

1 **LYNDEBOROUGH BOARD OF SELECTMEN**

2 **MEETING MINUTES**

3 **May 8 2019**

4 *Final*

5  
6 **I. Call to Order:**

7 Chairman Chamberlain called the meeting to order at 6:00 p.m.  
8 The Pledge of Allegiance was said.  
9

10 **II. Introduction of Members Present:**

11 Chairman Mark Chamberlain and Selectman Fred Douglas  
12 Selectman Richard McQuade was excused  
13 Town Administrator Russ Boland and Recorder Kathleen Humphreys  
14

15 **Public Present:** Code Enforcement Officer/Building Inspector Leo Trudeau, Residents of Pinnacle Road  
16 and Summit Drive that include Dwight Sowerby, Roy and Carolyn Thorkildsen, Chris Jenkins and two  
17 other guests  
18

19 **Media Present:** Jessie Salisbury  
20

21 **III. Appointments:**

22 **6:05pm: Becoming a “Septic Design Pre-Approval Town” Discussion**  
23 **Leo Trudeau, Code Enforcement Officer/Building Inspector**

24 Mr. Trudeau has been researching how to become a Septic Design Pre-Approval Town.  
25 He consulted with Kevin Kaveny from the NH DES.  
26

27 He discussed the process of approving septic system applications at the state level. A  
28 system designer applies to NH DES for septic system approval and as long as it meets  
29 the State’s criteria for sewage disposal the State generally grants the approval for  
30 construction. Typically the State does not send an inspector out to review the system  
31 before or during the construction process but only after the system is completed. There  
32 are about 100 towns on the pre-approval list.  
33

34 Mr. Trudeau stated a lot of the septic systems that are designed and approved are within  
35 the setbacks as outlined in the Zoning Regulations. In his opinion, a septic system is an  
36 “associated use” to a building or residence.  
37

38 Mr. Trudeau provided a handout from the Lyndeborough Zoning Ordinance Section  
39 **702.03 Setbacks**, found on page 14 of the draft of the Amended 2019 version.

40 *“For lots 5 acres or larger, all structures must be in the set back a minimum of 50 feet*  
41 *from the front, side and rear lot lines. For lots smaller than 5 acres, all structures must*  
42 *be in set back a minimum of 50 feet from the front lot line, and a minimum of 35 feet*  
43 *from the side and rear lot lines. **No Buildings or associated uses,...**”*  
44

45 Additional handout, *“Waste Management & Protections, Chapter 485-A, Water Pollution*  
46 *and Waste Disposal, Sewage Disposal Systems, Section 485-A:32”*

47 *II. Any person submitting an application and plans for construction approval shall also*  
48 *certify in writing that he **has complied with all local government requirements as***  
49 ***related to water supply and sewage disposal which must be complied with prior to***

50 *application to the department of environmental services in those municipalities where*  
51 *regulations require prior local approval; and at the same time, a copy of the certification*  
52 *shall be sent to the board of selectmen of the town or the city council of the city”.*  
53

54 If a septic plan is sent to NH DES and is approved, but is within the setback then that  
55 septic system is in violation of the Lyndeborough’s Zoning Ordinance. NH DES does not  
56 look at setback requirements during their approval process. There are many examples  
57 in town where septic systems are within the setbacks such as the property next to the  
58 school in which the septic system is right next to the property line and close to the road.  
59

60 The procedure to become a Pre-Approval Town:

- 61 1. Town manager, town administrator or town engineer writes a request to NH DES to  
62 be on the list of pre-approval towns.
- 63 2. Write procedures language.  
64

65 Currently the process is a septic plan is reviewed only by NH DES for compliance. Upon  
66 approval, DES sends a letter via email to the Town. The Town would then do a bed  
67 bottom inspection.  
68

69 If the Town decides to become a Pre-Approval Town, the process would look like this:

- 70 1. A fee would be assessed for the review.
- 71 2. The septic plan will be reviewed by the Lyndeborough Code Enforcement  
72 Officer/Building Inspector before going to NH DES.
- 73 3. An inspection of the prepared site followed by a final inspection of the completed  
74 system prior to approval for operation.  
75

76 It was noted that the last line on every approval for construction in the terms and  
77 conditions states, “Municipality regulations if more stringent than DES they supersede”.  
78

79 The benefit of being a Pre-Approval Town is a conflict can be resolved prior to  
80 construction and a conversation can occur with the designer at the pre-approval process  
81 to avoid issues.  
82

83 The Board is in agreement with proceeding to become a Pre-Approval Town. The Code  
84 Enforcement Officer/Building Inspector and Town Administrator will proceed with the  
85 process to become a Pre-Approval Town. Rob Tardiff will be consulted regarding the  
86 phrasing of the letter.  
87

88 Mr. Trudeau’s experience in septic systems includes that he used to be a State Licensed  
89 Installer.  
90

91 For the record: septic systems that are already approved are grandfathered.  
92

#### 93 **IV. Community Forum and Public Comment:**

94 Six residents of Summit Drive or Pinnacle Road attended the meeting.  
95

96 Dwight Sowerby, 48 Summit Drive, off Pinnacle Road, expressed his concern regarding  
97 the condition of Pinnacle Road and how it got that way. In his opinion, “Pinnacle Road is  
98 the worst he has seen it in the 26 years he has lived here. It’s really bad”. He has  
99 concerns regarding the maintenance of the culverts and stated in past years a marker  
100 was placed at the culvert in the fall which would help the Highway Department locate the

101 culverts, ditches and swales to open them in the case of frozen water in the winter. He  
102 said that process was not done this past fall. Currently, there are 4-6 inch deep gullies  
103 running down the road instead of the ditches. He feels it's a hazard that gravel has been  
104 washed down to the tar portion of Pinnacle Road near the Holland's house (200  
105 Pinnacle Road (Map 220, Lot 022), and on the curve just downhill before Herrick Road  
106 at 170 Pinnacle Road. He stated he had a discussion with the Town Administrator and  
107 the Road Agent regarding the condition of Pinnacle Road.

108  
109 Mr. Sowerby informed the Board there are fractured red shale rocks falling onto the road  
110 opposite the guard rail and alerted them there is a big rock about to come off. He has  
111 moved rocks in the past with his personal tractor but would like town to take care of this.  
112 Other residents have done work in the past on the road utilizing private equipment.

113  
114 Selectman Douglas inquired if the culverts were cleaned in the fall. Mr. Sowerby does  
115 not believe they were, but confirmed the culverts were not marked. Chris Jenkins, 260  
116 Pinnacle Road (Map 216, Lot 009) said he does not remember the culverts being  
117 cleaned after September.

118  
119 Selectman Douglas inquired if it's still permissible to put the water turnout on the left side  
120 heading towards Haggard's property. Mr. Jenkins said he is one of those properties and  
121 has no problems what-so-ever with a water turnout on his property. (Map 216, Lot 009)

122  
123 Selectman Douglas said the intent of this Board is to take dirt roads and bring them up  
124 and crown them. Some culvert will require replacement. This project will be substantial.

125  
126 T/A Boland looked at the gravel road conditions and the problem is state-wide. This  
127 year's mud season has been historic. He followed-up with the Road Agent after every  
128 conversation with Mr. Sowerby and Mr. Jenkins regarding their concerns. The plan is to  
129 ditch, bring the spoils into the road then haul it away with the front end loader. There is  
130 a cost to this work. It was noted that it would cost \$30,000 for work on Herrick Road.

131  
132 There is a two-day Culvert Cleaning Program in Lyndeborough. One day is for the  
133 structures on Mountain Road and the school while the second day is slated for cleaning  
134 problem culverts. The services are performed by a private contractor.

135  
136 Mr. Sowerby mentioned the big culvert near his former house at 170 Pinnacle Road  
137 (Map 220, Lot 024) is filled with two feet of sand. He feels that Pinnacle Road is almost  
138 impassable at the moment (in some areas). He also feels that it will cost more to fix the  
139 problem now than if it was maintained properly. He said it's the same idea of the Budget  
140 Committee's ideals, "To maintain paved roads before you have to rip them up". T/A  
141 Boland agrees but feels this issue goes back a lot farther than this previous fall, but it  
142 was something that has come to a head this previous fall. He has heard from many  
143 folks that their roads are the worse conditions they have seen in years but once again  
144 expressed the fact the problem is state-wide and not just in Lyndeborough.

145  
146 Selectman Chamberlain informed the audience the Town is working on a Town-Wide  
147 Road Reconstruction Program. One of the reasons they hired out paving Center Road  
148 is so the Highway Department can concentrate on the gravel roads and address these  
149 issues. All of the dirt roads are close to base at this point and need a lot of work. The  
150 plan is to prioritize the worst gravel roads and do what work the Town can afford.

152 Mr. Sowerby agrees there is major reconstruction in portions of Pinnacle Road but  
153 again, what is missing is the basic maintenance that has caused this problem. To fix it  
154 temporarily by opening the ditches does not solve the major underlining problem, but it  
155 would stop the road from washing away more.

156  
157 T/A Boland asked if the road is still "soupy". The residents confirmed the road is dry, but  
158 soft on the sides. He said the Highway Department will be on Pinnacle Road tomorrow  
159 morning to inspect at the situation.

160  
161 T/A Boland said this issue is town-wide as well as state-wide. The Highway Department  
162 is now using 1.5 inch stone vs 3/4 inch crushed stone on the gravel roads which works  
163 better.

164  
165 Mr. Jenkins said there is a level of expectation that in the spring we will have some issue  
166 and the Town will come out but this is the worst in 11 years.

167  
168 **Additional Public Comments:**  
169 Jessie Salisbury said that work on the Town Common is scheduled for Saturday, May  
170 11, 2019. The flowers were donated. Lorraine Strube will help with the flowers. She  
171 does have a concern with the mess left after the electrical work was done.

172  
173 June 6, 2019 is the Fourth Grade History Tour of Citizens' Hall and Center Hall. The  
174 students will be in Lyndeborough during the morning. Mrs. Salisbury asked if there  
175 could be a Selectman available when the students visit. Stephanie Roper will be at  
176 Citizens' Hall.

177  
178 Historical items will be on display at the Center Hall. A request is being made for  
179 additional historical items to display. The Lafayette Artillery Company plans to bring the  
180 cannon out for display. The students will proceed to Old Wilton Center then Nelson's for  
181 ice cream. Eventually they visit the State House. The fourth graders will share what  
182 they learned with the first graders after the local government segment wraps-up.

183  
184 **Old/Tabled Business:**  
185 **2008 F-550 Discussion**  
186 The bid information will be presented at the next meeting on May 22, 2019.

187  
188 **Accounting Procedure Policy Re-Adoption**  
189 It was discussed to assess a 15% interest/penalty for payments 30 days in arrears.

190  
191 T/A Boland documented all suggested changes the Board discussed and will update the  
192 document.

193  
194 **Highway Department Job Title Discussion**  
195 T/A Boland researched the job title of the Road Agent.

196  
197 2006: Kent Perry was hired as Interim Road Agent.

198  
199 2003: The Town voted to have the Road Agent position a three-year term. (3/15/03).  
200 T/A Boland will confirm the vote.  
201

202 1980: The Town gave authorization to the Selectmen to hire the Road Agent instead of  
203 this being an elected position. Motion passed 144-104.

204  
205 The supervision gives the Selectmen authority over the Road Agent.

206  
207 RSA 231:65 states the Highway Agent and expert highway agents shall be sworn-in the  
208 faithful discharge of their duties. Mark Chase's appointment papers are being prepared.

209  
210 **New Business:**  
211 **Lift Road Weigh Limit Restriction Discussion**  
212 **VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to remove**  
213 **the Weight Limit Restriction signs by Friday, March 10, 2019. Motion passed 2-0.**

214  
215 **Street Lighting RFP Discussion**  
216 The Committee's recommendation is to go with Affinity Lighting. The Chairman's notes  
217 and meeting minutes are in the Selectmen's package. The Board felt the Street Lighting  
218 Committee did a good job and to go with their recommendation.

219  
220 **VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to enter into**  
221 **a contract with Affinity LED Lighting of Dover, New Hampshire within the confines**  
222 **of the Warrant Article presented at the 2019 Town Meeting which as approved.**  
223 **Motion passed 2-0.**

224  
225 **Personnel Policy Review**  
226 This policy will be reviewed at the May 22, 2019 meeting.

227  
228 Louise Dwyer asked if the Safety Policy, which was approved by the Board, have their  
229 signature on the corrected version. The Board would like to review the updated  
230 document before signing it.

231  
232 **Citizens' Hall HVAC Discussion**  
233 The HVAC system has been in poor shape for years and needs to be replaced. An RFP  
234 is in the Selectmen's package.

235  
236 It was because of concerns such as this that there was a proposed Municipal Building  
237 Warrant Article which did not appear on the 2019 Town Warrant due to wording  
238 concerns from the Department of Revenue. The Board requested a letter be sent to the  
239 entire Budget Committee explaining this situation.

240  
241 The Board is in agreement to authorize T/A Boland to move forward with the RFP with a  
242 cut-off date of June 5, 2019 at 2:00 p.m. The companies will be requested to come in  
243 and look at the system during Town Office business hours.

244  
245 The Board discussed if bids can be by sent via email instead of being submitted in  
246 sealed envelopes. It was decided to continue with sealed bids.

247  
248 **VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to authorize**  
249 **T/A Boland to move forward with the requested proposal relative to the HVAC**  
250 **system replacement with the change discussed of extending the deadline of May**  
251 **21, 2019 to June 5, 2019 at 2:00 p.m. and proceed accordingly. Motion passed 2-0.**

253 **Winn Road Culvert Discussion**  
254 The culvert inlet is 4 feet wide and the outlet is 2 feet wide. It was discussed that the  
255 pipe should be the same size on both ends. The Road Agent will inspect this culvert.  
256

257 Selectman Douglas asked T/A Boland if he got any calls regarding signage and the  
258 blockage of Center Road and he replied no other than residents being thankful for the  
259 advanced notice. They did have communication with the Police Department and the  
260 School Bus Company requesting if the school bus can pass through at 7:15 a.m. and  
261 3:40 p.m. and there is no problem letting the bus thorough.  
262

263 **Items not on Agenda:**  
264 None  
265

266 **V. Town Administrator Report**

267 Six candidates for the IT Advisory Committee will attend the May 22, 2019 meeting.  
268

269 The citizen that was upset regarding no solar exception has been notified that this was  
270 addressed as Warrant Article 8 in 1980 which was defeated. He was informed that he  
271 can present a proposal.  
272

273 CDL School for Highway Department: The next CDL B Class training is in June at the  
274 cost of \$4,000. Lyndeborough is on the wait list. The test is at their facility. They claim  
275 a zero fail rate. This is positive in terms of Town liability. The cost would be off-set by  
276 the cost of repeat trips (7-8 trips), hourly wage loss, loss of productivity and wear and  
277 tear on the vehicles. PRIMEX will look at the Commercial Driver's Training Agreement  
278 contract they will enter into with the employee. A three-year time-frame was discussed.  
279

280 Sally Curran addressed a concern regarding Center Hall and suggested a motion sensor  
281 flood light for the driveway. Electrician Paul Martin was asked to look at the lighting.  
282 Jessie Salisbury said the Heritage Commission would not have a problem as long as it's  
283 appropriate and is aware it's a safety factor.  
284

285 The tax bills are expected to be sent out the last week of May 2019. The due date is  
286 July 1, 2019. The Selectmen were asked to sign the tax warrant before the bills are sent  
287 out.  
288

289 The Town received DRA equalization. Lyndeborough is at 98.2%.  
290

291 The Safety Manual will be signed after it is reviewed.  
292

293 **VI. Selectmen's Report**

294 **a. MACC Base Action & Agenda**

295 The May 8, 2019 meeting cancelled.  
296

297 If the Town has to move from MACC Base it was recommended the fire department start  
298 thinking seriously about what they are going to do in regards to future communication.  
299

300 **b. Transportation Committee**

301 Chairman Chamberlain attended the meeting earlier in the day in which freight was  
302 discussed. He announced there is a meeting next Wednesday, May 15, 2019 at the  
303 Milford Library to discuss expanding the Nashua Bus Service. They also discussed  
304 Build Grant Funding for rural towns. T/A Boland read the information for the Federal  
305 Build Grant for transportation. The deadline is July 15, 2019. Chairman Chamberlain  
306 will call the contact NRPC for more information.

307 **c. Planning Board**  
308 The Planning Board will discuss proposed amendments to subdivision regulations at the  
309 May 16, 20019 meeting. Chairman Chrisenton handed out proposed language changes.  
310 Other people are expected to suggest changes. The Secretary was asked to forward all  
311 the proposed documents to the Selectmen and Town Administrator after the meeting.  
312

313 **d. Heritage Commission**  
314 No items to discuss.  
315

316 **e. Safety Complex**  
317 No items to discuss.  
318

319 **VII. Information Items Requiring No Discussion**  
320 None  
321

322 **VIII. Non-Public Session RSA 91-A:3II (c & e)**

323 **VOTE: Selectman Douglas made a motion, Chairman Chamberlain seconded to enter a**  
324 **non-public session RSA 91-A:3II (c & e) at 8:08pm. All voted yes. Motion passed 2-0.**  
325

326 **VOTE: Selectman Douglas made a motion, Chairman Chamberlain seconded to exit the**  
327 **non-public session at 8:53 p.m. Motion passed 2-0.**  
328

329 Once back in public session, **VOTE: Selectman Douglas made a motion to accept the**  
330 **Consent Agendas of April 10, 2019, April 24, 2019 and May 8, 2019 with the exception of**  
331 **item #7 on the May 8, 2019 Consent Agenda pending further request for current use by**  
332 **William Andersen. Motion passed 2-0. See below for Consent Agendas**  
333

334 **VOTE: Selectman Douglas made a motion, Chairman Chamberlain seconded to adjourn**  
335 **at 8:57 p.m. Motion passed 2-0.**  
336

337 **Adjournment:**

338 All scheduled items having been addressed, the public meeting was adjourned at 8:57 p.m.  
339

340 Next regular meeting: May 22, 2019 at Citizens' Hall at 6:00 p.m.  
341

342 Kathleen Humphreys, Transcriber  
343  
344

345 Chairman Mark Chamberlain  
346  
347  
348  
349

350 Selectman Fred Douglas  
351  
352  
353  
354

355 Selectman Richard McQuade  
356  
357  
358  
359

(See below for Consent Agendas)

### Resubmitted April 10, 2019 Consent Agenda

Item #	Item Title	Resubmitted Date	Approved
1	AP Warrants – April 2 & 9, 2019	5/8/2019	Yes
2	Payroll Warrant – March 25 – April 7, 2019	5/8/2019	Yes
3	Request for Town Clerk to Issue Refund – Buchanan Construction (\$78.00)	5/8/2019	Yes
4	Request for Town Clerk to Issue Refund – D.C. Slocumb, LLC (\$276.25)	5/8/2019	Yes
5	Request to Approve Issuance of Excavation Yield Tax Levy & Warrant, Quin Properties, LLC (18-279-01E & 18-279-02E, Map-Lot 238-022 & 245-001)	5/8/2019	Yes
6	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Chrisenton (19-279-01T, Map-Lot 230-003, 230-004, 230-005, 203-006, 230-007), Accessed Via Woodward Road	5/8/2019	Yes
7	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Chrisenton (19-279-02T, Map-Lot 230-003, 230-005, 230-006, 230-008)	5/8/2019	Yes
A-7*	Request for Approval of Intent to Cut Application (19-279-03T) (206-016) – Accessed Via 2 <sup>nd</sup> NH Turnpike Road	5/8/2019	Yes
B-7*	Resubmitted Request to Approve Elderly Exemption – (239-074)	5/8/2019	Yes
8	Board of Selectmen’s Public Meeting Minutes – March 27, 2019	5/8/2019	Yes
9	Board of Selectmen’s Non Public Meeting Minutes – March 27, 2019	5/8/2019	Yes

\* Items added after the Consent Agenda was first released.

360  
361

### Resubmitted April 24, 2019 Consent Agenda

Item #	Item Title	Resubmitted Date	Approved
1	AP Warrants – April 16 & 23, 2019	5/8/2019	Yes
2	Payroll Warrant – April 8 – April 21, 2019	5/8/2019	Yes
3	Resubmitted Request for Acceptance of April 10, 2019 Consent Agenda	5/8/2019	Yes
4	Request to Approve Issuance of Excavation Yield Tax Levy & Warrant, Granite State Concrete (18-279-03E & 18-279-04E, Map-Lot 213-006 & 212-001)	5/8/2019	Yes
5	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Mercado, Gene (18-279-05T, Map-Lot 218-012), Accessed Via Route 31	5/8/2019	Yes
6	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Deland, Frank (18-279-13T, Map-Lot 206-016), Accessed Via 2 <sup>nd</sup> NH Turnpike	5/8/2019	Yes

362  
363  
364

6a	Request to Approve Administrative Property Tax Abatements Under \$5.00 (202-003, 227-016, 212-003, & 218-009)	5/8/2019	Yes
7	Board of Selectmen's Public Meeting Minutes – April 10, 2019	5/8/2019	Yes
8	Board of Selectmen's Non Public Meeting Minutes – April 10, 2019	5/8/2019	Yes

### May 8, 2019 Consent Agenda

Item #	Item Title	Item Date	Approved
1	AP Warrants – April 30 & May 7, 2019	5/8/2019	Yes
2	Payroll Warrant – April 22 through May 5, 2019	5/8/2019	Yes
3	Request for Approval of Intent to Cut Application (19-279-04T) (228-001, 228-002, 228-002-003, 229-002, 229-007, 229-008, 230-004, 230-004-001, 230-005, 230-005-002, 230-007, 230-008, 230-008-001, 230-008-002, & 230-024) – Accessed Via Woodward Road	5/8/2019	Yes
4	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Abbot (18-279-04T, Map-Lot 240-002), Accessed Via Pettingill Hill Road	5/8/2019	Yes
5	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Chawla (18279-08T, Map-Lot 2015-012), Accessed Via Crooked S Road	5/8/2019	Yes
6	Request to Approve Service-Connected Total Disability Veterans' Tax Credit & Veteran's Standard Tax Credit Application (216-001)	5/8/2019	Yes
7	Request to Approve Current Use Application – William E. Andersen Living Trust, Rev. (227-023)	5/8/2019	No
8	Request to Approve Standard & Stewardship Current Use Application – K & R Maples, LLC (237-001)	5/8/2019	Yes
9	Request to Approve Current Use Application – Brown Family Rev. Trust (250-003 & 250-004)	5/8/2019	Yes
10	Board of Selectmen's Public Meeting Minutes – April 24, 2019	5/8/2019	Yes
11	Board of Selectmen's Non Public Meeting Minutes – April 24, 2019	5/8/2019	Yes