

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
September 5, 2012**

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

Staff Present: Town Admin Kate Thorndike, OIC Rance Deware, RA Kent Perry and Town Clerk Trish Schultz

Public Present: Walter Holland, Bob Rogers, Lee Mayhew and Brendan Philbrick

Media Present: Jessie Salisbury and Dave Anderson

Recorder: Pauline Ball

Approval of Minutes, Manifests, and Items For Signature

The Board addressed all items that needed their signature.

Appointments:

6:30 p.m. Trish Schultz/Tax Collector (Non Public RSA 91-A:3 II (c))

Immediately after opening the meeting, **TA Kate Thorndike** explained to those present that the Board would enter into a non-public session for a brief time to discuss an issue with Tax Collector Trish Schultz.

The Board returned to the public meeting at 6:39 p.m. and proceeded with their scheduled agenda items.

6:45 p.m. Walter Holland – Election

Walter Holland said that he, Trish Schultz and other election clerks recently attended training sessions in Goffstown and in Keene for a discussion on the Voter Identification law. This law will begin with the Primary Election on Tuesday September 11th and all other elections after that. Registration will be the same but the ballot clerks will be asking for some type of identification before voters receive a ballot. It must be photo identification such as a driver's license, passport, military ID, federal, state, local ID, valid student ID or identification verified by officials such as the Supervisors of the Checklist, Town Clerk or the Moderator.

In November for the Presidential Election, proper identification will be required and anyone challenging the law will be given a "challenge voter affidavit" to fill out and sign. A mark will be placed on the checklist to denote that the form was completed; then the voter will be given a ballot. This procedure will be in effect for all elections until

September 2013; after that, photo identification will be mandatory. Mr. Holland was not concerned about challenges at the September 11th Primary, but in preparation for the November election he suggested a police presence to quell any situation that might occur in resistance to this new ID law.

Mr. Holland said that the election in November will be held in Citizens Hall instead of Center Hall because of the expected large turnout of resident voters. The town offices will be closed to the public on that date; this will be noticed in the newspaper and at Citizens Hall. He discussed the upstairs meeting room arrangement plans to accompany the flow of voters, i.e. setting up a table to determine whether a voter has identification or not; and using only one stairway for entering the meeting room. TA Thorndike said that a diagram could be placed on the website to familiarize voters with the arrangement as well as the location of handicap parking; this would alleviate some of the confusion.

Mr. Holland said that observers from all affiliated parties are expected to be present for the November election and it was important to determine the restricted areas because observers must be at least 6 feet away from the ballot clerks.

Lee Mayhew also stated that statute requires a clear path to the building; that candidates must stand 50 feet from a polling place and there is no politicking in the building.

6:50 p.m. Kent Perry – Center Road Project/Paving Plan

RA Perry submitted a detailed Paving Plan along with a map to the Board. He explained that the plan includes the Center Rd. project as well as how the block grant money will be used. **TA Thorndike** said that Burton Reynolds and RA Perry put this Paving Plan together and she fit the Center Road project into it. She said that the specifics of the project were noted on the back of the document and the map corresponds to all the different things that will be done. She said that their schedule has been placed into a map format which will help to show what is to be accomplished by the year 2017. **RA Perry** added that it will be a useful tool in the discussion with the CIP Committee and the Budget Committee, showing the importance of sticking with the plan. He said they are making great progress with the culvert, ditching and drainage projects. He hoped that once these drastic repairs are made and the roads are paved, only overlays will be required in the future. He noted that the cost for paving has remained steady at \$72 per ton. Referring to the Capital Improvement Plan, he also said that no equipment is scheduled to be bought this coming year.

RA Perry informed the Board that Pinnacle Mtn. Road hasn't been paved since 2002 and is not scheduled until 2017 but he would like to discuss a warrant article with the Budget Committee to do an overlay next year because the road may not last. He has a quote for \$96,000 and thought that part of the amount could come from encumbered funds.

TA Thorndike said that RA Perry had also received an estimate for chip sealing. **RA Perry** responded that he has a quote for chip sealing at a cost of \$70,000 (\$3.30 per sq. ft.) but if you have an undulating road, chip sealing scrapes off and will not last until 2017.

Selectman Sawin asked if he had a paving quote for the Citizens Hall parking lot. **RA Perry** said that he had one quote but if the Board wanted to go forward he would ask for more. The estimate for paving is about \$17,000- \$18,000. The Board agreed that more quotes were needed so that the project could be completed before the end of the year.

RA Perry briefly discussed a few more items:

- Culvert and patch work completed on Center Road; currently doing drainage work.
- Received approval from the Lemire's for the survey, stonewall removal and the easement.
- Received more sand from the excavation site on the Snow property.

7:05 p.m. Bob Rogers

Bob Rogers read the following prepared statement to the Board of Selectmen:

"In light of events in the past year, the Selectmen need all of the public relations points that they can gather. Restoring the public forum at your meetings will be one small step in the right direction. I know that your time for this is limited, so I suggest that you place it at the end of the agenda. It won't be as convenient for the citizens, but at least it will be there, and it may help ease the perception that you don't want to listen to any of us. If you follow a structure for the forum, it shouldn't be too burdensome.

A month ago, at the end of the meeting there was a cordial exchange with those in the audience that allowed us to leave with more positive feeling than we've had in some time. That should be your goal for every meeting. The adversarial atmosphere here must come to an end. It's counterproductive for all of us."

Mr. Rogers said that a public forum is a small part of the agenda but it's a nice touch. **Selectman Boette** voiced his concern that the public forum was being abused and noted a contentious outburst several months ago when those present were not given information on a particular subject that the Board could not provide. He admitted that it was the responsibility of the Board to control the meeting and it should have been stopped earlier. **Chairman Byam** stated that the Board wants to communicate with town residents but an appointment should be made with the office so that the Board is aware of the topic before the meeting. An open forum is used only for a brief exchange of information. Mr. Rogers replied that there were times when it's too late to be placed on the agenda; i.e. a Tuesday newspaper article creating a reaction which needed to be discussed with the Selectmen at

the Wednesday meeting. **Chairman Byam** responded that the Selectmen are always available by phone or e-mail, if an answer is needed quickly.

Walter Holland countered that the public likes the open forum, a tradition established by the town residents and it is the job of the selectmen to communicate with those who have elected them; this is not being done. Lee Mayhew stated that an open forum was placed at the end of their agenda during his tenure in Milford. If there were too many requests, they were continued until the next meeting. **Selectman Boette** said that the forum would need structure and a specific amount of time, i.e. 6:30 – 6:45. Mr. Rogers thought it should be at the end of the meeting so as not to interfere with the items on the agenda. This is a public relations issue and if not addressed, no one will be attending these meetings.

Chairman Byam said that if the open forum was reinstated, it would not be a free-for-all system; there would be a sign up sheet available prior to the meeting in which the topic would be stated. It would be a brief exchange. Mr. Rogers thought that this would be reasonable. **Chairman Byam** ended the discussion saying that the Board would take his request under advisement.

7:15 p.m. Sergeant Rance Deware – Police Staffing

OIC Deware introduced Zack Byam to the Board of Selectmen saying that his new patrol officer started his full time employment on this day and will replace Officer Keith Hervieux who ended his full time employment on September 4th. He said that Officer Hervieux has taken another position in Brookline but will remain with the Lyndeborough PD as a part time officer working about six or seven shifts on a part time basis. Officer Byam will enter the police academy from January to April 2013 for his full time certification.

7:30 p.m. Chief Rick McQuade (Non Public RSA 91-A:3 II (c))

No one was present for this appointment.

New Business:

Heritage Commission

TA Thorndike explained that the Heritage Commission submitted an invoice for the engraving of a missing death date (1974) on a cemetery monument. They are requesting that the town cover the expense. **Selectman Boette** asked if the Heritage Commission had a budget. Jessie Salisbury replied no; they have raised funds but because they did not have an account or a budget line item, the money was inadvertently placed in the General Fund. **Chairman Byam** did not have a problem with paying the invoice but cautioned Ms. Salisbury that this should have been discussed with the Board before going forward with the engraving. Lee Mayhew said that the commission will be bringing a request to the Budget Committee for a line item and to establish a fund for any donations

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given to the Heritage Commission. **TA Thorndike** agreed that this situation will be corrected and the invoice will be covered, but in the future they should bring their request to the Board before going forward.

VOTE: Chairman Byam made a motion that authorized the payment of the invoice for the monument engraving. **Selectman Boette** seconded the motion and the VOTE in favor was unanimous.

CIP/BOS Meeting Schedule

TA Thorndike distributed a copy of the current CIP plan and the scheduled dates for department head meetings with both the Board and the CIP committee. She will be meeting with each department head to go over the paperwork prior to their meeting with the Board.

Fuel bids

TA Thorndike said that requests were sent out yesterday for fuel bids and that information should be in by the end of September.

Old Business:

Valuation of Old FD air packs for donation purposes

Because Fire Chief McQuade was not present, **TA Thorndike** told the Board that she and Cindi Hasty, after making some inquiries concerning the proposed donation of the out of service airpacks, found that the material has little or no value.

She completed the "Receipt of Donation" and the "Waiver of Liability" documentation which states that the Town of Lyndeborough is donating this surplus equipment and are waiving any liability. All the appropriate language is included and there is no guarantee for the equipment. The school is accepting the equipment, as is, with no warranty of any kind. The language also states that the town recognizes that the equipment has little or no value and this donation is a public benefit to the fire fighter academy and the surrounding community.

VOTE: Selectman Sawin made a motion that the Board of Selectmen are voting to declare the ten (10) airpacks taken out of service has surplus equipment and that the Board is donating them to Mascenic High School Fire Fighter Academy #1 program. **Selectman Boette** seconded the motion and the VOTE passed with Chairman Byam abstaining.

Lee Mayhew Letter re: PD Chief hiring process

TA Thorndike asked the Board how they wanted to respond to Lee Mayhew's request, under the Right to Know law, for information received from the Attorney General's office. **Selectman Boette** said that they would send his request to the Stein Law Firm because the Board wanted to make sure he received the right information. He noted that these requests were costing the town additional legal expense. Mr. Mayhew did not think it was necessary to send his request to the Stein Law Firm; that the town administrator was capable of looking into it and checking with LGC. **Selectman Boette** countered that the town administrator and the office has other responsibilities, such as preparing for budget season, etc; researching and copying information takes a lot of time.

On another issue concerning the process for hiring a police chief, Mr. Mayhew referred to the outline given to the Board for their review. It consisted of a compilation of suggestions to establish and fund a process of selection and vetting that will insure the presentation of an appropriate candidate for a police chief. **Chairman Byam** responded that a lengthy process was followed in the past and it is very similar to this outline. Mr. Mayhew recommended that the Selectmen get bids on the cost of this process. He said that the funding should be either in the budget or addressed in the petition warrant article. He also thought that a procedural change should be discussed with the Moderator at town meeting so that the petition warrant article directing the Board of Selectmen to appoint a police chief can be taken up before the Operating Budget is brought before the voters.

Walter Holland referred to an editorial in the June 28th Monadnock Ledger concerning New Ipswich's quest to combine their police department with that of another town. The editorial stated that studies of consolidated police departments in other states have produced positive results. One example right next door is a testament to the efficiency of the idea, Temple-Greenville's merger works and it has solved both towns' problems and saved a substantial amount of money. Mr. Holland suggested that this alternative should be researched because questions may be asked at the March town meeting and it would be preferable to have some comparisons to discuss. Most agreed that the residents of Lyndeborough would rather have their own police department.

Mr. Mayhew brought up one more issue concerning the expiration date for a leave of absence given to one of the police officers. **Selectman Sawin** replied that the leave of absence is for six months and the expiration date is October 18, 2012.

Adjournment:

Before adjourning the public meeting, the Board briefly discussed the Open Forum request. The Board unanimously agreed to re-institute the forum between 7:00 – 7:15 p.m. with one caveat: A sign up sheet will be available prior to a meeting and a brief description of the topic will be required. A sign up sheet will also be available on the website, but no e-mails will be accepted.

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The Board briefly discussed the issue of sending more money to the Stein Firm to cover the expense relating to Mr. Mayhew's request, mentioned above.

VOTE: **Selectman Boette** made a motion authorizing the Stein Firm to review the Attorney General's documentation for specific privileged information before granting Lee Mayhew's request, under the Right to Know law and to authorize that an additional \$2000 for legal expenses be sent to the law firm. **Chairman Byam** seconded the motion and the VOTE in favor of the authorization passed.

All scheduled items having been addressed, the public meeting was adjourned at 8:35 p.m.

Date: September 5, 2012
Pauline Ball, Recorder

Arnie A. Byam, III
Chairman

Donald R. Sawin

Kevin J. Boette

APPROVED BY THE BOARD OF SELECTMEN ON SEPTEMBER 19, 2012