

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
April 18, 2012**

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

Staff Present: Town Admin Burton Reynolds; Admin. Asst. Kate Thorndike; Road Agent Kent Perry

Public Present: Walter Holland, Lee Mayhew, Brendan & Tania Philbrick, Robert & Christine Hadley

Media Present: Jessie Salisbury and Dave Anderson

Recorder: Pauline Ball

Appointments:

6:30 p.m. Minutes – April 4, 2012

TA Reynolds said that he had additional information to include in the 4-4-12 minutes (pg.6) concerning the discussion with Kent Perry. Before finalizing his comment, a brief discussion ensued because **Selectman Boette** was under the impression that next year Center Road would be rebuilt from Center Hall to Dutton Road. He thought that culvert work should be done this year. **TA Reynolds** agreed and said that prep work can also be done in the section from Steve's Bus Service up Center Road to Wilton Road which is scheduled in the 2013 Paving Plan. **Selectman Boette** also mentioned that elevation changes may be needed along the route near the Center Road cemetery and this would be a good time to inform the property owners so they can address any of their concerns. **TA Reynolds** read his additional comment to the minutes: *"It was also decided to wait until next year to totally rebuild Center Road from Center Hall to Dutton Road. The money to pave this section is in the 2013 Paving Plan budget. This will avoid this section of road remaining gravel over the winter – a concern of RA Perry. TA Reynolds was asked to update the paving plan for the new prices to be sure we can do what is in the plan."*

Selectmen Boette also thought that more information concerning the discussion with Brendan Philbrick during the Citizens Forum should be included in the minutes. Pauline Ball, the recorder, agreed to review the tape.

Approval of Minutes, Manifests, and Items For Signature

The Board addressed all items that needed their signature.

6:35 p.m. Kent Perry – Highway Department

RA Perry told the Board that he is ready to pave starting on Tuesday. He will do overlay projects on Citizens Hall Road, Pettingill Hill Road, Cemetery Road and Locust Lane. Since the Center Road paving project will not been done this year, **TA Reynolds** asked how he planned on spending the allocated funds. **RA Perry** said that he plans to get bids on paving the Citizens Hall parking lot. He asked if the Board wanted to include the short driveway to the handicap entrance behind the building. The Board agreed with the idea. **RA Perry** said that any funds remaining will be used to make repairs on Center Road. Because Kent was not present at the beginning of the meeting, **Selectman Boette** briefed him on the conversation saying that maybe he could work with the property owners in obtaining their permission before making the repairs along the road next year. If he could determine where any modifications to the road are to be made, then the office can prepare and send out letters to the property owners. This will make the transition run more smoothly. **TA Reynolds** also brought up a serious culvert situation located near the Zecchini property and asked if that repair was to be tackled this year. **RA Perry** replied no because that will need a permit to install a new culvert as well as permission from the property owner for access. **TA Reynolds** responded that, at least, the permission process could begin. The Board briefly discussed several problem areas along Center Road that should be addressed. **TA Reynolds** voiced some concern about the roads remaining in a gravel state during the winter. **Selectman Boette** responded that the areas could be temporarily patched. **RA Perry** affirmed that there were many small projects that can be tackled this year. He mentioned doing some road work on Schoolhouse Road before logging is done on the newly purchased lot and will be going out for bids on this logging project. He doesn't have any plans to remove the sand until 2013 because presently he has a good stockpile.

TA Reynolds said that the catch basin has been replaced on Glass Factory Road and **RA Perry** informed the Board that he has placed an order for a tractor trailer load of calcium. Right now the product is inexpensive and the cost will be shared with neighboring towns. Instead of mixing the calcium with water it will be spread raw on graded gravel roads and watered down. **TA Reynolds** stated that this process should cut down the need to grade the roads as often and retain the fines.

7:00 p.m. Kate Thorndike – Selectmen's Office changes and 2012 Goals

TA Reynolds wanted the Board to know where, in the office transition, he and Kate were and where Kate and Cindi Hasty were. He distributed copies of the job description list for their 2012 goals to the Board for their review.

K. Thorndike explained that she and Cindi went through the list which describes her job and discussed where Cindi is in the training process which she thought was about 80% completed. She said that the remaining items are things that they will work on together

next fall, such as the MS-1 form, town report, etc. She is very confident of Cindi's ability to step right into the position.

TA Reynolds said that Kate's training is an ongoing process with new items being discussed all the time. As he steps down in his role as town administrator, Kate will step up; he will still be present in the office to assist her. The Board will need to determine from the 2012 goals list which projects are priorities; then he will focus his attention on those items. He plans to research the past accounting records and set up an account for the mislaid Heritage Commission funds. Another project is Internal Controls, a three page form prepared by both LGC and PRIMEX to show how a town is handling funds and providing checks and balances, i.e. who has the authority to withdraw money. He said that the challenge for a small town is that you would like to have more of a separation in responsibility but personnel are limited.

Walter Holland asked if there was a town credit card available. **TA Reynolds** replied that he has a town credit card and it is used for such items as "out of state" purchases i.e. parts for the highway department that can only be obtained via mail order. **Selectman Boette** added that E-Bay is a big resource for parts and when one is needed immediately, you can't wait for a check to be processed.

Chairman Byam said that the Board discussed when the transition should take place and they suggested early June. K. Thorndike responded that she was ready and she would be comfortable with the Board's decision.

Looking over the list, **Chairman Byam** asked about one item, a Class VI road policy. **TA Reynolds** replied that he wants to review the rules or regulations when dealing with Class VI roads, i.e. guidelines for road maintenance, waivers, liability issues, etc.

At this time, **Chairman Byam** asked if **Fire Chief Rick McQuade** had an issue to discuss. **Chief McQuade** said that he wanted to come and personally thank **RA Perry** for allowing two of his highway employees to leave their work and assist the fire department in the number of fire calls that have erupted during these very dry windy conditions.

Chairman Byam asked Chief McQuade if he had any questions on the lease for the airpack apparatus. Chief McQuade replied that the purchase order needs to be signed, but he forgot to bring it with him. He also mentioned that several of his volunteers have been fit tested for their new masks. **TA Reynolds** said that he would contact the leasing company to get the necessary paperwork from them. **Chairman Byam** asked if the chief could bring back the purchase order some time this evening so there isn't any future delay in signing the document. **Chief McQuade** said that he would do that.

New Business:

- **Rogers Lot (School House Road Sand Pit Sale)**

The Selectman signed the paperwork for the newly purchased sand pit lot on Schoolhouse Road.

- **Center Hall Repairs**

TA Reynolds thought that the Board should see what the handicap doorsill at Center Hall looked like prior to the repair. He presented photographs that were taken by Wally Holt. **Selectman Byam** asked if a grate was to be installed in front of the door so that the water doesn't settle in that area. **TA Reynolds** replied that flashing was used and the gutter will improve the situation. He added that some of the clapboards will be painted and a few floor boards right by the door have to be replaced. **Selectman Boette** noticed recently that the furnace is heating under the building and suggested that someone check it out. **TA Reynolds** also noted that the handicap ramp needs some penetrating oil to preserve the wood and the railing needs a cap to prevent someone from getting splinters. **Selectman Boette** suggested purchasing a composite railing. **Chairman Byam** thought that they should ask Wally Holt for his suggestion as well as the Historic Commission. Walter Holland said that composite material was used on the handicap ramp on Citizens Hall and it has held up well.

7:30 Citizens Forum

Brenda Philbrick asked if Mr. Sawin would agree to recuse himself involving the Hadley business, Current Use or otherwise. **Selectman Sawin** replied that the last time it was discussed, he did recuse himself; he was there for the discussion but did not vote on anything. **Selectman Boette** asked what issue was discussed. Kate Thorndike explained that the discussion came from the Land Use Change Tax on several different properties and the Board did not move forward on the Hadley issue because they had a maple syrup business which needed to be verified. **Selectman Boette** stated that there wasn't any vote on the issue. Brenda Philbrick responded that he did not think that Mr. Sawin wanted the Board to know why; but Mr. Sawin was directly involved, quoting: "There are various improvements to the Hadleys building that are non-agricultural." He stated when someone recuses themselves, that someone should sit in the audience and if they want to participate in the discussion they do so as a member of the public. At this time, Christine Hadley asked Mr. Philbrick to stop and said that she wanted to speak about her property. She explained that she and her husband bought the property on Cram Hill Road three years ago and did not know if the property was in Current Use, the taxes were for normal usage and the former owner did not have the property in Current Use. Ms. Hadley said that maple sugaring is being done on the property. They have never inquired about Current Use or had its status reinstated but according to the minutes that she has read, the property hasn't been in Current Use since 2006. She told the Board that the

improvements to the property consisted of a new barn roof; painting of the exterior of the house and the driveway next to the house was resurfaced with gravel. They have cut down 8 maple trees beside the barn for a paddock area and installed maple sap lines along a 7+ acre parcel. Kate Thorndike responded that she did not have their paperwork available but the Board did not have any concerns on this issue. Ms. Hadley said that she spoke to the town assessor and was told to bring her paperwork to the office as well as a drawing for a current use map. K. Thorndike, to allay the situation, affirmed that Ms. Hadley should bring in all her paperwork when it was convenient and she would make sure that everything is in order. Right now, she could not comment until she reviewed the paperwork. When she has all the documentation in front of her, then she will be able to determine whether or not the property is in Current Use or what needs to be done. Ms. Hadley also noted that she needs to register her property as an agricultural farm where animals are raised and vegetables are grown. She plans to sell meat and poultry as well as maple sugar products and vegetables she has canned. K. Thorndike thought that it was more a state issue than a town issue and unrelated as a Current Use issue. **Chairman Byam** also mentioned that the Hadley's might qualify for the tax exemption on old barns. **Selectman Boette** asked the age of their barn and Ms. Hadley said that it was built in 1881. K. Thorndike said that she would get that information to Ms. Hadley, as well. Ms. Hadley was satisfied with the response that she received from Ms. Thorndike and the Board.

Brendan Philbrick returned to the recusal issue, stating that Mr. Sawin thought he recused himself but the minutes reflect that he was fully engaged in the discussion and he should have recused himself having rented to the Hadleys which ended with hard feelings. **Selectman Sawin** disagreed with Mr. Philbrick because he knows the Hadleys and he is unaware of any problems between them. Mr. Philbrick replied that he has an issue when the building permit log has no record of a permit to rent a single family home as a multi-family resident.

At this point, **Chairman Byam** interjected that the spirit of an Open Forum was to allow residents and the selectmen to discuss things that are happening in town and not into deep rooted issues. If Mr. Philbrick has a problem with a member of the Board, an appointment should be scheduled so that a particular issue can be discussed. Mr. Philbrick countered that he was in ten days ago to set an appointment but he was not on the agenda. He returned to the issue of recusal and whether Mr. Sawin was prejudiced against the Hadleys. He then asked Robert Hadley if he had an issue with Mr. Sawin when he left his rental. Mr. Hadley responded that they had some issues but they were settled.

Selectman Boette questioned Mr. Philbrick's agenda. Mr. Philbrick replied that the Board is sworn to uphold the state constitution and the Board appears to flaunt it and are lazy about the rules. **Selectman Boette** said that he is very interested in making sure that everything is right and above board.

Going on to another subject, Mr. Philbrick asked about Mr. Sawin's resignation from the police department. **Chairman Byam** replied that the Board has accepted his resignation. Mr. Philbrick said "excellent," we can move on to the next subject. At this point, **Chairman Byam** stopped this discussion, saying that the Board is not going to continue with a "laundry list of issues" during the Citizens Forum. Mr. Philbrick, disregarding this statement, continued with his comments, asking if there was a lawsuit filed against the town; who filed and what did they want. The response to that comment was no.

TA Reynolds informed Mr. Philbrick that when an appointment with the Board is made, specific issues should be stated in writing; this allows the Board to gather information, then an intelligent discussion can address the issues. **Selectman Boette** agreed with TA Reynolds saying that a decision may be rendered the same evening, if the Board is aware of the issues. **Chairman Byam** again asked Mr. Philbrick to make another appointment to discuss his issues at the May 9th public meeting. Mr. Philbrick agreed to make another appointment with specific items for discussion; but ended his comments saying that it did not seem to bother the Board that they are not following the constitution and there is a conflict of interest. **Selectman Boette** replied that he and the other board members respect the constitution, the town and the residents and they are not doing anything to injure the town. They are doing everything in their power to make the town run fairly and smoothly with a minimum of taxpayer input. Again he asked Mr. Philbrick to bring his issues to the Board and they will be discussed.

Mr. Philbrick asked Lee Mayhew if he was satisfied with the response from the Board concerning the letter that was read at the April 4th meeting. Mr. Mayhew replied yes and said that the next time he has four items to discuss he will make an appointment with the Board. **Chairman Byam** again clarified that the Citizens Forum was established by a former selectman to allow residents to come in and discuss quick issues; if there are a number of issues to be discussed, it is preferable to make an appointment and a time will be allotted for the discussion.

Mr. Mayhew did request a copy of the minutes from the March 6, 2012 meeting. **Chairman Byam** said that the office would have a copy ready for him to pick up.

Walter Holland asked if there was any lawsuit pending and voiced some concern that the budget for legal expenses was limited for next year and should the Budget Committee be aware of an issue. **Chairman Byam** replied that he was unaware of any lawsuit and **Selectman Boette** replied that so far everything is OK and revenues are a little above the projections.

Old Business:

Personnel Manual – Leave benefits wording

TA Reynolds explained that the information presented will be new wording on Leave Benefits in the Personnel manual. Earn time will be used by everyone except the Highway Department. The new manual shows how earn time is developed and he has added another column which shows the hourly rate for a two week payroll. As far as sick and personal days, the Board has decided that there will be 6 sick days and 2 personal days. Eleven holidays are also included.

Under the traditional system, the holidays for 2012 will be different because Veterans Day will not be a paid holiday instead employees will be given the Monday before Christmas off. If an eligible employee works on a holiday, they receive normal pay plus time and a half. Part time employees who are scheduled to work 20 hours per week will receive benefits; anyone below that will not. If a part time employee is normally scheduled to work that day, they will get holiday pay. All personal days must be approved and they are not carried over from one calendar year to another. If a storm results in the office closing, then employees will be paid for that day.

Selectman Boette asked if an employee is budgeted for thirty hours per week but is only needed for twenty hours, how is vacation accrued. He thought it should be determined by how many hours an employee works. It was decided that it should be reviewed every six months and adjusted annually (Jan. 1st) based on the previous six months. **TA Reynolds** thought that it should be changed to “normally scheduled hours averaging at least twenty and to be reviewed every six months” instead of “scheduled in the budget to work an annual average of twenty hours per week.”

Selectman Boette questioned the wording in Vacation Leave Settlement Upon Termination or Resignation which stated that employees who are eligible for vacation or resign employment is terminated by the board of selectmen for any reason other than just cause shall be paid an amount equal to..... The manual states that you pay for everything except just cause. He thought that it must be paid because it is an earned benefit. **TA Reynolds** replied that there is another section in the manual that explains “just cause.” **Chairman Byam** thought that you should pay an employee their vacation time, even if that person was terminated. It was decided that the wording “for any reason other than just cause” be removed.

Selectman Boette asked if sick days were accrued. **TA Reynolds** explained that sick days are to be earned as of the 1st of the year rather than piecemeal over a number of months and they do not carry over into the next year. After going through a few more items, **TA Reynolds** asked the Board to review the material and let him know if there were any more changes.

Adjournment:

All scheduled items having been addressed, the public meeting was closed at 9:00 p.m. The Board, TA Reynolds and Kate Thorndike entered into a non-public session under RSA 91-A:3 II (a). The minutes are not sealed.

Decision: Officer Potter was given a six month leave of absence from the police department.

Date: April 18, 2012
Pauline Ball, Recorder

Arnie A. Byam, III
Chairman

Donald R. Sawin

Kevin J. Boette

APPROVED BY THE BOARD OF SELECTMEN OF MAY 09, 2012