

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
February 15, 2012**

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

Staff Present: Town Administrator Burton Reynolds, Road Agent Kent Perry, Building Inspector Peter Hopkins and Fire Chief Rick McQuade

Public Present: Mark Chase

Media Present:

Recorder: Pauline Ball

Appointments:

6:30 p.m. Jonathan Devens; 72 Glass Factory Road

Chairman Byam asked Jonathan Devens to address his concerns about a neighboring residence located at 72 Glass Factory Road. Mr. Devens gave a brief summary of his previous discussions over a six year period concerning the questionable activities occurring across the street from his residence. He presented photographs depicting his concerns with the previous owner of the property as well as a time line of what has been going on over the years. He stated that, in his opinion, all the activity was not permitted, ie.; all the trees were cut down, soil stripped and sold, stone wall blown out and a large illegal driveway constructed. This occurrence happened around 2006 and after several discussions with the town's authorities, he thought that a cease and desist order was sent to the property owner; but the damage had already been done. He said that most of the waste from that activity is still piled up as depicted in the photographs. The property went into foreclosure and was purchased by the present owner who has inherited this situation. At this time, he presented some aerial view photographs of the property, as it looks now. He added that the present owner, Mr. Jones, has been running his business from the location and, in his opinion, the situation has gone from bad to worse.

Mr. Devens stated that he has tried to get the issue of the illegal driveway resolved and closed, but the driveway was permitted. In his opinion, the driveway did not meet town regulations when it was constructed, when it was permitted and it doesn't meet them now. He felt that the driveway is improperly graded and there isn't any drainage. It becomes a "mud pit" and fills up with water. When the permit was issued, one of the specifications was to lay down crushed stone to help drainage. He said that this crushed stone ends up in his driveway. Mr. Devens noted that there is another driveway on the other side of the property which allows for full access to the property.

Selectman Boette asked how the driveway negatively affected him. Mr. Devens replied that it was directly across from his driveway. He added that he has a letter given to him

by the former town administrator which acknowledges that Mr. Jones would not be accessing that driveway, that the area would be seeded and the stonewall replaced; this did not happen. He also stated that there is a junk pile (parts of boilers, furnaces, oil tanks, washer, dryer, etc) located in the back of the property that has grown considerably over time.

Chairman Byam explained that the previous owner had the right to cut down the trees but a collection of junk parts does have an impact on the property. Mr. Devens did agree that all the activity that occurred in the past cannot be undone. **Chairman Byam** responded that the only issues to be addressed are the driveway and the junk pile. If there are items being discarded, this is a problem. Mr. Devens said that this discussion is more about the driveway, but Mr. Jones' business operation also affects the situation because of the truck traffic activity. This has a negative impact on the value of his property.

Selectman Boette did not think a driveway would have a negative impact on the value of the property. Mr. Devens countered that this driveway is double the normal size and put in illegally. **Selectman Boette** stated that the driveway is now permitted and asked Building Inspector Peter Hopkins if he had gone to this site to see if there was a problem. **BI Hopkins** replied that he did and upon inspection, saw that the culvert was not operable and needed to be maintained; he did not see any other problems. **RA Perry** acknowledged that the culvert was cleared last week. **Chairman Byam** asked if the road had been regraded so that the runoff from the driveway to the road is not spilling onto the pavement. **RA Perry** replied no; that it spills onto the pavement but not any worse than any other driveway; this is not considered a severe hardship. It has a catch basin across the driveway as well as a catch basin across the street. **Selectman Boette** asked whether the driveway meets the town regulations. **RA Perry** replied that the regulations only address site distance and culverts; it does not address grading, pitch, etc.; recommendations can only be made.

Going back to the business operation, Mr. Devens said that there is a lot of traffic activity coming and going from the property. **Selectman Sawin** asked what type of business was being run at that location. Mr. Devens thought it was an oil burner or heating service.

Ending this discussion, **Selectman Boette** told Mr. Devens that the Board would follow up on these issues to see if any zoning regulations are being violated.

Selectman Boette asked Mr. Hopkins to drive by the location again and present his observations to the Selectmen.

7:10 p.m. MACC Base

MACC Base representative, Jason Johnson said that at the request of Donnie Sawin he was present to discuss dispatching services because it has been a number of years since the town

stopped using their service. He reviewed the amounts currently being paid by the town for their present dispatch service:

\$5000 for EMS; \$17,286 for Fire and \$13,878 for Police

Mr. Johnson said that he met with Police Captain Burke and Sgt. Roy because of their interest in changing services, with the caveat, that price would be a substantial consideration. They discussed what MACC Base could offer such as common frequencies with the Towns of Milford, Wilton and Mont Vernon; communities that the police department interact and rely on for mutual aid. The captain also saw some substantial safety benefits in record keeping. Through the IMC service that MACC offers, is the ability to have mobile laptops in their vehicles. Direction for grant opportunities can be provided, as well. At this time, if they were to take on just the police department, he was unable to provide a firm cost, at this time, because it is outside MACC's normal operations.

Selectman Boette asked whether this meant that the service was "all or nothing." Mr. Johnson replied that for this meeting, an "all or nothing" number which is based on their previous municipal agreement contract is the only one that he could provide. He said that the cost would be approximately \$6000 more than the town's present cost.

Selectman Boette thought that when Lyndeborough left MACC, the cost for service had doubled; he asked why it would be less now and what would be expected in increases going forward. Mr. Johnson explained that their cost is based strictly on population. In the past, there were issues concerning the ambulance service which was done on a per call basis and was eventually settled on \$5000 per year. **Selectman Boette** thought that the amount was substantially more. **Fire Chief McQuade** thought that, if the town agreed to stay, the cost had been estimated to be \$92,000, but the final number was less than that.

Mr. Johnson remembered that when the Town of Amherst left the service, there was a substantial cost increase; there was a need for additional personnel and they were dispatching for six towns. He added that MACC's present budget is almost identical to the 2003 budget; there's been a reduction in personnel as well as various other changes that have taken place.

Referring to the police department, Mr. Johnson explained to the captain that any infrastructure changes would be the responsibility of the town; MACC does not provide tactical support (computer system software) but they do provide guidance. He was told that both Captain Burke and Sgt. Roy are familiar with the system.

Mr. Johnson also spoke to Fire Chief McQuade briefly and was told that the chief is more

comfortable staying with KMA for fire dispatching services. He asked how public works and emergency management were dispatched. **RA Perry** said that they talk to each other; if anyone needs to find them, they click over to their station.

Selectman Boette said that the Board would like to see the cost for individual departments. Mr. Johnson said that the \$42,000 amount is the contractual number based on population; adding Lyndeborough's 1683 residents to the population of the other three towns. Historically they do not break it down by services.

Selectman Sawin stated that the ambulance service is separate and asked if the town would need to put the dispatch service for Fire and Police together. Mr. Johnson replied no; it would cover the whole package as well as voting membership. Individual department issues, on a daily basis, would be handled directed by him.

Chairman Byam asked if MACC would stay with each town having a voting membership. Mr. Johnson replied that the renewal contract will expire at end of 2013 at which time the voting members have the right to alter the contract. The only item that is different from when Lyndeborough was a member is that Milford has two votes because they pay 70% of the cost.

As far as a price for just the police department dispatching service, his Board of Governors can work out those figures at their next meeting. He just wanted to discuss Lyndeborough's interests before presenting it to his Board.

Chairman Byam agreed with Chief McQuade's decision, saying that they are pleased with the services provide by KMA. If they switch services, there will be the need for reprogramming, changing their frequencies and pagers. It would be a huge undertaking that they do not want to entertain, at this time. As for the police department, he did not think it would be as difficult to switch over. **Selectman Boette** said that the Board would be interested in a price for the police department which would be considered for next year's budget season. **Selectman Sawin** explained that the police department would like to acquire SPOTS and presently MACC Base is the only way that they can get it. As long as the cost is reasonable, it would allow better interaction between Lyndeborough and Wilton police departments as well as being able to share information with other towns.

Ending the conversation, **Selectman Boette** asked again for a break down in costs for the police department as well as any recommendations and cost for minimal infrastructure changes. **Chairman Byam** also suggested a cost for dispatch services for the highway department so that they can make a comparison. As for emergency management service, the Board agreed to continue with the contract that they presently have with Wilton Ambulance Service. Mr. Johnson said that he would supply all the information requested.

Approval of Minutes, Manifests, and Items for Signature

The Board addressed all items that needed their signature.

Old Business:

- **Budget Review**

TA Reynolds said that the Town Budget (MS-7) has been taken to the Village Store so that it can be signed by the members of the Budget Committee.

After making changes to the Operating Budget, **TA Reynolds** said that it was decreased by \$280. He said that the tax rate for the town portion will increase \$.36. The school portion has not been finalized.

- **Warrant Review**

TA Reynolds asked the Board how they were planning on setting up the warrant articles to decide which Selectman would speak to a particular warrant. **Chairman Byam** explained that usually they meet with the moderator and plan out how it will be structured; then the meeting agenda will give direction for the Town Meeting.

TA Reynolds noted that the explanations for the warrant articles will also appear in the Town Report prior to the Town Meeting as well as on the website. This will give town residents an opportunity to read and understand why the warrant articles are being proposed.

- **Salary Plan**

TA Reynolds, referring to development of a Salary Plan, asked for input from the Board. **Selectman Boette** agreed to a point that it was important to have a firm foundation when starting a salary plan but asked if there have been any issues in the past. **TA Reynolds** replied that after reviewing raises that were previously given, he wanted to develop a plan that was close to the rate of inflation. In his model, he used a 3.5% increase (2% for inflation and 1.5% for merit) in his plan but understood that more flexibility for the merit portion may be needed. Each year, depending on inflation, the Board would look at the rate of inflation before making their decision on whether or not a raise and/or merit are given. **Selectman Boette** cautioned that the Board must be cognizant that many residents have lost jobs or pay reductions during this poor economic period; therefore there must be flexibility in this salary plan. **TA Reynolds** responded that maybe the merit portion should have a sliding percentage, ie. (.5% to 1.5%). His objective with this plan is to help the town's employees keep up with inflation but not cost the town a lot of money. He suggested taking an average of inflation rates between the months of July-October to determine the cost of living percentage.

Chairman Byam recommended going forward with this salary plan. An average over a three/four month period (Jul-Oct) would be use to determine any cost of living increase. The merit portion (0%-2%) would be at the discretion of the Selectmen based on employee reviews. **Selectmen Sawin and Boette** agreed. **TA Reynolds** said that he would make the changes and e-mail it to the Board for their review.

- **Benefits Finalization**

Holiday pay: The Board agreed that more information was needed to answer additional concerns on how to structure holiday pay in the police schedule. **TA Reynolds** said that the Board should meet with Captain Burke for another discussion on this issue.

Accrued vacation time: The Board agreed that after the first year of employment, vacation should be accrued as of January 1st.

Personal/sick leave: The Board agreed that personal and sick leave should be merged and an employee would be given one week or 40 hours each year. If an employee is out for more than 16 hours, a physician's note will be required.

New Business:

- **School Crosswalk**

TA Reynolds said that the new school crosswalk will be located at Pettingill Hill Road because it has a better line of sight. **Selectman Sawin** expressed concern that the crossing guard will not be at the crest of the hill across from the school.

Items not included on Agenda:

- **Fire Department checking account**

TA Reynolds asked Chief McQuade if he knew about a checking account with a balance of \$2800 that is supposed to belong to the fire department. Chief McQuade was not aware of such an account. **TA Reynolds** said that they will research it later.

- **Encumbered Funds - Dry hydrant**

TA Reynolds, referring to the encumbered funds, asked the fire chief if he had submitted the paperwork for the proposed dry hydrant that was to be installed on Center Road. **Chief McQuade** said no that it isn't going to happen.

- **Heritage Commission**

TA Reynolds, referring to a discussion with Jessie Salisbury, said that there is a question of where funds, received some time ago from the Heritage Commission for "safe keeping," were placed, ie, the General Fund. **TA Reynolds** said that he will have to do some research.

- **Police Department Sign**

The Board agreed that a new police department sign, painted white with black lettering, should be made up and installed. A new light for over the door will be installed this week.

- **Disability adjustment**

Selectman Sawin suggested meeting with the town assessor to discuss documentation of disability adjustments on the tax cards. It was important that these tax cards are accurate and there is full disclosure for these exemptions; especially for future resale or refinancing of the property. The Board agreed and **TA Reynolds** said that he would have Kate Thorndike discuss this issue with the assessor.

Adjournment:

All scheduled items having been addressed. **Selectman Boette** moved to adjourn the meeting at 9:10 p.m.; **Chairman Byam** seconded the motion. **VOTE: Chairman Byam** called for a verbal vote on the motion. All members voted in favor. Chairman Byam then declared the meeting to be adjourned at 9: p.m.

Date: February 15, 2012
Pauline Ball, Recorder

Arnie A. Byam, III
Chairman

Donald R. Sawin

Kevin J. Boette

APPROVED BY THE BOARD OF SELECTMEN ON MARCH 7, 2012