

**LYNDEBOROUGH BOARD OF SELECTMEN  
MEETING MINUTES  
October 12, 2011**

**Members Present:** Chairman Arnie Byam, Donnie Sawin & Kevin Boette

**Staff Present:** Town Administrator Burton Reynolds, Police Capt. Tom Burke, Road Agent Kent Perry

**Public Present:** Wilton Police Chief Brent Hautenan, Wilton Prosecutor Ben Mackey, Stephanie Roper and Nadine Preftakes

**Media Present:** Jessie Salisbury

**Recorder:** Pauline Ball

### **Appointments**

#### **6:30 p.m. PUBLIC HEARING –Whittemore Cemetery – Abandonment**

**TA Reynolds** explained that this public hearing was to declare the privately owned Whittemore Cemetery abandoned. After following the proper procedures by reading the hearing notice at the September 28<sup>th</sup> Selectmen’s meeting, placing the required notice in the newspaper and unable to locate relatives of the deceased, this hearing was being held so that a decision could be made which would allow the town to take over the care of the burial ground. Since there wasn’t anyone present to voice concerns, **Chairman Byam** made a motion to declare the Whittemore Cemetery abandoned and the care of the cemetery would be turned over to the Cemetery Trustees. **Selectman Boette** seconded the motion.

**VOTE:** The vote in favor of declaring the Whittemore Cemetery abandoned was unanimous.

#### **6:15 p.m. Chief Brent Hautenan – Prosecutor Sharing**

Wilton Police Chief Hautenan said that he was present at this meeting so that he could continue the discussion that was started last year concerning the idea of having a regional prosecutor. At this time, he introduced Wilton’s town prosecutor Ben Mackey.

Atty. Mackey gave the Board some background into his education and experience which included graduation with honors from WLC High School, Franklin Pierce College and Suffolk University with a law degree. During his years in law school, he interned at the attorney general’s office in Concord working on a number of high profile cases. He also

interned with the Hillsborough County attorney's office. In his last year of law school, he became second chair for the prosecutor's office and worked on DWI offenses up to attempted murder cases. He was accepted to the bar in November 2010 and was offered an internship at the Wilton Police Department to gain some work experience. When a full time prosecutorial program was approved about six months ago, he was offered that position and has gained additional experience with cases ranging from motor vehicle violations to assaults.

Chief Hautenan told the Board that he hired Atty. Mackey because he was impressed with his abilities during his internship program. He volunteered a lot of time learning prosecution procedures and it was a natural move to place him into the prosecutorial program.

Returning to the prosecutorial program, Chief Hautenan said that it was his intention to include three towns (Wilton, Mont Vernon and Lyndeborough.) Mont Vernon, because of budgetary reasons, pulled out. The Wilton Selectmen and Budget Committee agreed that the town of Wilton should go forward on their own and establish the program before inviting any other town to participate. He said that benefits have been huge because it has allowed him to get another officer back on the road. The cases that they are seeing are much more complex and preparation of legal motions has become more time consuming.

Chief Hautenan explained that a regional prosecutor would handle the initial case review right through arraignment, motions, trials, etc. He felt that when a police officer, who has been trained extensively to perform police duties is only given a two week course in prosecution procedures, he is not adequately trained nor has the necessary experience.

**Selectman Boette** asked about the differences in computer software (Wilton uses IMC and Lyndeborough uses Crimestar) and would there be a disconnect when the departments share cases. Chief Hautenan replied that it would not be an issue.

**Selectman Boette** asked how the procedure would develop once our case files are completed by the police department. Chief Hautenan said that would be a discussion with Captain Burke to determine whether case files would remain here or in Wilton and whether or not the prosecutor would work from the Lyndeborough police department. He said that many issues would have to be worked out between the police departments and the Boards of Selectmen and it was too early in the process to make those decisions.

Referring to the proposed cost for this service, Chief Hautenan said that it would be a fixed cost of \$7800 per year. **Selectman Sawin** asked how the town would be billed. Chief Hautenan replied that it would be decided by both Boards.

In answer to **Selectman Byam's** question on whether the cost was based on town population, Chief Hautenan answered that he based the cost on population and case load.

After a full year of participation, they may re-evaluate the expense. At this time, Wilton has the "lion share" of cases. He also mentioned that since reducing the number of court days, it has increased the amount of time a prosecutor spends in the courtroom on any given day. He added that traffic court will become activated beginning in January 2012 which should cut down the amount of time needed for officers to appear as witnesses.

**Selectman Boette** asked what the next steps would be in the process. Chief Hautenan said that if Lyndeborough was interested in this proposal, he would contact his Board and set up a meeting to discuss the issues.

**6:55 p.m. Captain Burke – Police Department**

**Captain Burke** said that he brought Officer Dewares over to the Lyndeborough Central School and he was given a nice response by the children and teachers. He will meet with the administration (guidance counselor, principal and nurse) on Thursday to discuss some of the topics he would like to include in their curriculum. **Selectman Boette** voiced concern about topics which might not be considered age appropriate and only confusing for some children.

**Captain Burke** responded that this town is not immune to problems and it is important to educate children and allow them to develop skills that will be needed to fight peer pressure and to learn "how to say no and be cool." He mentioned that the 6<sup>th</sup> grade teachers are in favor of the DARE program because it would help children to develop some awareness prior to moving on to the middle school environment. His new officer is very enthusiastic about working with these children and intends to sit down with the school administration and come up with a program that will be beneficial for all.

**Captain Burke**, who will taking a medical leave at the end of October, said that he has put together the November work schedule; there were a few holes where he thought the least amount of coverage was necessary. He said that Officer Gary Potter was in his second day of training and the paper work for his admission to the Police Academy in January has been submitted. He noted that police activity will increase from 50 to 70% over last year's numbers and they have had three serious DWI arrests over the last couple of weeks.

**Selectmen Boette** asked if Captain Burke was going to be back by mid December for budget season. Captain Burke said that he would be back to work by December 13<sup>th</sup>; he added that they are 75% through the year and his budget stands at 74.8% which means it will be tight. He voiced some concern that the police department has a good group of trained officers and he did not want to lose any of them because of budgetary constraints. He also mentioned that the LGC survey for comparable pay rates in area towns was going to be available for review. TA Reynolds responded that the survey should be available at the end of October or early November.

## **Board of Selectmen's Meeting Minutes**

**10-12-11**

**Selectmen Byam** asked Captain Burke for his opinion concerning the presentation given earlier by Chief Hautenan and how it would restructure his police department. **Captain Burke** was not against the program if the town had the funds available. He said that Sgt. Roy, who performs the duties as prosecutor, likes to be on patrol and would not be opposed to the program.

**Selectman Boette** cautioned that it wasn't a matter of spending an extra \$8000 for a prosecutor but it would mean that the \$8000 would be taken out of the police department budget. Joining this prosecutorial program, in his opinion, is a matter of saving money; not adding money to the police budget. **Captain Burke** explained that Sgt. Roy has dual roles: a patrol supervisor as well as a prosecutor in court once a month and when preparing for court he is present in the office and available for "walk-ins", such as gun permits, complains, etc. He would not like to see his 32 hour schedule reduced. **Captain Burke** addressed one point of the previous discussion and stated that a prosecutor cannot bring a prisoner to an arraignment.

**Selectmen Byam**, at this time, agreed that more discussion was needed and suggested that when Captain Burke returned from medical leave that he and the Board should sit down and make up a list of questions and concerns about this program before setting up a meeting with Wilton.

**TA Reynolds** and the Board also agreed to change the police department budget meeting to a later date so that Captain Burke will have time to prepare after his return from medical leave.

At this time, **Captain Burke** asked to go into a non-public session.

### **Non-public Session RSA 91-A: 3 II --Personnel**

7:15- **Captain Tom Burke-Police Personnel**

**Selectman Kevin Boette** made a motion to go into a non-public session regarding personnel under the provision of the Non-Public Session RSA 91-A: 3 II. **Selectman Donnie Sawin** seconded the motion, so moved.

**VOTE: Selectmen Byam, Sawin and Boette** voted in favor and the motion carried unanimously (3-0).

The Board went into Non-public session, as recorded separately, at 7:15 p.m. The Board returned to public sessions at 7:34 p.m.

**7:35 p.m. Citizens Forum**

Jessie Salisbury stated that Clayton Brown had voiced concern that the flagpole at Center Hall was missing. TA Reynolds replied that the lanyard was broken and it was taken down to be fixed. It would be returned shortly. He asked if the Historic Society committee was ready to give their presentation. Jessie Salisbury said that they were waiting for another member to arrive.

**7:35 p.m.- Kent Perry- Part time help**

**RA Perry** submitted a check to TA Reynolds for a \$1200 road bond payment which was given to him while the Board was in non-public session. This bond is to cover any road damage that may occur during the selective cutting of timber on Winn Mountain, property owned by Herb Swartz.

**RA Perry** mentioned the Hennessey property on the Greenfield side of Pinnacle Road, the washed out portion of the Class VI road, is starting to wash out again. He suggested to Mr. Hennessey to contact Mike Decubellis to see how to go about making the road a fire emergency lane. If it becomes a fire lane then the road agent can fix it.

**Selectman Boette** questioned why highway time and funds should be spent to fix a road that is seldom used when there are so many other roads that are heavily traveled that need the attention. **Selectman Byam** countered that all the town's roads must be kept clear and maintained. **RA Perry** said that this fix is not a big deal and it would take about six hours to repair. **Selectman Sawin** questioned how the roads are prioritized for maintenance. **Selectman Byam** replied that many of the roads take a large amount of funding to repair or rebuild, but a project like this one can be done in a few hours without requiring a large amount of material.

Stephanie Roper asked if this road was a Class VI road and if it is not maintained by the town, how can the road be fixed. **Selectman Sawin** replied that the road would have to become a fire emergency lane; then the road agent can maintain it just to keep it passable.

After going back and forth with this conversation, **Selectman Sawin** made a suggestion that a list should be put together for all roads considered for emergency lane status then a public hearing can be held to accept these roads. This will give the road agent the ability to work on these road problems whenever he can. He said that it was better to preserve these roads rather than lose them.

**RA Perry** said that he has found part time help to operate the one ton 550 truck during snow storms. He has talked to Greg Porter who is willing to take the position and will also be available to replace personnel during vacations or sickness.

## **Board of Selectmen's Meeting Minutes**

**10-12-11**

**Selectman Sawin** made a motion to hire Greg Porter as a part time highway department truck operator during snowstorms and temporary replacement for employee vacations and/or sickness. **Selectmen Boette** seconded the motion.

**VOTE:** The vote in favor of the hire was unanimous. (3-0)

**RA Perry** said that he received three bids for the purchase of 9 radios with antennae, installation and licenses. Two companies (Wright Communication and Beltronics bids were comparable) with the cost between \$5700 and \$5800. **Selectman Byam** asked for the manufacturer and the cost of each radio. **RA Perry** replied that the radios were Kenwoods and the cost was \$396 each. **Selectman Byam and Sawin** suggested that RA Perry look at Wright Communication because their service has been very good in the past.

**RA Perry** said that they have finished the project on Pettingill Hill Road and have started the installation of the plow frames. He mentioned that he is getting free sand from a landscaping project on Old Temple Road; the total amount of sand is unknown but at least 300 yards are removed, at a time. **Selectman Byam** asked if there was a sufficient amount of sand for the winter. **RA Perry** replied that he has a stockpile which will be good through December or January; he also has a stockpile of salt.

**ACTION:** **RA Perry** will put together, for the Wednesday work session, a list of roads to be considered for emergency lane status.

**TA Reynolds** explained that Stella Abbot has some large fir trees that must come down and has asked if anyone would be interested in taking them away. Stephanie Roper thought that the trees could be cut down, topped and used as Christmas trees. No one present at the meeting had any interest but a suggestion was made that Ms. Abbot should place a notice on Craig's List.

At this time, the Historic Society committee and Nadine Preftakes presented a copy of the 1912 Notice of Direct Primary to the Board of Selectmen. She said that she found it behind the stage in Center Hall and had it framed. Jessie Salisbury said that the Historic Society plans to have it displayed at Center Hall for the September 2012 primary which will be its 100<sup>th</sup> anniversary. Nadine Preftakes said that she would like to see it hanging upstairs in Citizens Hall.

## **Approval of Minutes, Manifests, and Items For Signature**

**Old Business:**

- **Pre-Tax Payroll Review**

**TA Reynolds** passed out copies of the pre-tax payroll review and said that it was almost complete. The 2008-2010 review has been done with a couple of minor errors in 2008 that Kay Hopkins will correct. The employees will be given corrected W-2 forms so that they can refile. There is a question of problems between the years of 2004-2007. The average liability for the years 2008- 2010 was about \$6500 and at first it was assumed that the years 2004-2007 would be about the same. The auditor will go through the review and submit a report next week, but right now he is estimating a liability of about \$26,000.

**TA Reynolds** explained that the payroll system began in-house in 2004 and at the time, the amount of money employees were paying for health & dental insurance was supposed to be non-taxable but the system called it taxable and indicated a taxable amount on the W-2 forms. To correct this error, a detailed accounting by year for each employee will be determined and they will each be reimbursed.

**New Business:**

- **Tax Rate Setting**

**TA Reynolds** explained that they worked with their representative at the DRA on the computer program for determining the tax rate. He showed the Board how most numbers are set but there are others that can be changed, such as the overlay number, revenues and the undesignated fund balance. These amounts can be adjusted to see how it affects the tax rate.

He pointed these particular items out:

In 2011 the total appropriations (operating budget and warrant articles..... \$1,734,000 up from \$1,705,000.

Revenues.....	\$554,000 down to \$526,000
County assessment.....	\$194,815 up from \$186,000
School.....	\$3, 357,000 up from \$2,627,000

**TA Reynolds** said that the school is the problem area with a difference of \$730,000. This amount divided by the assessed valuation equals \$4.40 which would be most of the increase in the tax rate. Because of such an increase, **TA Reynolds** said that he would contact Lisa Ambrosio at the SAU for an explanation.

Assessed revaluation.....\$165,962,158 up from \$164,000,000.

**TA Reynolds** said that the tax rate is per \$1000 and for every \$165,000 in spending, the tax rate will go up \$1.

The undesignated fund balance is.....\$801,383

**TA Reynolds** explained that the town is allowed to keep between 5-10% of the undesignated fund balance; therefore (\$239,000 the lowest amount up to \$815,000.)

Tax rate.....	Town is up \$.25.....	\$7.11 to \$7.36
	County is up \$.05.....	\$1.12 to \$1.17
	School is up \$4.25.....	\$10.70 to \$14.95

**TA Reynolds** said that last year's rate was \$21.30 and rate for this year, at the present time, is \$25.91. He discussed a couple of scenarios that could be considered in order to bring the rate down a little lower, but until the consolidated subcommittees can find ways to reduce the school budget, it is unlikely that the town will be able to do any more.

**Selectman Boette** responded that the town residents are not going too pleased with such an increase in their tax bills, even though the town budget is well done and the school addition was planned efficiently.

After listening to more discussion on this issue, **Selectman Boette** made a suggestion that some type of explanation should be sent out with the tax bills to better inform the town's residents. The Board also suggested putting out a message on the website.

- **Bank Account Signatories**

**TA Reynolds** asked the Board to sign the authorization cards for the town's business checking account as well as the conservation commission's account and the heritage commission's account.

- **Town Administrator Schedule**

**TA Reynolds** asked to change his schedule so that he could have more uninterrupted time for projects that he is working on. Instead of working Monday through Thursday, he preferred to Tuesday through Friday. The Board did not have an issue with that arrangement.

- **Employee Review Forms**

**TA Reynolds** distributed copies of the all the forms and data that will be used for upcoming employee reviews. He asked the Board to review the information and make any changes before the work session next week.

- **Emergency Plan**

**TA Reynolds** said that Steve Brown has submitted his resignation as Director of the Emergency Plan Committee. They would like to find someone in-house that is familiar with what is going on to take over the position. **TA Reynolds** said that Kate Thorndike has been reviewing the Mont Vernon model for an Emergency Plan and when it is complete the Board should review it and discuss this issue at a work session.



- **Items Noted After Agenda Was Set**

**TA Reynolds** said that the audit report is here and it will be placed in the file.

**TA Reynolds** said that he and Town Clerk Trish Schultz met with Elizabeth Abbot of Winn Road to discuss her tax situation and she has agreed to sell her home to pay the taxes.

**Adjournment:**

All scheduled items having been addressed. **Selectman Sawin** moved to adjourn; **Chairman Byam** seconded the motion.

**VOTE:** All members voted in favor. The meeting was adjourned at 9:25 p.m.

Date: October 12, 2011

Pauline Ball, Recorder

Arnie A. Byam, III  
Chairman

Donald R. Sawin

Kevin J. Boette

**APPROVED BY BOARD OF SELECTMEN ON OCTOBER 26, 2011**