

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
April 7, 2010**

I. CALL TO ORDER

TA Bingham called this meeting to order at 6:30 p.m. on Wednesday April 7, 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: Jessie Salisbury, Lee Mayhew

Staff

Present: TA Jim Bingham, RA Perry, FC McQuade

Media

Present: **Nick Martin**

Recorder: Kate Thorndike

I. Agenda Items

6:35 Appointment – Fire Chief Rick McQuade

6:45 Appointment – Holden Engineering, Inc.

7:30 Citizens' Open Forum

7:45 Appointment – Paul Lemire re: 315 Forest Rd.

8:00 Town Administrator Report:
Perambulation updates
French Rd. update
O.I.C. update
FEMA estimates for 3/30 rain event.
Robert Todd Offer letter
Proposed letter to PB from Selectmen

8:15 Old Business:
Review Purchasing Policy
Review Action Item list (cont.)

8:55 New Business:

9:00 Review & signing of warrants and documents

II. Adjournment 9:30

TA Update:

Perambulation:

JB: 4/24, Saturday Perambulation with Greenfield. 4/21, TA Scaife is on the agenda and he will be bringing Lorraine Carson who is the force behind addressing this. Apparently, there are some private parcels impacted by this as well.

Appointment: Rick McQuade:

1. We are appointing Mark Chase as a Deputy Warden
2. FEMA Grant for the Ice Storm: **RM:** I want to bring back up for discussion exactly how the town recouped funds for the volunteer FD hours during that event. There are other opportunities for this to happen again. I think this is important in re: to the Suburban HazMat incident and in the event of other similar situations such as forest/brush fires. We need to figure this out.

There was a discussion on compensation for firefighters for these kinds of events, related statutes, town policy, accounting, volunteer versus employee status, tax implications, etc.

AB: The town used to pay the volunteers for brush calls. **RM:** I would suggest that someone in the office contact either Milford or Wilton or Peterborough. They are both bigger departments that have dealt with this and there must be a mechanism that they use.

SB: Do you know if they do reimburse? **RM:** I believe that they do. I also have a call in to our District Ranger. It is designed to be handed out. LGC has pointed out that if we do compensate we will need to pay attention to the point system so as to not "Double Dip".

SB: I agree that we should look at this. There are a number of things that we are trying to push through this year and accomplish. I assure you that we will address and deal with it in a timely manner.

Appointment: Peter Holden and Bill Rossignol

The discussion covered several issues including the following:

-A packet of letters to Nancy Mayville re: 1: Using a consultant that the town has a positive and successful relationship with to avoid the approval process again, 2: Johnson Corner Road which also needs a hydrology study in hopes of getting into the Bridge Aid Program and the associated cost of that analysis would be part of the 80/20 reimbursable, Once you get into the bridge aid program you may be able to get reimbursements from Pettingill Hill as well. 3: Pettingill Hill Road-history and recommendations for the Board's use.

-The Hydrolic study can be sent to her as well if appropriate

-Course of events; meeting with Nancy Mayville at the sites

-Hydrolic study for Johnson Corner Road

-Following action plan

- Peter Holden handed out materials to the Board including invoices

KP: I think we already have one. Tom Chrisenton did one. I will call him. The Board wants to be sure that it is a qualified study. Holden will look at it and give the Board their opinion on whether it can be used. If not, they will do one.

KP: There are some changes happening with the “In kind” replacement. FEMA said that Johnson Corner and Emory Road are their top two remediation spots. **ACTION...TA Bingham** will check with Dick Verville to see what is going on for 2010/2011. **BR:** Nancy Mayville also said that if you do get some financial assistance that they would be willing to help with the balance.

PH: If Dick comes out to look at it, I would like to be part of that meeting as well.

SB: If I read your information properly here, you are saying that Holden has satisfied the commitment relative to the previous contract. Then going forward, to continue these projects that estimate is \$3,100 to cover Pettingill Hill and get started on Johnson Corner. **PH:** That is correct. **SB:** We need to look at our budget and purchasing policy and get back to you.

TA Update Cont...

French Rd: Forwarded emails to the Board. At this point, it appears that Emily is agreeing with what I proposed Dave Buxton to do. I spoke with Deb Buxton and Dave is going to look it over and get back to me. Emily is in agreement and they need to follow up with pictures, etc. Emily agreed to come down to have another site visit in May.

There was a brief discussion on road bonds and the cost.

JB: ACTION...I will call Dave to confirm the agreement of the letter and to discuss the new Intent to cut to make sure we don't have any repeat situations.

Lee Mayhew: I understand the issue of Class VI but without your bond how do you ensure that the road, which may have to be accessed by Police/Fire/Ambulance, is reinstated to the condition it was before the activity took place? I would think you would need to bond that and you also should have site visits to see what it looked like before the cut began.

KP: This is an old road that emergency vehicles are not accessing. **SB:** How do you determine exactly who did the damage and when? I would like to think that you can tell the difference between a huge logging truck and a smaller vehicle. However, how do you know that exactly without a before and after visit? Arnie, do you want to raise the road bonds?

AB: I'm not against logging but I do want to protect the town and the roads and prevent these issues from arising again.

The conversation continued and included the suggestion of taking some pictures of the next NE Forestry logging site to have a “before” benchmark, speaking with Dave Buxton about BMPs and the town's expectation that there would be no damage on the road and suggestions for repair and/or maintenance options on French Road.

JB: ACTION...I will also contact LGC to learn the ramifications of bonding on a Class VI road. **SB:** Let's put this on the agenda again for next week.

Citizens' Open Forum

JB: There are a couple of school events that will be held upstairs and they are aware of requirements. **RM:** I have had a few chats with Sue Tussing and we are making a few changes. **JB:** I contacted Andy Roeper about the wooden chairs upstairs to be sure there was no objection to getting rid of them. They add to the fire load and **FC McQuade** would like them moved. **JS:** The suggestion is that the Town Hall chairs be offered for sale.

The office will look into getting rid of the wooden folding chairs upstairs in Citizen's Hall. and...**ACTION...**will send an email out to any interested parties regarding the distribution of the chairs.

JS: I acquired a book, printed in 1811 and it contains all of the laws between 1805-1810 which includes the entire reorganization of the state militia in 1805 and also includes the Lafayette Artillery. It was generously donated to the Historical Society by a gentleman who picked it up at a tag sale.

RM: The FD is putting together a driving obstacle course in June. We will have other agencies there as well and will extend it to PD and Highway as well. I am looking for a couple of judges and would like to have a couple of the Selectmen. It will be based on specific obstacles and there will be a speed limit that they can't go above. The objective is to heighten awareness of emergency vehicle operators.

KP: Is there a process for changing some signs in town? How do I do that? The Board recommended that Kent **ACTION...**put all his recommended changes together on paper to present to the Board.

LM: Just a reminder in order to protect yourself, when you have your public hearing you should have the rescinding of prior ordinances that put the signs in.

RM: The culvert on Route 31, just below the elementary school is really giving us some problems. It is a state road and there is literally nothing being done. **KP:** There are literally pieces of it out on the road. **RM:** During this last rain event, the state was very late on getting signs up and people were hydroplaning through it. If they're not going to inform the public they need to fix it. It is in between Wally Holt's and Norma's house. That is dumping a lot more water down in the swamp area of Glass Factory Road which then raises the level of the water down there. Dick Tresp is our state representative based out of Temple, NH.

SB: ACTION... Lets' get the number and I will call him as the EMD. **RM:** Also of concern is the fact that chunks of the culvert are laying on the south bound lane in the woods. So, what is holding up our road?

Paul Lemire: If that is the case, then the impact on our town culvert at the corner of Putnam Hill Road is caused by their faulty one...Why couldn't we get some support from the state on that one because the town culvert sort of got washed out because of their problem?

Appointment: Reverend Paul Lemire

Reverend Paul Lemire presented a letter re: the Forest road property which read as follows:

March 25, 2010

Dear Selectman Brown, Selectman Byam and former Selectman Strube,

LYNDEBOROUGH BOARD OF SELECTMEN Meeting Minutes
April 7, 2010

I am here before you today to discuss the Church property located at 315 Forest Rd.

The United Church of Lyndeborough is a vital part of this community. The Church has aided the community during difficult circumstances. As a service to the town, we are the emergency facility for the Central School and we are also listed and been used as a short term shelter. We have had the Fire Department and its auxiliary utilize our resources. We also have discreetly distributed monies to those in need. In the same helpful manner, when the Central School called and asked us if they could put the tree they had cut down at the school on our property at 315 Forest Rd. we did not hesitate to help. It is ironic that the tree, in the forefront of the pictures in the newspaper proclaiming how messy the property is, just happens to be the tree from the School.

From what I can gather from your meeting minutes, this office has taken action against our Church based on the complaints of four people. Is it standard practice for your office not to contact the property owner when something like this occurs? If so, is it considerate for the Selectmen to move in such a discretionary manner? If not, then what you did appears to be a personal attack against the Church. If I were to gather three other people and make a complaint, would this office move as quickly? It leaves a question as to whether it was who made the complaint and who the complaint was made about that moved you to take such prompt action.

Dealing with any issues in the past, the Church has always come and spoken directly with the Selectmen. I personally have come before you a number of times. Why would you not extend to me the same courtesy? I find that to be very disrespectful. Instead of calling me and asking me to appear before you to discuss the complaint, you took a unilateral approach. You authorized your Assistant, Kate Brindisi, to send an email to the State. The State followed suit and walked the property with the Fire Chief, unbeknownst to the Church. Is it standard practice for your office to have private property inspected without notifying the property owner? If it is, what happened to us can happen to anyone and all residents of Lyndeborough should be aware of how unimportant their property rights are viewed by their elected officials.

If you had contacted me, I would have informed you that the Church had a plan in place to clean the brush in the spring. I had spoken to the Fire Chief and asked for the fire department's help to burn the brush. (I was on the fire department for ten years and am presently their chaplain.) The Chief informed me he would talk to the Selectmen but never got back to me. I also would have met with Forester Bilodeau and Fire Chief McQuade at the property. We then could have spoken directly and between us devised a plan of action. Perhaps the State would have had suggestions and resources that our Church could have utilized. We will not know because the Church, as the property owner, was left out of the consultation.

The church has dealt with the State twice in the recent past, once for our driveway at 315 Forest Rd and again regarding our oil tank leak at 5 Putnam Hill Rd. We fully complied with State mandates both times and will do so again regarding the brush at the chapel property. It is unfortunate the process was not as agreeable in this last instance as it was in the first two and that we had to be surprisingly notified by a certified letter from the State.

I hope this is a one-time oversight on your part between the Church and the Town. I hope in the future that the Church and the Town officials will have a long and co-operative relationship. Let's make sure that we always have good and open communication and practice common courtesy.

I have and will continue to pray for you.

LYNDEBOROUGH BOARD OF SELECTMEN Meeting Minutes
April 7, 2010

Sincerely,
Rev. Paul Lemire, Pastor

SB: Thank you for bringing this to our attention and sharing your perspective. In your letter you mention that we took action. What was the action that you are referring to?

PL: The action was to contact the state and have them inspect the property without our permission and without prior notification.

SB: Certainly I will tell you it was not a personal attack on the church. There are lots of things we can do as a Board and singling out property owners is not what we do. Some citizens did come in expressing concerns and our approach was to understand whether it was a legitimate concern. It was not intentional to leave you out. We were doing due diligence and trying to understand whether or not there was a violation of the laws. Should we have contacted you? Possibly, but it was not the deliberate intent to go around you.

RM: I believe it was in a Board meeting that I was asked about the status of the property. I was not present at any site walk.

SB: There were two issues presented and that was why we were gathering information.

AB: When was the logging done? It has been quite some time.

PL: August of 2008.

SB: The assumption was that it was a clearing and/or conversion. The Board was trying to understand whether or not the complaint was legitimate. The state walked the property. There was no one there from this office. Maybe your issue is with the state. I will commit to you that in the future if there are complaints, we will contact you and let you know.

PL: Do you have any problem with the FD helping us out in cleaning up the property? **SB:** It was the Board's recommendation that the town not provide that help. Rationale is that typically most landowners are not permitted the use of town resources/staff/equipment on a non-town property. On occasion we do make exceptions.

PL: The email from this office indicates bias and sent the state official there with that bias. The email states "several complaints..." I could only find four in your minutes. Thank you very much for your time.

SB: Before you leave; we need to discuss the religious tax exemption that you have been given on that parcel. The agreement that we worked out was that if you use it for religious purposes then we could consider it tax exempt. The question I have from an agreement standpoint is do you plan on having any services there?

PL: Absolutely, our prayer meeting is not large and they can all fit in the driveway.

AB: I've been by there a couple of times at the time you indicated and there was never any service happening.

PL: At what time, perhaps you just missed us.

SB: Is there some kind of published meeting time?

PL: It is used as a personal prayer place and reflection spot.

SB: Thank you for coming in and making us sensitive to this. In the future we will certainly contact you.

TA Update cont...

OIC Update: JB: Kevin is coming in next week

FEMA estimates: \$8,335 was submitted yesterday.

Offer letter to Bob Todd

FEMA: JB: The wind storm is now a disaster. I made copies for the pertinent individuals. We have an April 28th deadline to get our costs in. **JB:** I will attend a FEMA meeting in Goffstown. It is imperative that a Road Agent be present in order to get aid. **SB:** There is a lot to be learned at those meetings and is a good investment in our time.

-YTD budget report is in your package

-Septic will be pumped here on Monday. Maps were created.

-We are going to be closing the office window for an hour or so on Thursday mornings to have staff meetings and catch up on meeting follow through. That time may increase as we get into the revaluation. We will publish that on the web and post around town.

SB: Ambulance is a yearly contract that we sign. Can we find out if it has been signed?

ACTION...Donnie will contact Gary Zirpolo to find out and also whether there had been billing done already.

RM: To be honest, I'm starting to wonder whether this is working out. I thought we were going to go through this on a trial basis before any payments went out?

DS: I will get a breakdown tomorrow from Gary.

RM: Please find out. I am very concerned that we are now paying for something that is not happening. They have not made the change over to MACC Base. It is a Gary question. He is the one who makes the switch. The testing was completed weeks ago and it just hasn't happened yet. Now, I'm concerned my tax dollars are going to something that isn't happening.

DS: (*Gary Zirpolo responded by email during the meeting*) Gary says that the switch will happen mid to end of April. They have been having interference with the radios and needed to get new radios. That has been the holdup.

Old Business:

Purchasing Policy:

*There was a lengthy discussion on changes to the policy and **RA Perry** and **FC McQuade** both offered their opinions and recommendations.*

TA Bingham extended an offer of support from the town office to **FC McQuade** in order to address his challenges with the time required to adhere to the purchasing policy. They will give that a "test run" to see if it helps him out. **RM:** Is there any way that I can get a status report of the overall budget every two weeks since I don't have the interface with the office like the other department heads so I have a clear idea of the bottom line? **SB:** I think the answer should be yes. **JB:** Currently we do this once a month. We get the information from QuickBooks and I bring it over and I have to fill it in on Excel. I do that monthly. I could probably run it for just a few of the departments and not run the whole thing. **RM:** Monthly is acceptable too. **SB:** I would be happy to get it in electronic form as a general rule.

LYNDEBOROUGH BOARD OF SELECTMEN Meeting Minutes
April 7, 2010

ACTION...TA Bingham will take care of the Purchasing Policy updates and email them out by the end of tomorrow. **SB:** Please leave the change bars in so we can see what the actual changes were. Steve and Jim will work on the Table of Contents together.

Action Item List:

The Board went through all of the Items on the list, assigned a responsible individual and a deadline due date.

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 9:45 p.m.

Date: April 7, 2010
Kate Thorndike, Recorder

Steven M. Brown, Chairman

Arnold A. Byam, III

Donald R. Sawin

APPROVED BY THE BOARD OF SELECTMEN ON APRIL 21, 2010