

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
July 10, 2013**

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

Staff Present: Interim TA Burton Reynolds, Admin Asst Cindi Hasty, RA Kent Perry, Lt. Rance Deware

Public Present: Tim Welch, Lee Mayhew, Bob Rogers

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.

Referring to the Pistol Permits, **Selectman Douglas** noted that middle initial of the applicant is required on the application and the permit; two permits to be signed were missing initials and should be brought to the attention of the police department.

Appointments:

6:30 p.m. Welch land issue

Tim Welch explained that the .26 acre parcel across from his Purgatory Falls Road property is not on his deed. When he purchased his 25 acre parcel, nine years ago, he received a tax bill assessed on this \$35,000 undevelopable lot. He tried to have it reassessed; then had his land surveyed by Todd Associates who determined there wasn't any clear proof Mr. Welch owned that small piece. Each year he has come to the town clerk with this questionable tax bill, with no resolution. He recently hired an attorney to research this problem and they came to the same conclusion; he did not own it. The unknown heirs of Grace Curtis own the parcel. It appears that after Ms. Curtis sold her property around 1950, the .26 acre lot was excluded from deeds and went untaxed until Mr. Welch bought the property. Now, he wants to get this situation resolved and is asking for a reasonable assessment. In the spring, the town assessor, who could not explain why an undevelopable lot was assessed so high, agreed to drop the assessment to \$14,000. Mr. Welch said that this piece is worthless to him unless it can be rolled into his Current Use property and taxed accordingly. **Chairman Boette** responded that the Board made that same suggestion during a discussion on this issue at the last meeting. Mr. Welch said that he discussed this with his attorney and if the town owned the parcel it could be given to him, but according to all the legal documents uncovered, the heirs of Grace Curtis own it. The land seems to be in "land limbo." **Selectman Byam** said that it would be an easy

housekeeping issue to get a quit claim deed, if the heirs were known. Mr. Welch said that he has been unwilling to expend additional funds for that research.

Jessie Salisbury mentioned that there were a number of Grace Curtis descendants in the area.

Although a suggestion was made to consult with the town attorney for some direction, Mr. Welch suggested, at his own expense, to contact his attorney, inform him that everyone agrees that Grace Curtis' heirs own the parcel and ask if the Bureau of Taxation and Land Assessment should be contacted for a solution. He said it was important that this situation is resolved to prevent potential problems during a title search, if the property were to be sold sometime in the future. The Board agreed with his suggestion.

VOTE: At this time, Selectman Douglas made a motion to relieve Mr. Welch from paying taxes on the .26 acre parcel until this issue is resolved. Chairman Boette seconded the motion. The VOTE in favor of the motion was unanimous.

VOTE: Because Mr. Welch had already paid his July tax bill, Chairman Boette made a motion to refund the July tax payment on the .26 acre parcel. Selectman Douglas seconded the motion and the VOTE in favor of the motion was unanimous.

Mr. Welch said that he would have his attorney contact the Board with a decision.

6:45 p.m. Highway Dept. Update

• List of Guardrails

RA Perry read the following list of roads requiring guardrails:

- Putnam Hill Rd.....near the railroad cut; first project to be addressed.
- Cram Hill Rd.....double rail
- Johnson Corner Rd.....at culvert crossing; to be incorporated with proposed bridge construction
- Johnson Corner Rd.....300 ft up from Boisvert property; substantial drop off on left
- Center Rd.....500 ft north of Johnson Corner; substantial drop off on right
- Mountain Rd.....short culvert stretch near Badger Pond
- Mountain Rd.....600 ft of the dirt road section; 300 ft near Dinsmore property; huge drop off
- New Rd.....900 ft near Williams Way
- Pettingill Hill Rd.....repair long stretch of dirt road section
- Temple Rd at the 4-way crossing.....short stretch toward stone culvert crossing
- Beason Rd.....500 ft. on the right side
- Cemetery Rd.....250 ft. near boat landing

RA Perry said that this list has not been prioritized and that the cost of guardrail is about \$25-27 per foot. **Chairman Boette** suggested that the list be incorporated into the Paving Plan and used as a reference when preparing the budget each year.

- **Center Road project**

RA Perry said that the drainage improvements made on Center Road worked well during the recent heavy rainstorms. He has rented a Caterpillar bulldozer to help with the project and voiced some concern about the materials that he is finding under the road; they vary differently from place to place. He has rented a mower (\$20 per hr.) to cut down growth along the roadsides and will grade town roads in between the work being done on Center Road.

- **Unifirst Uniform invoice**

Mr. Reynolds said that they will continue to honor the G & K uniform contract for the next two years but he has sent a letter to the company requesting that they compare the rates for pants and shirts supplied by other services and consider lowering their prices.

In reference to the second contract with Unifirst, **Mr. Reynolds** said that they reached an agreement in which the company will keep the pants that were ordered; the shirts for the highway dept. will be purchased and the Unifirst invoice for \$761.56 will be sent out next week. **Chairman Boette** asked if a cancellation notice has been sent to G & K. **Mr. Reynolds** replied no, that a cancellation notice can only be sent to the company within 90 days but no more than 180 days prior to the contract termination date; his calendar has been marked accordingly. He stated that no new contract will have an automatic renewal clause; it will be reviewed annually which was noted in the Unifirst contract signed by TA Thorndike.

7:15 p.m. Police Dept. Update

- **Social Media Policy**

No one on the Board had any issues with the Social Media policy and it was signed by all the Selectmen.

- **License for Firearm Business**

Lt. Deware, referring to the recently approved gun business located on Forest Rd., said that he spoke to ATF as well as other firearm home business owners who stated that the ATF does routine compliance checks on the owners records and a secure weapon's safe or cabinet is required; therefore there are no further issues.

- **Police candidates**

Lt. Deware said that testing will be done on July 26th for the 9-10 candidates who are being reviewed for the open full time position.

- **Police vehicles**

Lt. Deware mentioned that he will hold off on purchasing tires for the newer vehicle but the '09 vehicle will go in for an oil change and four new tires next Wednesday.

- **Citizens Complaint Form**

Chairman Boette said that the statement discussed at a previous meeting was included in the Citizens Complaint form.

VOTE: Chairman Boette made a motion to adopt the Citizens Complaint Form, as presented. Selectman Douglas seconded the motion and the VOTE in favor of the motion was unanimous.

- **Budget update**

Mr. Reynolds said that there is only about 10% more to be collected from July tax bills. He noted that the year to date budget report is not helpful in determining revenue amounts because it does not appear in the report and will discuss this issue with the bookkeeper. He has reviewed the expense side of the report but there were line items that should be watched more closely.

7:30 p.m. Community Open Forum:

Jessie Salisbury said that the Heritage Commission will be replanting the area surrounding the Woodward monument on Center Road with a variety of daylilies. Referring to the Welcome sign in Wilton, Ms. Salisbury said that the commission is negotiating a cost for a Town of Lyndeborough sign. It will be placed on the Village Common, hopefully, in the fall when the commemorative bricks are laid down. The sign will be two sided with the histories of the Common on one side and of the railroad site on the other side. The cost is estimated at about \$300.

Lee Mayhew asked for a copy of the complaint against Selectman Boette. **Selectman Boette** said that the office would supply him with a copy. Mr. Mayhew, referring to the proposed ice rink, said that he would submit a line item budget amount for the materials to be used in its construction, prior to the next budget season. Although the site for the rink is being considered for the Old Center, they are also looking at town property on Cemetery Road closer to the village.

Selectman Douglas commended Greg Porter on the excellent job in his care of the cemetery and Center Hall grounds. Bob Rogers said that the Trustees of the Cemetery have also commended the work that he's performed. Mr. Mayhew suggested additional funding in the budget to purchase extra lime and fertilizer on the Common and Center Hall lawns. Jessie also asked that a new tree be considered to replace the one removed from in front of Center Hall.

7:45 p.m. Old Business:

- **Chief of Police – Job Description Discussion**

Selectman Boette and the Board reviewed the LGC's job description format and made a few changes of their own. Under Physical Requirements **“the nature of the position requires the employer to maintain sound physical condition attentive with the annual recertification program including the 3 year physical fitness test”** was included. Under Minimum Qualifications, **“must live 15 miles of the town line within 6 months of accepting the position”** was changed to **“must live 20 miles driving distance of the town line within 12 months of accepting the position.”**

Because there was a question on the NH law concerning “probationary period,” **Mr. Reynolds** agreed to contact LGC for an answer on the correct definition. **Selectman Douglas** stated that a probationary period is used to mentor, to show shortcomings and corrective behaviors of an employee to get them on the right track. Lee Mayhew suggested that they ask a labor lawyer or police litigant lawyer for some direction.

Selectman Douglas, referring to the Milford PD job description, suggested including their list of Physical Activity Requirements as well as the percentages under Environment.

- **Vetting Panel**

The oral panel will consist of 4-5 members:

Chairman Boette will send a letter to the colonel of Troop “B” requesting an officer (commander) to serve on the panel. He will also contact Wilton and Milford police chiefs for representatives. **Mr. Reynolds** will call the New Boston police chief. **Selectman Douglas** also recommended Earl Sweeney of the Dept. of Safety and a sergeant in the Milford PD. Lee Mayhew suggested lesser ranks that may have more experience.

At this time, **Chairman Boette** ended the discussion, saying that next meeting the Board will have an answer on the probationary period and will be able to work on the job posting advertisement. He asked Mr. Reynolds to provide a draft for the posting.

Adjournment:

Before the meeting was adjourned, Cindi Hasty asked the Board to approve the rental of Center Hall for the Leavitt wedding reception. The Board approved the request and waived the rental fee.

All scheduled items having been addressed, the public meeting was closed at 8:15 p.m. The Board entered into a non public meeting under Non Public: RSA 91-A: 3 II (a) at

Board of Selectmen's Meeting Minutes

7-10-13

8:16 p.m. The non-public meeting closed at 8:57 p.m. and the Board re-entered a public meeting at 8:58 p.m. to vote on sealing the non-public meeting minutes for three years

The roll call vote is the following:

Chairman Kevin Boette – yes
Selectman Arnie Byam – yes
Selectman Fred Douglas – yes.

The Board discussed an increase to Cindi Hasty's salary retroactive to when TA Thorndike went out on medical leave. They voted in the affirmative on this issue along with a 20% pay adjustment to reflect her increased responsibilities. The public meeting closed at 9:00 p.m.

Date: July 10, 2013
Pauline Ball, Recorder

Kevin J. Boette
Chairman

Arnie Byam III

Fred Douglas

APPROVED BY THE BOARD OF SELECTMEN ON JULY 24, 2013