

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
April 17, 2013**

Members Present: Chairman Kevin Boette, Arnie Byam & Fred Douglas

Staff Present: Town Admin Kate Thorndike, RA Kent Perry, Lt. Rance Deware, BI Michael Borden, FC Rick McQuade

Public Present: Lee Mayhew, Mark Schultz, Burton Reynolds

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. Highway Department

RA Kent Perry updated the Board saying that paving on sections of Center Road will begin on April 26th, weather permitting. All winter road restrictions will be removed and opened on May 1st. It is his intention to begin road grading and then start reconstruction in specified areas of Center Road. **TA Thorndike** said that informative letters to the residents affected by this reconstruction are to be mailed out at the end of next week.

Chairman Boette asked Selectman Douglas if he made contact with DOT concerning the road situation around Perham Corner Road. **Selectman Douglas** replied that he received another supervisor contact but has not received a return phone call.

RA Perry said that the town barn roof has been repaired and there's no leaking. Referring to the paving project, Burton Reynolds asked the cost per ton. **RA Perry** replied that the cost will be \$75 per ton for the overlay and \$71 per ton for the base coat. He mentioned that street sweeping in the village will begin next week.

Selectman Byam expressed the fire department's appreciation for the highway crew's assistance at the Center Road burning exercise last weekend.

TA Thorndike asked the road agent to discuss the upcoming training for crew members. **RA Perry** said that he will be taking a class on Harassment Prevention & Evaluations; Mark and Mel will take Garage Safety and Steve will take a class on Road Fabric and Reconstruction.

6:45 p.m. Police Department

Lt. Deware submitted the DWI Patrol grant documentation for the Board's signature. This grant will comprise ten (10) six hour patrols between 9:00 pm-3:00 am on Friday & Saturday and holidays. The Motor Vehicle Enforcement grant has started and he has informed his officers that fuel consumption will be tracked during this period for accounting purposes. He will be working with Christine Lavery on the reimbursement forms that will be submitted in increments rather than waiting until the grant period has ended. He said that the Bullet Proof Vest grant process began on April 15th and he's working on the application.

Patrol Officer Zack Byam is back at work after graduating 1st in his class at the Police Academy and receiving the #1 Academic Achievement Award.

7:00 Scott Snow – Property Issue

Scott Snow and Building Inspector Michael Borden sat down with the Board to discuss two issues.

Mr. Snow, having received a letter from BI Borden notifying him that an illegal apartment had to be vacated because it did not meet the Life Safety Code, asked for an explanation of that code. **BI Borden** explained that a bedroom unit needs two forms of egress and he only saw an exit door off the deck and two skylights. Mr. Snow questioned how an assessment could have been made when the structure had not been inspected. He submitted his property agreement with attached photos that were taken in 1997 for the Boards review. He said that he has been replacing the 30 yr. old sliders with windows.

BI Borden said that as far as the town is concerned there are two illegal apartments. The property card denotes that the structure was a two car garage. Mr. Snow responded that the structure is the way it was when he bought the property and it's his son's bedroom and not an apartment.

TA Thorndike said that the office now knows that the apartments exist and the assessor needs to visit the property and determine whether or not they are apartments. The building inspector was called in because of the safety concern of the tenant in the first floor apartment. She confirmed that Mr. Snow would stop renting the apartment. If this is the case; all facilities, i.e. the kitchen, etc. must be removed, i.e. If this is not done, it will be noted on the tax card and taxed accordingly.

For the record, **BI Borden** stated that when he went to the Snow property, it was because of the tenant's concern about carbon monoxide poisoning. He spoke to Mrs. Snow and explained the situation. He was told that he could not access the apartment unless the tenant was present; therefore he left his card and note asking the tenant to call. He received a call from Mr. Snow and was told not to come to the property unless he was home. When he returned to the property again, the tenant was home and allowed him to

look at the heater which he found compliant under the requirements. Mr. Snow gave him a receipt from Eastern Propane and after contacting the company found out that they did not do the installation. A serviceman went to the property on February 26, 2013, to check, clean and service the heater but instead it was red tagged and disconnected because it was a natural gas heater and not been converted to propane. On March 7, 2013, Eastern Propane returned and did the conversion. He said that under NH Law, in a rental apartment or commercial situation, a licensed installer must do the gas work. Mr. Snow confirmed that he had installed the heater and because it wasn't working properly, he called Eastern Propane.

BI Borden, in his opinion, said that the septic system is not sized for the residence and 2 units. Mr. Snow said that he has ordered the septic system plan from Concord but has not received them.

Chairman Boette stated that once a violation of the Life Safety Code has been brought to the attention of the town office, it must be addressed. It appears that the tenant's problem has been corrected.

TA Thorndike said that the assessor will need to research why these apartments were not documented on the tax card. **Selectman Douglas** asked if an assessor had been through his house since he bought the property. Mr. Snow replied yes.

Ending the discussion, **Selectman Douglas** asked that the minutes reflect that there isn't any need for the building inspector to go back for another inspection because the code standard has been remedied as a result of the building inspector's testimony.

VOTE: Selectman Douglas made a **motion that the Board agreed that the town assessor is to go back and make a reassessment of the structure. Chairman Boette** seconded the motion and the VOTE in favor of the motion was unanimous.

Ryan complaint

BI Borden told the Board that he had a conversation with Mr. Ryan concerning a neighbor's unsightly debris accumulating around his property. After visiting the area and taking a cursory look, he thought there may be a problem; i.e. a permit for a junkyard is needed for 500 sq. ft of debris. **Selectman Douglas** also visited the area and questioned the presence the number of gas cans. He thought that the property was messy but an "orderly mess." The Board voiced concerns about the probability of well and/or waste water contamination; there did not appear to be any health issues, at this time. The Board agreed that an informal letter should be sent to the landowner indicating a concern with the appearance of this unsightly debris and the potential concerns with the well. Another letter would be sent to Mr. Ryan stating that a selectman had stopped by the property; the Board had consulted with the building inspector and since no law has been violated, enforcement is not needed, at this time.

Community Open Forum

Lee Mayhew asked the Board if they had considered his request to keep a log of e-mails and/or phone calls relating to town business that occur between members of the Board. **Chairman Boette** responded that all town business is discussed and decisions made at Board meetings and the Board did not think it was necessary to monitor personal phone calls or e-mails.

7:45 p.m. Fire Department – Update on Center Road

FC Rick McQuade updated the Board saying that the training burn of the Center Road red house went well. Donnie Cole was in charge of the event to gain experience and many fire units from Greenfield, Greenville, Wilton, Temple and New Boston participated. He noted that two structures (a Curtis Brook Road residence and the Swartz residence) may be scheduled for future training exercises.

He addressed the fire station septic tank problem saying that they attempted to repair the hole with hydraulic cement and it failed. After the Board discussed several options, they agreed that replacing the tank “in kind” may be the preferable option. The highway department could assist in removing the old tank. Chief McQuade agreed to submit a quote for a replacement tank.

On another issue, **Chief McQuade** said that the tanker is back in service and that the radiator was repaired instead of replaced.

TA Thorndike announced that a donation was received from a property owner Stewart Ross of Winn Road in appreciation of the fire department's assistance.

Old Business:

Wilton Meeting – Ambulance/Prosecutor Agreements, Goss Park updates

Chairman Boette gave an update from the meeting held with the Wilton Selectmen on April 15th.

1. **Goss Park** is a private non-profit entity and is insured through LGC although the Town of Wilton is carrying liability insurance. A committee consisting of a Goss Park member, a Wilton Selectman and a Lyndeborough Selectman will meet during the summer to discuss the issues and develop a formal agreement. **Selectman Byam** will represent the Lyndeborough Board.
2. **Ambulance Agreement.....**the Board agreed that the next contract with the Wilton Ambulance Service should be more specific in content, i.e. response time and coverage concerns. It was also suggested that Chief McQuade attend some of the meetings with the ambulance service.

VOTE: Selectman Douglas made a **motion to accept the Ambulance Contract, as written. Selectman Byam** seconded the motion and the VOTE in favor was unanimous.

- 3. **Prosecutorial Agreement.....**the agreement has been approved by the Attorney General's office and that the prosecutor can handle cases. The police department should keep track of the number of grand jury appearances during the year.

VOTE: Chairman Boette made a **motion to accept the Prosecutorial Agreement, as written. Selectman Byam** seconded the motion and the VOTE in favor was unanimous.

- **DOL Informal Meeting**

TA Thorndike informed the Board that she will attend an informal meeting with the Dept. of Labor to discuss the violations recently cited during the audit by their inspector. She noted that a \$700 fine has been imposed on the violations (7 violations at \$100 each.)

- **Zoning Map**

TA Thorndike said that the updated zoning map has been finalized and already it's been very useful. She said that 11 x 17 sizes will be available after some image adjustment.

- **United Church of Lyndeborough exemption status**

Because **TA Thorndike** was unclear as to the exemption status for the United Church, she asked if the motion taken at the April 3rd meeting remained the same. The Board unanimously agreed that the motion taken would stand.

New Business:

TA Thorndike addressed the following New Business items:

- **Uniform service-----**Unifirst will be supplying uniforms for the Highway Dept. This service will benefit a savings of \$1700 per year.
- **EMD Radio awarded by the State-----**radio has been delivered.
- **FEMA- Request for reimbursement from February snowstorm, laptop purchase-----**town administrator and emergency medical director met with Jack Morehouse (FEMA rep.) to discuss reimbursement from the February storm. The claim is for \$17,000 which does not include vehicle time.

Items not included on Agenda:

- **Center Road Garage**

TA Thorndike asked when the Center Road garage will be cleaned out so that Wally Holt can begin his renovation plans for the conversion into EMS storage space. The Board agreed that **RA Perry** should rent a 40 cu. yd. dumpster for the disposal of the

materials that have been left in the garage and a small shed. It was noted that there should not be any future storage on the second floor of the garage.

- **Purchasing of property taken for back taxes**

TA Thorndike explained that a property owner is requesting the total cost for repurchasing property taken for back taxes. She said that Town Clerk Trish Schultz has put together all the documentation and the approximate cost is between \$18,000- 19,000. After the amounts are finalized, a new deed will be issued.

- **Employee Reviews**

TA Thorndike informed the Board that she has completed office staff reviews and that **RA Perry** has completed his highway dept. employee reviews. Referring to the town administrator's review, she stated that there were different forms (dept. head or supervisor) but no revision for the TA position. She asked the Board to decide how they wanted to go forward with this issue. She also requested that they look at last year's reviews and write down any thoughts on changes to the format.

Adjournment:

All scheduled items having been addressed, the public meeting was closed at 9:05 p.m. The Board went into a Non Public session (RSA 91-A: 3 II (a)) to discuss employee reviews and adjourned at 10:35 p.m.

Date: April 17, 2013
Pauline Ball, Recorder

Kevin J. Boette
Chairman

Arnie Byam

Fred Douglas

APPROVED BY THE BOARD OF SELECTMEN ON MAY 01, 2013.