

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
April 29, 2015
Final

Members Present: Chairman Fred Douglas, Selectman Lee Mayhew and Selectman Mark Schultz.

Staff Present: Cindi Hasty

Public Present: Ron Curran, Ginny Chrisenton, Tom Chrisenton. Sally Curran entered towards end of meeting. Cheryl Akstin.

Media Present: Jessie Salisbury from the Milford Cabinet and Ashley Saari from the Monadnock Ledger-Transcript

Recorder: Kathleen Humphreys.
The meeting was called to order at 6:00pm.

Consent Agenda:

Review and signing of consent agenda items

- a. AP Warrant 4/7/15
- b. AP Warrant 4/21/15
- c. Payroll 4/30/15
- d. Alcohol and Drug Testing Contract
- e. Intent to Cut 15-279-03
- f. Intent to Cut 15-279-04
- g. Timber Yield Tax 14-279-20
- h. Gravel Yield Tax 14-279-03 and 14-279-04
- i. Gravel Yield Tax 14-279-01 and 14-279-02
- j. Meeting Minutes 3/18/2015
- k. Veteran's Exemption 226-023-000
- l. Veteran's Exemption 215-026-000
- m. Charitable Exemption 203-005-000 and 202-005-000
- n. Religious Exemption 229-031-000, 221-005-000 and 231-004-000
- o. Elderly Exemption

Community Forum

The Monuments Committee met on April 25, 2015 to clean-up Memorial Park in the Village Common. The Board would like to express a special thanks to Greg Porter for a job well done. Flowers will be planted and new Memorial Bricks will be laid in the pathway before Memorial Day.

Jessie Salisbury reported that there was damage to the Village Common during the snowmobile season and is requesting permission to place a section of snow fence in that area to avoid any future damage.

Chairman Douglas suggested that the Wilton/Lyndeborough Winter Wanders Club should be responsible for putting up the snow fence as part of their trail maintenance.

The spruce tree at Center Hall, that was damaged last year, has been replaced earlier with a tree donated by Bud McEntee, Peg McEntee, Clayton Brown and Pauline Brown. A letter of appreciation will be sent to both families. The road agent put four large stones around the tree to protect it.

New U.S. Flags have been placed at the Center. The Memorial Park will have new flags.

Old Business

Safety Complex and other Option Committee updated

The Town Administrator has contacted members who volunteered. On May 27, the committee and department heads will meet and receive their charge. The town will provide the previous studies.

Scott Roper will be on the committee while Stephanie Roper will attend but be non-voting citizen.

Chairman Douglas asked that the record reflect the Board appreciates the individuals volunteering for the committee because it's something that needs to be addressed.

New Business

Farm Structure Application Decision

Tom and Ginny Chrisenton were before the Board regarding their new barn.

Cheryl Akstin, C.N. H.A., from Granite Hill Municipal Services presented a letter to the Board with her recommendation.

It was noted Title V Taxation, Chapter 79-F was adopted at the 2010 Town Meeting.

Selectman Mayhew felt the applicant did qualify because the statute can't stand on its own and has other statutes. For example, the State of New Hampshire has RSA 21, which deals with agriculture and farming, and that provides further definition and in that it talks of the farm to mean any land building structures in which farming activities are carried out and conducted and so forth and any other structures used in operations, named in paragraph two of this section. It further talks about Christmas trees grown as part of a commercial tree farm and they allow that as part of farming. Selectman Mayhew felt it was logical because he believes the applicants are doing Section 9, items D and E.

Cheryl Akstin felt it didn't relate. She indicated you can't just pull out sections of RSA 79-F and they have to see what the intent is and that is for and provides definitions that satisfy this RSA.

Ms. Akstin contacted the DRA and spoke to Natalie (she could not provide her last name) and Mary Pinkham Larger who then went on to speak with Mr. Hamilton who is the DRA Director. She said all four agree this application does not qualify and it's separate and all RSA's can be argued and be interpreted and move on to onto a higher court to be argued, this one has not yet.

Ms. Akstin said, "I'm here to let you know what my findings are. You by all means can vote against my recommendation. We can go around and round with this. I feel I did my due diligence in getting the information and I do stand on that recommendation for the town."

Selectman Mayhew discussed the definition of chapter 79, forest land under 79-F 3 VI (b). It seems to him the writers of the statute put in a definition for forest land, means any land growing trees, must have had some thought to be inclusive in the statute.

Ms. Akstin said she can respect their interpretation and felt she did her due diligence and that it can be interpreted differently and this particular one has not gone further in the courts.

She said the town can either go with her recommendation or not. There is an appeal process is open, which includes Board of Land and Tax Appeals or Superior Court.

Selectman Schultz said he read at length everything that was put together and appreciates Ms. Akstin's work but disagrees with findings. He went on to say different statute speak of different things and think it could be defined better.

Selectman Douglas asked for a condensed version of the intent of the statute and how it conflicts with what the petitioners are asking.

Ms. Akstin answered in the first paragraph it is ensure farms that are struggling to provide food sources for the community and it's a part of the barn, the structure to give relief for tax purposes to continue farming. It's the same idea as elderly exemption and as the elderly age they can't afford to stay in the towns they have lived in and participated to and gave to so the elderly exemption is there to help support them and give them some relief so they can stay in their homes and communities and this is the same kind of thing.

Tom Chrisenton said he was a representative of New Hampshire Timber Land Owners working with the Farm Bureau when this law was made and was at the hearings. He said, "The crux of the matter is Roman number 9 does defines what is a qualifying structure which is for storing farm equipment in D and E. In paragraph 7 F 4 selectmen and assessing officials in any municipalities shall appraise qualifying farm structure and all this other stuff is just extra dressing. They define specifically item 9 and further 79 F 4."

Mr. Chrisenton asked Ms. Akstin why their application failed under her interpretations and she answered it was used for a tree farm. She went on to say she specifically asked the DRA. She said they have to go back to the intent of the RSA.

Mr. Chrisenton said the definition of farming includes forestry. Ms. Akstin said the intent for this particular RSA is to ensure the food source.

The Chrisenton's said they have pollinators, moose, turkey, deer and all reliable food sources. In a management plan we do to create a food source for the animals. We created a wildlife opening of 12 acres clear cut that is coming back to spout growth for the moose, deer, bob cat. They mentioned they were selected Outstanding Tree Farm in 1999 and have other distinctions and provide a food source of honey.

Ginny Chrisenton said there is an "and" for providing an attractive environment for recreation, tourism and wildlife.

Mr. Chrisenton said, "The key is paragraph 9 and paragraph 79 F 4 is qualifying farm structures. That is the only thing it deals with for the reduced rates."

Chairman Douglas asked what local food source means. Ms. Akstin answered this is way above what we can argue and needs to be looked at from a higher court. Chairman Douglas felt they are following the food source and recreation requirements and it qualifies.

Selectman Mayhew wondered if Sen. Sanborn might look into it.

Cindi Hasty researched if other towns have adopted the RSA and her findings were mostly for dairy

VOTE: Selectman Mayhew moved to approve and ratify the application of Tom and Virginia Christenton dated 6-4-14 under RSA 79 F 4 qualifying structures. Selectman Schultz seconded the motion. Motion passed unanimously.

The deadline to apply to the Registry of Deeds is Aug. 1, 2015.

Handicap Parking for Second Floor of Citizens' Hall

The Board discussed ways to have more handicap parking and to make it more accessible. They also discussed trees leaning towards the building and if some should be cut. The town will check with the abutter to make sure the town owns the trees before any are cut down.

The Board would like a written plan and schematic before they take any action and for the road agent and town administrator to look into it.

VOTE: Selectman Mayhew made a motion to table the handicap parking topic until the May 27, 2015 meeting. Selectman Schultz seconded the motion which passed unanimously.

Request to Modify Flag Pole in the Common

Ms. Hasty informed the Board that Keith Carmen informed the town office there is an equation of flags to pole and the pole at Memorial Park is too tall for the flag that is flying.

The Board felt this is important. The new flags have been purchased for this year. They also discussed painting the flag pole. Note: the pole is metal.

VOTE: Selectman Mayhew moved to table and take it under advisement and thank Mr. Cameron for his concern and to monitor it and do what is appropriate and when necessary. Selectman Schultz seconded the motion. All voted in favor.

Wilton-Lyndeborough-Temple Ambulance Station Modification

The Wilton-Lyndeborough-Temple EMT Association requested all three Board of Selectmen approve modification to the building in Wilton which is moving a wall and updating the kitchen. It won't cost tax payers because all the time and material will be donated.

VOTE: Selectman Mayhew moved to approve the WLT-EMS building modifications. Selectman Schultz seconded the motion which passed unanimously.

FEMA Snow Removal Reimbursement Update

The Town adjusted the amount by \$4,000 to reflect the Overtime to be paid by FEMA. There will be a meeting on Tuesday, May 5 finalize the paperwork. Salt usage, OT, equipment time, equipment repairs, staffing can be included. The Board wondered if the equipment repairs could be covered. They were informed it has to happen within 48 hours of the storm.

Timber Tax Cemetery Cut

Cemetery Trustee Ginny Chrisenton addressed the board and presented paperwork.

The request to is waive the timber tax which is helpful when the bids are coming in. In reality the town would only be paying themselves and this process. If the town pays themselves, the cemetery trustees will have less money to use for the land.

The job will be shown on Wednesday, May 8, 2015 and bids submitted by May 28, 2015.

VOTE: Selectman Mayhew moved the timber tax on proposed sale of the bid is due May 28 be waived. Selectman Schultz seconded the motion which passed 3-0.

Ginny Chrisenton asked what size flag pole South Cemetery should have and if they can put up normal flag pole until then. She thanked Fred Douglas for putting up the flag in the center.

The Chrisenton's left the meeting.

TA Report

Russ Boland contacted New Boston, Frankestown and Greenfield to see if they would collaborate in sharing cost of propane and other costs and are all interested.

CDL drug testing changed to Onsite Testing of New England. Winn has been sent termination notice.

Propane usage for 2014-2015 was right on target of 6,000 gallons.

New Boston uses a product called Patch, which can be used as low as zero degrees and can be used on potholes that contain water. The Town has tested it with good results. One ton cost \$765 delivered.

Pavement Preservation class by T2 was attended by Road Agent Kent Perry and Town Administrator Russ Boland.

The application for Curtain Without Borders grant has been filed and accepted for review by the State.

The Town left a message left with Sen. Sanborn to attend a meeting in May to discuss HB 537 for the State budget and the effects on the town.

Northpoint Engineering is reworking the contract which could be available by the next meeting.

The Highway Department will be added to the May 27, 2015 agenda for strategic planning.

Chairman Douglas would like to recognize that Russ Boland, along with Cindi Hasty, has done an excellent job and looking into town matters and reducing cost for propane and has saved the town a lot of money by doing research and negotiating and wants the record to reflect their appreciation.

The grader went in for maintenance and an antifreeze leak was found. It was a head gasket, not a cracked block. This maintenance resulted in a \$25,000 savings when compared to replacement of the motor.

The fire chief did not do the control burn because the wind was too high but plans to do it at next fire department meeting.

VOTE: Selectman Mayhew made a motion to approve the fire department controlled burn on the old Goding Property on Cemetery Road. Selectman Schultz seconded the motion which passed 3-0.

Jessie Salisbury asked the town to check with Kent Perry to see about the Girl Scout's ceremonial bridge is still stored at Town Hall. She also said it was a Cub Scout project her son Alan did for her daughter's troop when they bridged.

Before the meeting concluded, resident Ron Curran commented he was happy to see the three selectmen here and is happy their work.

Non-public session

VOTE: Selectman Mayhew made a motion to go into non-public session to address a personnel issue. Selectman Schultz seconded the motion which passed 3-0.

The meeting over at 7:13pm in which the non-public session started.

Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 8:10pm.

Date:

Kathleen Humphreys, Transcriber

Fred Douglas
Chairman

Selectman Lee Mayhew

Selectman Mark Schultz

APPROVED BY THE BOARD OF SELECTMEN ON MAY 13, 2015