

**LYNDEBOROUGH BOARD OF SELECTMEN  
MEETING MINUTES  
January 9, 2013**

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

**Staff Present:** Town Admin Kate Thorndike, RA Kent Perry

**Public Present:** Wilton Board of Selectmen (Bill Condra, Dan Donovan and Steve McDonough); Attys. William Drescher and Silas Little; WPD Brent Hautanen, Burton Reynolds, Lee Mayhew and Fred Douglas

**Media Present:** Jessie Salisbury and Ashley Saari

**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. Joint Meeting with Wilton Board of Selectmen**

• **Shared Police Prosecutor**

**Chairman Byam** said that there have been a few discussions in the past with the Wilton's Police Chief Brent Hautanen on the idea of sharing a regional prosecutor; therefore we asked the Wilton Selectmen (Bill Condra, Dan Donovan and Steve McDonough) to come and discuss this issue. OIC Rance Deware and the TA Thorndike are both in favor of this idea.

Mr. Donovan said that when they created the prosecutor position, they thought about making prosecution services available to other towns to help defray the cost; the question was how to go about formalizing an agreement. **Selectman Boette** said that the Board has already planned for the proposed cost for this service in their 2013 budget.

The Wilton Board voiced some concerns about the amount of time to be allocated/ how the command would be structured; worker compensation, benefits, etc. **Selectman Boette** thought that both police administrators understood the issues and could work them out together. There would be a fee for services and the prosecutor would not be an employee of Lyndeborough. Chief Hautanen based the cost on Lyndeborough's population and case load which is not significant, mostly misdemeanors. He has spoken with the Wilton prosecutor who did not seem to think that there would be a problem with additional cases. He envisioned having access to Lyndeborough's case files in order to prepare for prosecution; therefore allocating time on a weekly basis. **Selectman Boette** said that this service could be tried for one year with a review at the end. Chief Hautanen said that a rough cost of \$7800 was chosen and it can be adjusted, accordingly, after a year of

service. **Selectman Boette** mentioned that the police department has changed its software to IMC which makes it compatible with Wilton police department. Mr. Donovan asked if the both towns had the same court date. He was told yes. Chief Hautanen asked the Boards to decide if they wanted to go forward with this arrangement. Both Boards liked the idea and asked that both police administrators come up with an agreement that can be reviewed.

- **Apportionment error discussion**

**Selectman Boette** took up the next issue on the agenda and thanked the Wilton Board for coming together to discuss the school apportionment error. The Lyndeborough Selectmen wanted to make sure that both boards understood the situation; that it was not an adversarial issue. This Board has been advised by town counsel that they do not have the authority to ask 2013 taxpayers to pay a bill incurred by 2010 taxpayers. It can only be done through a court judgment or a special legislative action which would grant authority to the selectmen.

Atty. Bill Drescher, in his opinion, said that the presentation of a warrant article for the \$141,000 payment could be turned down by the voters or challenged, if passed. He said that there were only two choices: sue the town and get a judgment which the DRA would use to add that amount to the Lyndeborough tax rate; or ask local state representatives to sponsor special legislation that authorizes the town (at a special meeting) to provide a warrant article raising the money incurred through this mispayment. A plan to repay the funds in incremental payments could be included in that warrant article so that the full amount is not required in one year.

Mr. Donovan responded that both towns are neighbors and share resources amicably. There isn't any animosity between the Boards, but the \$141,000 error is a problem which will be difficult to explain to the Wilton taxpayers. He voiced some concern about the statute of limitations, if they seek special legislation as well as the discovery issue. Atty. Silas Little added there is an admission of liability; there doesn't seem to be much choice but to file suit and let the court determine whether or not there is an obligation to refund the money. Atty. Drescher asked the Wilton Board what they wanted the Town of Lyndeborough to do. Mr. Donovan replied that the money should be paid back; then it would be done.

After discussing several options, such as refunding payment through leftover School budget surplus or going through the lengthy special legislation process, both Boards agreed that the only alternative was for Wilton to file suit against Lyndeborough and let the court make the decision.

- **Goss Park/Wilton Youth Center discussion**

Mr. Donovan said that a situation regarding liability insurance for Goss Park came to the Wilton Select Board's attention as well as a request for a copy of an agreement between the towns. After some investigation, it was determined that there wasn't a written

agreement between the towns, but they have a policy for general liability coverage, fire, workers compensation and coverage on one or more buildings issued by LGC.

**TA Thorndike** explained that this question arose when she asked Primex to review the town's property liability coverage. After researching the files, which she found incomplete and discussing this concern with town counsel, a request for a copy of an agreement was sent to the Wilton town office. **Selectman Boette** asked who owned Goss Park. Mr. Donovan responded that Wilton owns the property and the towns subsidize it.

Because it appeared that paper work was missing or questionable, Atty. Drescher suggested that this issue be sorted out. Both Boards agreed that some housekeeping should be done this summer and that a joint meeting should be scheduled after town meetings in March to work on formalizing and updating an agreement.

**7:30 p.m. Highway Department Budget**

**TA Thorndike and RA Perry** presented the 2013 highway budget, as follows:

- **Wages**.....includes a 2.5% COLA increase; one hourly wage rate adjusted.
- **P/T Wages**.....consolidated employee hourly rate for different jobs (weather related) & covering vacations.
- **Training & mileage reimb**...decreased; road scholar seminars planned.
- **Uniforms**...increased 24%; will research cost of services; seek other bids.
- **Phone**...increased to \$528; internet added at the town barn.
- **Electricity**.....ytd date numbers double checked; increased 4.14%
- **Heating Fuel**....decreased \$1000; heating town barn only after storms.
- **Bldg. Maint. & Supplies**..... fire extinguishers line item moved to Govt. Bldgs.
- **Chains, Blades, Edges**.....no change; slowly adding carbide to cutting edges; last longer.
- **Fuel**.....same; weather related
- **New Veh.-Vendor**.....no major problems; decreased to \$12,000; some concern was voiced that it should have been increased slightly to cover an emergency.
- **In-House Repair**.....increased from \$11,000 to \$16,000; Equipment repair was merged with this line item.
- **Tires**.....each truck has 2 rear spares and 1 front spare, in stock.
- **Bridge Maint**.....\$1 placed in budget to keep this line item open.
- **Welding Supplies**.....increased
- **Culverts and Grates**....same; comfortable amount
- **Signs**.....same at \$2000; had to replace many signs in 2012
- **Sand**.....same; for "end of season" insurance in case of a major storm
- **Salt**.....price remains the same
- **Gravel**.....slight increase
- **Crack Seal**.....same; preferable to calcium application; more beneficial

- **Line Striping**.....no striping in 2012; budget \$1500 for 2013; \$.02 per ft for single line & \$.04 for double line.
- **Paving**.....increased \$25,000 to keep within paving schedule
- **Block Grant**.....\$75,129 is the total amount for 2013

Burton Reynolds said that \$179,000 is needed for the 2013 paving project (\$115,000 from the budget plan and \$64,000 from the Block grant. The Block grant is also supposed to cover the work on Center Road (\$13,000) and the backhoe lease (\$21647); a total of \$98,647. **TA Thorndike** said that they have \$22,000 in 2012 encumbered Block grant funds available.

**8:00 p.m. Revenues**

**TA Thorndike** addressed the Revenues as follows:

- **Land Use Change Taxes**.....estimated \$8000; down 12.50%
- **Timber Yield Taxes and Excavation Taxes**.....no change in estimates
- **Interest/Cost on Late Prop. Taxes**.....no change
- **Pole Petitions**.....fee for new & replacement utility poles; increased
- **UCC Filings**.....standard; stays the same
- **Motor Veh. Permits (decals)**.....increased 3.45%; estimated \$5,800.
- **Motor Veh. Registration and Title Fees**.....same as 2012
- **Building Permits**.....increased slightly
- **Dog Licenses and Fines**.....increased \$1000; police dept keeping on top of this item; to research how much revenue is received from dredge & fill applications
- **Licenses/Certified Copies**..... same
- **Pistol Permits**.....police dept. receives this revenue but needs a vote from vote meeting to spend it.
- **Planning Board/ZBA Fees**.....down
- **Other Grants**.....two police grants and the safe routes to school grant; \$11,120.
- **Railroad Tax**.....taken out
- **Income from Departments**....estimated \$1500
- **Cemetery Burial Income**.....down; 2013 estimate \$400
- **Police Dept. Income**....remove this line item
- **Interest on Bank Deposits**.....same
- **Rentals/Short Term Use of Facilities**.....reduced estimate to \$13,000; includes cell tower lease and Citizen Hall & Center Hall rental fees.
- **Return of Contributions**.....increased to \$4812; includes 2012 PLT and Dental Prem. Holiday funds
- **Transfer/Income from Trust Funds**.....\$205

**This predicts a 2.25% increase in revenue for 2013; a conservative estimate.**

**Board of Selectmen's Meeting Minutes**

**1-9-13**

Before ending the meeting, **TA Thorndike** asked the Board to review the 2012 Encumbered Funds list and sign it; which they did.

**Adjournment:**

All scheduled items having been addressed, **Selectman Boette** made a **motion to adjourn the meeting at 8:35 p.m.** **Selectman Sawin** seconded the motion and the VOTE in favor of adjournment was unanimous.

Date: January 9, 2013  
Pauline Ball, Recorder

Arnie A. Byam, III  
Chairman

Donald R. Sawin

Kevin J. Boette

APPROVED BY THE BOARD OF SELCETMEN ON JANUARY 30, 2013