

**LYNDEBOROUGH BOARD OF SELECTMEN  
MEETING MINUTES  
March 27, 2013**

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

**Staff Present:** TA Kate Thorndike, OIC Rance Deware, RA Kent Perry and FC Rick McQuade

**Public Present:** Mark Schultz, Lee Mayhew, Ron Curran, Burton Reynolds, Brenda Madsen

**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.

**New Town Business:**

**6:30 p.m. Board of Selectmen Meeting Organization**

**Chairman Byam** nominated **Kevin Boette** as the next BOS chairman. Newly elected selectman, Fred Douglas seconded the nomination. **VOTE** in favor of the nomination was unanimous. The Board and **TA Thorndike** went over several procedural issues with **Selectman Douglas** and then discussed representative assignments for the following departments:

Arnie Byam-----Planning Board and Heritage/Historical Dist. Committee  
Kevin Boette-----Budget, Fire  
Fred Douglas-----Highway, LEPC, and Wilton Ambulance

**Chairman Boette** also suggested updating name badges for all department heads, including selectmen and town administrator. Board of Selectmen meetings will continue to be held on every other Wednesday beginning at 6:30 p.m.

- **Wilton/Lyndeborough Prosecutorial Services Contract-OIC Rance Deware**  
**Lt. Deware** submitted copies of the proposed contract agreement with the Wilton PD for prosecutorial services. It outlines the job description and responsibilities of the prosecutor as well as the police department. The language format used for this agreement was taken from the Town of Littleton's template which has already been approved by the State Attorney General's office. He noted that there were still a few changes to be made and asked the Board for their comments. Because **Selectman Douglas** needed time to review the data, he asked that this issue be tabled until the next meeting. The Board agreed.

**Lt. Deware** said he has applied for a grant for 30 speed patrols from the NH Hwy Safety Agency which needed to be signed. There will be 100% reimbursement up to \$4738.50

and that the State has increased from 25% to 30% the amount of reimbursement for benefits. **Selectman Douglas** asked if the reimbursement covered labor and gasoline. **Lt. Deware** did not think it covered gasoline but he thought that there was enough money in the detail account to cover it.. He is also applying for 10 DWI patrols between May 1<sup>st</sup> and September 1<sup>st</sup>. which will not interfere with normal patrol time. It was suggested that gasoline and mileage be documented.

**Lt. Deware** said that Officer Mike Needham is scheduled to receive is 3 yr. Good Conduct medal and that Officer Zack Byam will be graduating from the Police Academy in April.

- **Department of Labor Audit (DOL)**

**TA Thorndike** updated the Board on the recent audit that was performed by a DOL inspector. The office was able to supply the inspector with all the data she needed and the audit went smoothly, the files were in good shape but there were some minor infractions; seven (7) protective legislature violations which related to incomplete documentation in personnel files and one (1) youth employment violation related to the a missing letter of parental permission. Fines may be imposed and they should complete the documentation as quickly as possible. After receiving a letter from the Dept. of Labor, the office will either pay the fine or appear at an informal hearing. **Chairman Boette** suggested attending the hearing and providing the update information.

**7:00 Department Head meetings:**

- **Kent Perry –Highway Department**

**Chairman Boette** explained that the Board is proposing to send a letter to the governor through the town's State Representative voicing concerns about the condition of the State maintained section of Center Road (Perham Corner Rd to the Milford town line.) Because of the poor condition of the road, there has been one accident as well as significant damage to the town's highway trucks and plows. **RA Perry** interjected that purchase order data shows about \$5000 in repair cost. **Selectman Douglas** suggested that photographs of the road should be included. After briefly discussing who is responsible for maintaining that section of road (State for summer maintenance and Town for winter plowing), **Selectman Douglas** suggested contacting residents Clayton Brown or Bud McEntee to see what the State is responsible for; then he recommended sending a letter to the district supervisor of the DOT before going to the governor.

**TA Thorndike** distributed copies of a complaint letter that was sent to the road agent. **Selectman Douglas** asked **RA Perry** to explain the situation. **RA Perry** said that Gutterson Lane is basically a driveway and too small for their equipment. It is difficult for the highway trucks to maintain. He cannot please the property owner; therefore letters of complaint have been sent to his home. **RA Perry** asked that the Board respond to this property owner and ask that any complaints be sent to the office. In addition, he would like to have further discussions concerning winter maintenance (plowing) on both

Gutterson Lane and Mason Road. He would continue to maintain the roads with gravel and keep the road firm. Because Gutterson Lane is a Class V road, **Chairman Boette** did not think that maintenance could be discontinued but the Board can halt the personal attacks and direct any complaints to the Board. He asked the town administrator to draft a letter for the Board's review at next week's meeting.

**RA Perry** ended by saying that there were no maintenance issues during the last snowstorm and that truck inspections were maintenance free. **Selectman Douglas** mentioned that he received information from two residents who were pleased with the Highway Department for their reaction to the last snowstorm; that the crew did a "fabulous job."

**VOTE: Selectman Douglas** made a motion to have letters of thank you prepared for the Board's signature at the next Board meeting. **Selectman Byam** seconded the motion and the VOTE in favor was unanimous.

- **Rick McQuade- Fire Department**

**Chief McQuade** said that he had an updated list of items for the Board:

Volunteers.....three new members have joined the department  
Center Road burn (red house).....scheduled for April 14<sup>th</sup> between 8:00 am-noon; needs inspection for asbestos by the building inspector; Center Road will be partially closed (one lane access)

Truck inspections have begun and Chief McQuade reported they will be saving some money because commercial vehicles will be inspected only once a year.

Engine #5.....hole in the muffler; it's been fixed

Engine #4.....is in for inspection

Tanker.....radiator is leaking and needs to be pulled; question as to whether it can be repaired or must be replaced

Cab & chassis replacement.....looking at International for a truck that will fit in the station; pricing is still in good shape;

Septic System.....waiting for warmer weather to pump and patch the crack in the tank

**7:30 p.m. Community Open Forum**

Ron Curran voiced concern that there were too many non-public sessions on the past schedules; that the Board should meet with town counsel on issues relating to RSA 91-A.

**Chairman Boette** said that would be costly; that non-public meetings were used to protect private information.

Lee Mayhew asked the Board, as part of the Right to Know law, to consider for the next meeting, a way of maintaining a log of phone or e-mails relating to various issues that may be discussed between Selectmen and other members of town government. This data

should be made available for review. He also recommended that the proposed Wilton/Lyndeborough prosecutorial contract be reviewed by town counsel.

**TA Thorndike** replied that Atty. Drescher has a copy of the contract.

Referring to Mr. Curran's comment, Mr. Mayhew thought that the Selectmen should know prior to a non-public meeting with a private citizen what the issue is about and have some type of resolution before the meeting.

- **Acceptance of Hurricane Sandy, FEMA funds (\$1896.17)**

**VOTE: Selectman Byam** made a **motion to accept the FEMA funds (\$1896.17.)**

**Chairman Boette** seconded the motion. **Selectman Douglas** said that he would abstain because he was not familiar with this issue. **TA Thorndike** explained that they had totaled the expenses incurred during Hurricane Sandy and sent in a request for reimbursement of \$3000. A percent of those funds were reimbursed to the town. **Burton Reynolds** asked if the funds would go into a revenue account or would the highway department spend those funds. **Chairman Boette** replied that these funds will be spent but it is their intention to track how they are spent.

On another issue, **TA Thorndike** said that she had a request from Ms. McEntee to use the \$500 stipend for any of her training and travel expenses.

### **Old Town Business:**

- **Health Officer**

**TA Thorndike** stated that Carylyn McEntee has agreed to be considered as the new Health Officer. **Selectman Douglas** asked if a job position is openly posted for other candidates. He said the statute explains the responsibility and authority of a health officer and the candidate must know how to approach a situation and make decisions based on their experience. **TA Thorndike** explained that this is a recommendation of the Board of Selectmen which is presented to the State for approval. **Chairman Boette** responded, in general, an open job position is posted on the website and through "word of mouth." He said that EMC Director, Ms. McEntee is highly qualified and is a benefit to the town.

**VOTE: Chairman Boette** made a **motion to recommend Carylyn McEntee as the Health Officer.** **Selectman Douglas** seconded the motion. The VOTE in favor of the recommendation passed unanimously.

- **Office Update**

**TA Thorndike** said that Kay Hopkins has ended her employment and Christine Lavery is doing very well as Kay's replacement. Ms. Lavery is comfortable with the QuikBook and ADP systems; she has additional training as a CPA and looks at and sometimes takes a different approach to a task. They have also discussed the importance of keeping the lines of communication open between Ms. Lavery and Tax Collector, Trish Schultz.

**Items not included on Agenda:**

- **United Church of Lyndeborough Tax Exemption Appeal**

TA Thorndike said that the United Church tax exemption appeal went to BTLA and it was denied; the property should not be exempted because they did not show a burden of proof for a religious exemption. They have 30 days to file another appeal.

- **Goss Park**

TA Thorndike received a letter from the Wilton Select Board with a tentative date for a meeting on Monday, April 15<sup>th</sup> at 6:30 p.m. to discuss the issues concerning Goss Park. She suggested inviting a representative from LGC to the discussion. She said that the letter also asked the Lyndeborough Selectmen to add other topics of discussion to the proposed agenda which will include: an agreement, liability and insurance. The Board agreed to meet on the suggested date.

- **School Apportionment Issue**

TA Thorndike received a letter from town counsel, Bill Drescher, with an update on the legal issue concerning the Wilton/Lyndeborough School apportionment error. It stated that a conference has been set for September 27<sup>th</sup> and that a trial is not necessary because both parties agree on the facts of this case; it will go before a judge for a decision. The letter also requested, with permission from the Board, a phone call/meeting with former Town Administrator Burton Reynolds to discuss the case. Mr. Reynolds who was present agreed to the discussion.

**VOTE:** Selectman Douglas made a motion to allow Burton Reynolds to discuss the issues with town counsel. Selectman Byam seconded the motion and the VOTE in favor of the motion was unanimous.

- **E911 Notification System**

TA Thorndike received preliminary information from the State concerning the new emergency notification procedures that will go into effect in the near future. It is a technical expansion of the current system which will allow, in an emergency situation, improved communication by cell phone and home phone. They are asking the Board of Selectmen to supply a contact list of those who would be authorized to access the program. After a brief discussion, the Board chose Fire Chief McQuade as the first contact with the Police, Emergency Management Director, Town Administrator and the Select Board Chairman, after that.

- **Heritage Commission**

TA Thorndike said that the Heritage Commission fund has been set up and the town treasurer will open an account. The Heritage Commission will have the authority to spend those funds, as they choose.

**Adjournment:**

All scheduled items having been addressed, the public meeting was closed at 8:15 p.m.

The Board and the Town Administrator went into a Non-Public session to discuss a Personnel issue under RSA 91-A:3 II (a).

Date: March 27, 2013  
Pauline Ball, Recorder

Kevin Boette  
Chairman

Arnie Byam

Fred Douglas

**APPROVED BY THE BOARD OF SELECTMEN ON APRIL 03, 2013**