

**LYNDEBOROUGH BOARD OF SELECTMEN**  
**MEETING MINUTE**  
**August 6, 2014**  
**Final**

**Members Present:** Chairman Fred Douglas and Selectman Lee Mayhew.  
Selectman Arnie Byam was not present.

**Staff Present:** Town Administrator Russ Boland, Jr.

**Public Present:** Wilton-Lyndeborough School Board members Geoff Brock, Harry Dailey and SAU 63 Superintended Christine Tyrie. Also former TA Burton Reynolds, Senator Andy Sanborn and resident Roger Williams. Dwight Sowerby came later in the meeting.

**Media Present:** Jessie Salisbury

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

**Approval of Minutes, Manifests, and Items for Signature:**

Review and signing of consent agenda items:

- a. Appointment of Sharon Akers to Conservation Commission
- b. Appointment of Jessie Salisbury to Historic District Commission
- c. Appointment of Clayton Brown to Historic District Commission
- d. Appointment to the Planning Board
  - i. Steven Brown
  - ii. Michael Decubellis
  - iii. Julie Zebhur, alt.
- e. Purchase Order 344 (Brox Paving)
- f. Purchase Order 80253
- g. Warrant 8/6/2014
- h. Payroll 8/6/2014
- i. Meeting Minutes Work Session 7/2/2014
- j. Meeting Non-Public Meeting Minutes 7/23/2014
- k. Meeting Minutes 7/23/2014

**Appointments:**

**6:05pm WLC School Board Representatives**

School Board members Geoff Brock, Harry Dailey and SAU 63 Superintended Dr. Christine Tyrie were present to discuss the wording error in the March 2013 school bond warrant. The Department of Education interpreted the wording to be "fiscal school year", which runs July 1-June 30, and resulted in Lyndeborough having to make an extra payment and paying an extra \$96,564. The Board members are here tonight to review the situation with the Selectmen and ask their signature on a letter that will be sent to the Commissioner of Education asking the

payment schedule be based on the "fiscal calendar year". The DRA stated they will accept the Department of Education's recommendation.

Chairman Geoff Brock addressed the Selectmen and explained if the school year calendar is used, Lyndeborough will make 21 payments instead of 20 full payments. They will have to make a half-payment at the beginning, before the funds are available, then 19 full payments then another half-payment on the end of the bond. They will have to come up with about \$48,000 before it is budgeted which will have a negative impact on the taxpayers.

The attorney who wrote up article of agreement used school year which the wording error was not caught and was not the intent of the school board. It was presented to the voters of Lyndeborough that the bond would not increase taxes and the bond payments would equal the tax savings. The problem is the calendar year and the school year calendars do not match up.

Mr. Brock informed the Selectmen they received the signature of the Chairman of Wilton's BOS already and will meet with the Budget Committee from both Wilton and Lyndeborough seeking their support and signatures.

Mr. Mayhew suggested if this is not successful, to request our local legislature for a special bill to cure the vote.

Chairman Douglas asked what "negative payment" is? School Board member Harry Dailey responded that Lyndeborough would pay an extra \$48,000. Lyndeborough would pay just over \$96,000 more than what Wilton would pay if this is not changed.

"The intent was to always make 20 equal payments. Lyndeborough would only pay what the savings would be so no negative intent," said Mr. Dailey.

Mr. Mayhew questioned why there was confusion in the language in Article 5 and felt it was very clear, which read "Amount payable in each fiscal year."

It was explained, the school calendar fiscal year is from July 1 - June 30 which the bond bank factored for the payments instead of the intended calendar year, leaving Lyndeborough to pay an extra \$96,564 on the 20-year bond for a school being built in Wilton.

Supt. Tyrie stated the DRA said they would do what Department of Education recommended. The SAU office spoke with Ronald Clark at DRA. "We need to resolve this before the tax rate is set," stated Supt. Tyrie.

Chairman Douglas questioned the payment schedule and asked for clarification if they have to come up with an extra \$48,000 in July which is not budgeted. Mr. Brock explained they would need an extra \$48,000 in February. Mr. Dailey said for the next budget, the question is does Lyndeborough pay roughly \$48,000 or \$96,000.

Chairman Douglas commented that either way, the \$48,000 is not budgeted and will impact budget. "We are being held hostage. Either we pay the \$48,000 or the \$96,000.

Mr. Reynolds asked a question on the proposed 30-year bond and wondered why it ended up a 20-year bond when the warrant asked for a 30-year bond. Mr. Brock replied the 20-year bond ended up being cheaper. "It was amazingly, an odd bond sale and worked out in our favor," said Mr. Dailey.

For Lyndeborough the 20-year bond eliminated 10 payments which equal about a \$960,000 savings and saved Wilton taxpayers over \$2 million.

Regardless of if it was a 20-year or 30-year bond, the problem of an extra payment would exist.

Mr. Brock noted, "We told the Lyndeborough voters we would not create a situation that would raise taxes."

Mr. Reynolds said, "It seems to me it's up to us to determine that and we are trying to uphold what we told the voters."

**VOTE: Selectman Mayhew made a motion to sign the Aug. 6 2014 letter from the School Board addressed to Commissioner Virginia Barry from the Department of Education for proper payment of the school bond of \$96,564 for 20 payments. Selectman Douglas seconded the motion. Motion passed.**

Chairman Douglas asked that the minute the School Board hears back from the Department of Education on their decision he requested they inform Town Administrator Russ Boland in case the town needs to execute legislation.

While the School Board was present, the Selectmen wanted to address traffic concerns at the Lyndeborough Central School. They wanted to know if a traffic plan is available as there is limited place to cue up cars during discharge and pick-up times. There will be a morning bus and an afternoon bus. There is no mid-day bus.

Mr. Brock said they will talk with the Lyndeborough Police and come up with a plan but have not addressed it yet but do plan on it. The School Board is considering a bus to take the kindergarten students to an afternoon program in Wilton, at the expense of the parents using the program, or a full-day kindergarten program.

Mr. Mayhew requested the School Board present their plan at least one week before school opens.

Mr. Dailey reminded the Selectmen the traffic won't change this year but in September 2015 when Lyndeborough will have only a pre-K and kindergarten students while grades 1-5 will attend Wilton.

Chairman Douglas relayed some traffic problems he witnessed in terms of parents stopping on the north bound traffic lane and entering the wrong way in the Do Not Enter side. He informed the School Board that Forest Road a state road so the Department of Education will need to be involved. He suggested additional signage and a crossing guard at least when it opens. He said the light sequence is not properly timed with the school hours. He also informed the Board of a school event last June that had cars parked all along Forest Road which is a "No Parking" area and the dangers of that. He is concerned someone will get hurt or killed. It was discussed that Forest Road may have to be designated a Tow Zone.

"We are still 8 months in advance. You'll have 50% less students in that building but will have more traffic flow because more cars and less buses," said Mr. Dailey

The future of the crossing guard once the elementary schools are consolidated in 2015 was discussed. The Selectmen's opinion is it won't be the responsibility of the town at that point. The School Board was unaware of this.

Chairman Douglas noted for the record that School Board member Jim Button had a dialogue with them about safety enhancements and will make sure the Board is aware of what is happening. The traffic challenges are poor visibility, road alignment and traffic.

"The scenario I saw this morning was an example of what can happen, this driver stopped right in the middle of the northbound lane because she couldn't get into the school," said Chairman Douglas.

This summer, due to construction at Florence Rideout Elementary, summer school programs from Wilton and Lyndeborough are being held in Lyndeborough.

Mr. Dailey responded, "We have an opportunity to fix as many problems as we can. We'll do everything we can."

Chairman Douglas executed the document with his signature.

Mr. Mayhew said that speaking on behalf of his wife, who knew Florence Rideout, and that the school, in his option, should use her full name and not be referred to as FRES as he felt that was disrespectful.

Ms. Salisbury commented, "I don't think Florence would have liked having the school named after her, maybe the library?"

### **Community Forum:**

Resident Roger Williams was here to observe because he sent a letter to the town regarding a boundary line dispute between Lyndeborough and Greenfield.

Selectman Douglas said there is a lot of material to review and the town administrator will get in touch with Mr. Williams with any questions. Since Mr. Williams was present, the Board took the opportunity for background on the boundary line issue between Lyndeborough and Greenfield.

Mr. Williams said the town line was not moved and the Board will find that out after reading his documents.

Mr. Douglas mentioned one record that wrote that Mr. Maiers returned home and the town line was moved. Mr. Williams asked they review the 1806 map which is the state map. He also talked about a map from September 1791. He said the 1806 map is correct.

Mr. Williams asked if the members know how Lyndeborough is stepped. "The last step is in my land. That was moved to a 45 degree angle and that not only affected my property but also others. There is a map that shows both town boundaries. It's unfortunate because it became a hostile takeover. His land was surveyed.

Mr. William's land in Lyndeborough is originally 13 acres. Lyndeborough considers his property 3.6 acres therefore there is 9.4 acres missing in Greenfield which he can't get title to.

Chairman Douglas asked for clarification from Mr. Williams if when the housing development went in, did he tell them there was a dispute in the property line and brought it to their attention and they went ahead and built. Mr. Williams said yes. Chairman Douglas wondered if they have a clear deed. Mr. Williams said he had a presentation he showed the developers and he said one of the developers said to him , "I'm in the hardware business not the real estate business and went ahead and sold the lots," according to Mr. Williams.

Mr. Williams said that Greenfield said that since Lyndeborough is the older town that they can change it.

Chairman Douglas asked Mr. Williams if this Board was to concur with his opinion and concur with what the Supreme Court ruled does that help his case.

"I was told by my attorney I can't get clear title in Lyndeborough and Greenfield and that is violating my rights. Gerry Punier is his attorney. "I spent a lot of money with Meridian Land Surveyors and got nothing. I think they should straighten this out. The towns should come to terms with this," stated Williams.

It was discussed this is a state law and there is nothing to vote on. If to honor the Constitution people have to honor the laws from the 1700s

Chairman Douglas said, "The Supreme Court made a ruling. I don't understand how the town can dispute where the town line is." Mr. Williams responded that "Nothing has ever been disputed."

Mr. Williams mentioned he has been before the Lyndeborough Planning Board a dozen time and they would not address it. He has also been in front of the Planning Board and Selectmen in Greenfield and stated, "The people who caused this are no longer there." He was before the Lyndeborough Planning Board in 2008.

Mr. Williams noticed that the tax maps were made on April Fool's Day, April 1, in both towns but on different years.

Mr. Williams left the meeting.

### **Appointment with Sen. Andy Sanborn**

Sen. Sanborn and Chairman Douglas were not able to ride their motorcycles together in Lyndeborough to determine issues with the road but the road project in Lyndeborough is now an overlay and "It's a huge improvement in what we thought it was going to be," stated Chairman Douglas.

It was discussed if Rt. 31 in Greenfield is going to be a shim or overlay. Paving towards Wilton won't happen until the bridge repair is done. Mr. Sanborn stated he had a conversation with Mr. Clement in DOT that shims would not be enough and it needs to be paved. His initial conversation is right now the plan is to shim but in 2015 the plan is to pave. Future plans call for work to Rt. 31 in 2015 and the senator will get that in writing.

Russ Boland presented the DOT 2014 paving document which called for 4.4 miles of  $\frac{3}{4}$  pave or shim at the intersection of Rt. 101 in Wilton northerly to the intersection of Center Road.

Selectman Mayhew asked if there is any way to get back to old formula, where the gas tax funded the State Police and Highway as it now funds other agencies. He would like to see a return to what the original intent was.

Sen. Sanborn commented he didn't support the gas tax even though he was part of the amendment. He mentioned the Gas Tax raises \$30 million in revenue but side shifting \$80 million into courts, safety, museums, and cultural affairs and in his opinion if people are taxed to drive on roads then that money should go to fix roads only. It failed. "If reelected, I will take that dog for a walk again," said Sen. Sanborn.

The Board provided background of the first appointment on tonight's agenda regarding the School Board bond wording problem and Sen. Sanborn said he would support it if it came to his desk.

Sen. Sanborn asked if Lyndeborough has any quarries in town and the answer was one. He mentioned the town of Fitzwilliams has dormant quarries in town that developers want to mine again. They are being told that as long as quarries comply with RSA 151E, the town does not have any ability to regulate.

Ms. Salisbury mentioned the quarry on Locust Lane has not been quarried for 100 years. Sen. Sanborn mentioned that people think construction is coming back and there is a need for cut stone.

The discussion of crushing vs a quarry was discussed in terms of noise and truck traffic. The recent problem with noise from logging companies and disorderly conduct RSA 644:2 were brought to Sen. Sanborn's attention. That situation has improved after the town administrator and police chief spoke with the companies.

Sen. Sanborn said the towns have the authority to make more restrictive zoning under RSA 151E.

Mr. Mayhew's opinion is Congress still spends too much money. Sen. Sanborn wants to be frugal and do right by people.

The July revenues were released on Aug. 7, which was \$25 million short. "We are gearing up for a challenging legislation. "We only have control of the budget", said Sanborn.

Sen. Sanborn discussed that accounting on the state level is fundamentally nonexistent. He can't get an expense report from a department, while the Governor during the past few months have been cautious in his opinion.

The practice of "Lapsing" was discussed. It is when positions are funded but not filled, then that money can be reallocated. The figures on how many employees Gov. Hassan has hired are unknown.

"Compared to other states we run a lean state," said Sen. Sanborn.

The Senator talked about Medicare changed on qualification. If someone is sick but does not make a lot of money, even if they live in a house with a lot of assets, they qualify. It was assumed that about 1,000 people would enroll but 12,000 new people came on the system at about \$6,000 a person which equals \$6 million. The State is under Managed Care.

The Board discussed the new tax for leasing on development.

### **Old Business**

#### **Snow ordinance**

Mr. Boland informed the Board the document was updated with requested changes and had a copy of the public notice which was in the Monadnock Ledger Transcript on Aug. 05, 2014.

#### **Cell Tower Lease Agreement**

Attorney Dresher should respond by Aug. 20 with his review and has concerns the lease can't go out five years. Per the discussion with Sen. Sanborn, there may be future concerns with taxes on leased property.

#### **Greenfield/Lyndeborough Town Line**

Mr. Boland will send a letter to Attorney Dresher.

#### **Mountain Road Engineering**

The document has been modified and eliminated article 3. The road has been marked up. Mr. Boland will accompany Road Agent Kent Perry to review it again. The bid will be sent to seven engineering companies.

Chairman Douglas said an area of major concern is the bottom near Badger Pond. He had discussion with Bill Welch, who lives across from the pond, who has given preliminary agreement that the stone wall can be taken down to do the work. Mr. Welch wants to wall to be put back after completion of the work. A document will be signed in advance.

#### **Crooked S Road, Mountain Road Line of sight**

Road Agent Kent Perry had a conversation with the property owner and was given verbal permission while Mr. Boland received a verbal okay from Mrs. Lemieux who lives at 1194 Center Road. The work will happen the week of Aug. 11. Since there is not a signature from the homeowner the Board requested a second letter be sent to her with exact dates of the work.

Mrs. Lemieux did not think she owned that piece of land where the town wants to cut. Resident Attorney Dwight Sowerby has since entered Citizens' Hall and stated the town should double check the tax maps because they can be wrong. Chairman Douglas said it can only be three landowners and asked Mr. Boland to check with all three potential property owners.

#### **Timber Notice Follow Up**

Mr. Boland has completed the document asking logging companies to be good neighbors. A change was made to "Commercial Business". Cutting operations will not take place before 7 a.m. or after 5 p.m. and including idling of equipment. The letter will accompany intent to cut forms.

### **New Business**

#### **Emergency Lane Discussion**

The Nichols Road Culvert, discussed at the last meeting, is on private property.

**VOTE: Selectman Mayhew made a motion to go into a Non-Public Session at 8:02pm. RSA 91-A:3II (d) & (e). Chairman Douglas seconded the motion. Motion passed.**

**The Board came out of Non-Public Session at 8:48pm.**

## **New Business Continued**

### **Road Agent Compensation Discussion**

Selectman Mayhew wanted to talk about Road Agent Kent Perry's pay and felt he should be paid for the excess hours as a non-manager. Mr. Perry does not have the ability to hire and fire but has the right to discipline.

**VOTE: Mr. Mayhew made motion to have Town Administrator Russ Boland do an analysis in relation to the road agent compensation prior to the next round of budget talks. Chairman Douglas seconded the motion. Motion passed.**

### **Chain of Communication Chart**

Talked about why the fire chief is off to the side as a dotted line because he's a volunteer. It was questioned why the Fire Department does not report to the BOS. It was discussed if the BOS has authority over the budget and should they have authority over that department because the fire department does not have Fire Wards or a Board of Directors.

### **Town Administrator's Report**

-The internet crash last week. When resetting the modem they found a clean agent fire extinguisher, which was moved near the bathrooms. Mr. Boland would like to give the other to Chief McQuade to use as part of a demonstration at Community Day this Saturday.

-Mr. Boland met with Thimbul Garage Door to address the Emergency Management Garage. They will put in a bid of \$1,700 for new garage doors; made of metal with windows up high for security and each motor is \$325. They don't install employee doors but will put a quote in.

-Mr. Boland met with PSNH. A light audit is scheduled for August.

-Mr. Boland met on Monday with the Fire Department to resolve I-9s and W4 issues.

-Mr. Boland met last night with Library Trustees who signed the propane contract and the town will sign tomorrow with Suburban Propane. They locked in at \$185.3 per gallon and eliminated the safety charge, which cost \$270, and fuel transportation charge of \$40 fee. They set aside 6,000 gallons for the town, 900 gallons for the library. Payment will be \$1,100 per month which starts in October. The town is saving around \$4,600.

The Prosecution Data was turned in by Chief Rance Deware.

-An Employee Appreciation Cookout is scheduled for Sept. 3 at 5 pm. An invitation with an RSVP has been sent.

-When a Lyndeborough police unit is not on duty the State Police will respond for serious calls.

-The Conservation Commission does receive intent to cut forms.

-The Cobra motion authorized at the last meeting to spend \$1,500 might have additional information which will be discussed tomorrow, Aug. 9, with Cindi Hasty and Louise Dwyer in the office.

-Russ Boland met with Chief Deware and informed him of the discussion regarding the police department at the last Selectmen's meeting.

-Current Use Status does transfer with the land when the property is sold to a new owner.

-The Library Security Alarm is moving forward. It was discussed the alarms and panic buttons should be tested each month. The library has concerns about being alone in winter months and also concerns about shoveling. It was discussed if the town should plow the library once the school is consolidated.

-Chief Deware has not gotten the Boy Scouts to paint the pole as of yet.

-Mr. Boland will look into fire alarms in Citizens' Hall.

**VOTE: Selectman Mayhew made a motion to adjourn at 9:26pm. Chairman Douglas seconded the motion. Motion passed.**

### **Adjournment:**

All scheduled items having been addressed, the public meeting was adjourned at 9:26pm.

Mr. Boland said he appreciate all the feedback and the help. In his opinion "The two folks you have in the office are outstanding." Chairman Douglas said the entire work force is good and are not recognized enough. Mr. Boland said the town has a good group of people, they are all very pleasant and a hard working group.

Date:

Kathleen Humphreys, Recorder

Fred Douglas  
Chairman

Arnie Byam III

Lee Mayhew

**APPROVED BY THE BOARD OF SELECTMEN ON AUGUST 20, 2014**

