, Mike and let the Conservation Commission exactly what information I find out.

AB: Anyone who is more experienced than Emily? **JB:** The November 30th letter is signed by Carlos Adams and I know him. **ACTION...**I will call him directly and discuss it with him.

KP: LGC couldn't find any DES rules specific to Class VI roads.

Citizens' Open Forum

Mike Decubellis, Larry and Sharon Boisvert were in attendance

Larry Boisvert: I am here for several reasons:

-Feel Good Farm is going to have a reenactment of our D-Day on June 14th and 15th. It is a full immersion WWII reenactment and we will be playing through the evening of the 14th. It is the second overnight play that we have had. I am here based on my compliance for the site plan review to announce it and make notification to the Board of Selectmen tonight.

-You need to look at the bridge at the bottom of my hill on Johnson's Corner. It would be nice if you took a look at my brook. There is tons and tons of material filling up that brook. You could fill probably 100 truckloads full of the stuff out of there. **KP:** Your site is number one or two priority for the next big change and we are looking at using a bridge, large span. It is very much on everyone's mind. Not only is your road going to get fixed this year but we also intend to go in and make major repairs.

-One of the businesses that I have on my farm is called Lyndeborough Livery and we do carriage rides. I would like you to recognize that the wheel width on our largest carriage is about 60 inches. In the future when other organizations go in to fix Class VI roads, I don't want to be excluded from being able to access the class VI roads due to ATV restrictions. When you stop them you stop my carriages as well. Also, this would accommodate the FD Mule as well.

-Today is the final day of the filing of my wood permit and I would like to pay you. I would like to point out that my intent is not to sell cordwood in vast volumes. My intent is to be an attraction and help neighbors through a shared Wood co-op which no one else does. I don't sell very many cords of wood. The town letter stated that I need to keep scale slips. Scale slips don't exist in a size of my business. You are not enforcing the regulations of salvage

cutting and I don't care but it looks like somebody is looking at Larry Boisvert and trying to hassle me over the activities that I do on my own property. I have done everything I can to comply but I would like it if you would apply your efforts to everyone not just me. I know if you pick up a copy of the Views, that there are other people advertising cordwood who themselves do not have permits. I don't care but I just wish you would go after other people as well. I have been here my whole life and I'm trying to comply. I don't appreciate it when you start coming after me because my neighbors are putting you into the awkward position of dealing with it. I would like you to be a little tougher skinned and realize that maybe it is just a neighbor complaining and it might not be worthy of Board follow through.

SB: I understand completely. You need to apply the rules evenly.

Old Business:

Goal Setting:

Perambulation: SB: I am interested in getting a more comprehensive plan together that lines up/reviews all boundaries.

Spare Computer for public use: JB: We have a spare PC that has been reformatted. The next step is to contact Vision for more information. **AB:** Do we have the funding for this? **JB:** We have a budget for tech support and we're not putting much into it at this point. We will need to get a keyboard and mouse. **SB: ACTION...**I will check on donated equipment from BAE and get back to you tomorrow. **ACTION...**The office will put together an estimate of total costs to get up and running out front for the BOS.

Forester:

Selectman Byam moved that the Board offer the Town Forester position to Robert Todd for a one year contract. **Selectman Sawin** seconded the motion, so moved.

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

ACTION...TA BINGHAM will put together a letter of offer for next week's meeting.

DS: I will take point on the fine schedule and the PD addition.

SB: That is great. I would like to request that you keep the Board clued in so we know what is going on and that you put together a schedule for either next week or the following that shows us some milestones along the way. That will help us in preparing the people for exactly what we'll be asking for. **DS:** You should get a couple of options with basic cost breakdown. We do have the Historic nature of the building to deal with. **SB:** We will need to come up with an RFP for the design. We need to develop exactly what the job is going to entail and to get a clearer idea of exactly how the process should be working. **DS: ACTION...**I will draw up a template and will speak with a couple of other companies. **SB:** Let's start with pulling together what we think we can afford and what the job is to discuss as

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a Board. If we are happy with that then we will make it “real”. That won’t stop us from doing other things but it will stop us from having real discussions with any particular firm. We can still do some planning on the RFP for solicitation and then once agreed to by this Board, we can send it out. I’m not trying to slow it down. **AB:** But we do need to follow our own procedures.

SB: Let’s get Scott Roper involved so we are knowledgeable about the historic nature of the building.

JB: It seems to me that what you would like to get out of this are two things for the public; a conceptual design and cost of construction.

Donnie is taking the lead on the PD addition and he will keep the other Board members informed.

Purchasing Policy:

The Board reviewed the policy

Purchase order: State purchasing paragraph/Municipal discount...State was removed

SB: Send out a memo to all about updating, why and a reminder about budget management. Even more important that the dpt. Heads manage their budgets. **DS:** Request that everyone come in, discuss it and sign off on it. **SB:** I agree

SB: ACTION...I will make the changes we just discussed on this document and send them out to you. Next week we will discuss it and finalize.

Purchase Orders: We will redesign them when they are getting low.

Transcribing tape machine: Donnie is looking into possibilities for updates.

List of Preferred Vendors List

Key for good time

ACTION...Get Donnie set up for the Monadnock Security

JB: Welfare requests are going up.

Rick McQuade: A FD volunteer fell down the stairs at the fire department. I have told her to come in to the office to fill out an accident report.

The final bill has gone out: \$28,700 to Suburban. I have readjusted the bill which has to go out tomorrow

SB: Did the certified letters go out to the surrounding towns?

RM: Certified letters did not go out to the towns but Les wasn’t that concerned about that.

Non-public Session RSA 91-A: 3 II (c) *Reputation*

Selectman Byam moved to go into a non-public session regarding reputation under the provisions of Non-public Session RSA 91-A: 3 II (c). **Selectman Sawin** 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).

The Board then went into nonpublic session, as recorded separately, at 8:45 p.m. The Board returned to public session at 10:50 p.m.

ADJOURNMENT

All scheduled items having been addressed, Selectman Byam 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 10:55 p.m.

Date: March 31, 2010
Kate Thorndike, Recorder

Steven M. Brown, Chairman

Arnold A. Byam, III

Donald R. Sawin

APPROVED BY THE BOARD OF SELECTMEN ON 4-14-2010