

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
December 22, 2010**

I. CALL TO ORDER

Chairman Brown called this meeting to order at 6:30 p.m. on Wednesday, December 22, 2010 in the large meeting room in Citizens' Hall.

Those persons present were as follows:

Members

Present: Steve Brown, Arnie Byam & Donnie Sawin

Staff

Present: Jim Bingham (Town Administrator

Public

Present:

Media

Present:

Recorder: Kate Thorndike

I. Agenda Items

6:35 PUBLIC HEARING – input from citizenry prior to board decision to accept unanticipated funds from FEMA public assistance program.

6:45 Appointment- Scott Roper, Chair HDC.

7:00 Appointment - Mike Petrovick, PD addition

7:30 Citizens' Open Forum

7:45 - Non-Public RSA 91-A:3 II (b) Patrol Officer candidate interview

8:15 Appointment – Officer Kevin Maxwell

9:00 Town Administrator Report:

Dec. 23rd

Letter from Plodzik & Sanderson summarizing the 2009 audit

Performance Evaluations – hwy, selectman's office

Special Election for open state rep. seat

Contract for architect's services.

2011 anticipated hwy block grant

9:15 Review & signing of warrants and documents

II. Adjournment 9:30

PUBLIC HEARING TO ACCEPT FEMA FUNDS

Selectman Byam moved to open the Public Hearing. **Selectman Sawin** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

SB: This Hearing is in order to accept FEMA funds that we received for windstorm and Ice storm. Selectman Brown *read excerpts from two letters re: both storms.* First letter: May 12th \$31,841. Second letter: 1,436.69 for the March storm. **Jessie Salisbury:** Will the money be used for anything in particular or is it already spent? **SB:** The money has already been used. **JB:** For example: damaged property, repair costs and labor...money already spent. Accurate record keeping...thank the town office and the dept. heads that allows us to bring these monies back into the town. **JB:** can also be used to offset...check tapes.

Selectman Byam moved to close the Public Hearing. **Selectman Sawin** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

Selectman Byam moved to accept the FEMA funds in the amounts of \$31,840.17 and \$1,436.69. **Selectman Sawin** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

Selectman Byam moved to authorize Town Administrator Bingham to close the town office on December 23, 2010. **Selectman Sawin** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

Town Administrator Report:

- Letter in from the Auditors, Plodzick and Sander
- Completed performance evaluations are in the read file. Hope to review and complete on the 12/29 and finalize.
- Resignation from Mr. Mead, State Rep. We will need to have a special election and I've already budgeted for it. I contacted some other towns and was notified by Burton Reynolds that Wilton has already put in the request.

- Contract for architectural services; fairly standard with some alterations for this particular project.
- Highway Block Grant is about 10,000 higher than last year. The recommendation is to keep the extra 10,000 for paving if we need it. This was recommended by the CIP/Budget Chair as well as the Road Agent.

Appointment – Scott & Stephanie Roper: HDC asked me to visit with you Re: Center Hall and the role of HDC. Has there been an estimate put forward on repair to Center Hall windows. **AB:** Yes, that is correct. Jim, do you have some estimates? **JB:** Yes, I have two others but I'm not sure that the Board has seen the first two. We need to make sure that these quotes follow best practices when making repairs because they are charged with making those decisions. **Scott R:** We are here to advise and we have some pretty good knowledge on the committee. Center Hall is pretty much the way it started because no one has put any money into it. We should strive to maintain the integrity of that mission. We are here to help and guide as necessary. **AB:** My perspective is that there is a lot of damage that needs to get repaired and at least weather tight. You don't want the windows falling out. I don't see changes necessary; let's just fix what's there. I would think that's what you'd like to see. **Scott R:** yes, absolutely. Some members of the commission would like to do a total repair. However at least there should be some kind of recording of what's there...leaving some areas where all of the layers of paint are intact for recording purposes. **Stephanie R:** It is standard procedure. Put the glass panes that are more historical into the front of the building. **Scott R:** We are not against repairs and are here to work with you. **SB:** How about HDC take a look at the three estimates and offer an opinion on what has been suggested? **Scott R:** I think so but the recommendation would be up to the full HDC. **JB:** the two quotes range from 1500 to 2900. Since we do have something in writing, we can encumber the funds. **Scott:** There are some other things that need to be done as well. The hole in the floor really needs to be fixed. **Stephanie R:** We could possibly take a board from under the stage to repair. **JB:** If it looks like we need to put some money in the budget there is still time to do that before the final budget review. **ACTION...**I will put that in the budget. **DS:** There was a handyman suggested for the budget. I would recommend that Scott and/or Jim be involved to review that person. **Scott:** We are working on a survey of the District: trying to understand the district, identifying some of the most important features and then we'll come back with a report for the Board. This may help to give us a baseline of where we are and what we can and can't do. Andy Roper asked me to submit his quote on historically repairing the windows. It seemed like a relatively high number but it does adhere to the national standard. He also offered to continue to repair them free of charge. **ACTION...****Jim will put together a grid of the three estimates** and email it to Scott. **Scott:** I think we all want to do the right thing for the building and would like to work with the Board.

List of

Appointment- Mike Petrovick:

MP: I have some concerns. It accomplishes what you want to do but the trusses will be huge and very expensive. It also cuts into the hill a lot. The roof is going to start to

overpower the existing building. Functionally it's not an issue but in order to preserve the historic nature of the building, the addition needs to be reconfigured.

Lee: No Juvenile segregation. No ability to segregate male and female inmates. Your one PD officer will have to sit with a juvenile. **Mike French:** This gentleman is correct about a juvenile. Male and female can be monitored and held separately. Site separated and monitored. The bathroom should be located in the area closer to the garage so that you don't have to walk a detainee through into the public space.

Second source of egress is necessary and stretching out the building will address that. The sprinkler system would have to be updated.

Stephanie Roper: I would like to emphasize that the HDC and Heritage be kept in the loop on all stages of design discussion.

Mike will come back on the 5th to meet with the Board again.

Citizens' Open Forum

Teresa Van Ham: We are here representing the Winter Wanderers with Diana Nadeau to ask the Board's permission to cross Lyndeborough roads. Thank you to the Board for allowing us to use the hall upstairs for our day long safety training course. The VCR and TV are neither functioning. Our club may donate a vcr to the town hall. Repair on a door upstairs is necessary. We would like to thank the volunteer Boy Scouts and the LTA for volunteering to open up trails; opened one up that hasn't been opened since the ice storm. Do we really have to come before the Board every year if the list of road doesn't change?

SB: the Board does change but in writing would probably be fine. They will check with the Board next year.

Selectman Byam moved to authorize the Winter Wanderers to cross the listed roads that they have presented to the Board of Selectmen. **Selectman Sawin** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

Lee Mayhew: Are we still in Open Forum? **SB:** Yes. **LM:** I have a few questions. I heard somewhere that there is a study of a Joint Wilton/Police Department. I would like to read that. Is that report available? **SB:** The MRI report is online if that's the one you're referring to.

LM: Jim and I've been talking about his and I wanted to see whether there was an update. Back I November there was a group of decisions discussing the opinion that the Board had received from Town Counsel as it relates to the separation of Church and State. There was going to be a query as to whether or not Mr. Drescher would release it. **SB:** We will pick that up again and address it. We dropped the ball on that.

LM: Are you at liberty to discuss the OIC candidate interview process for those who responded to the 14th date. **MF:** You can speak in general terms as it relates to timeframe and composition of titles of individuals but I don't think you can get much more specific.

SB: We have received a number of applications and will be meeting the week after the break. There is a Board composed of a number of individuals including Chiefs from neighboring towns to get a bigger set of eyes and a broader representation: assuming they make it through that wicket then in proceeds to the next stage. It is our desire to move quickly on this hopefully within the first or second month of the year. **LM:** Thank you. I appreciate the professionalism of that.

LM: Curtain at Center Hall? Needs to be fire proof. **JS:** Karen Grybko is trying to fundraise and I'm not sure where they are. The question whether the curtains fireproof. Theresa: That place is so old. If that place goes up it is not going to be because of the curtains. **JS:** The question was raised.

Conversation continued on the windows and stage curtain

Non-public Session RSA 91-A: 3 II (b) *Hiring*

Selectman Byam moved to go into a non-public session regarding reputation under the provisions of Non-public Session RSA 91-A: 3 II (b). **Selectman Sawin** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

The Board then went into nonpublic session, as recorded separately, at 7:59p.m. The Board returned to public session at 8:15 p.m.

Appointment- Officer Kevin Maxwell:

SB: At your request we are having this meeting in public. To clarify: this is a discussion between an employee and employer. This is a discussion between us which can be observed by the public and recorded. Kevin Maxwell had questions for the Board and discussion followed on each issue between him and the Board:

Several areas of discussion were:

- His right to appeal and a timely response from the Board.
- Selectman Sawin's role in this disciplinary action and the level of discipline that necessitates his involvement or not and possible conflict.
- The behavior that caused the suspension was discussed with varying opinions as to exactly what happened. (*Kevin requested that if the tape from that meeting still existed that it be made available to him. Selectman Brown agreed*)
- The wording of his letter of discipline was discussed
- The class of suspension and how it was administered
- **Selectman Brown** emphasized that the reason this disciplinary action was levied was because of conduct unbecoming of an officer and it was the second warning. He also agreed to discuss and review some of the wording in the letter of discipline.
- Kevin stated that he felt like this disciplinary action was punitive and he feels uncomfortable discussing anything with the Board in a candid manner.

Non-public Session RSA 91-A: 3 II (c) Reputation

Selectman Byam moved to go into a non-public session regarding reputation under the provisions of Non-public Session RSA 91-A: 3 II (c). **Selectman Sawin** seconded the motion, so moved.

VOTE: Selectmen Brown, Byam and Sawin voted in favor, and Selectman Brown declared the motion to have carried unanimously (3-0).

The Board then went into nonpublic session, as recorded separately, at 9:35p.m. The Board returned to public session at 10:30 p.m.

BOARD OF SELECTMEN'S WORK SESSION

The Board reviewed documents pertaining to the operation of the Town, approving various items as listed below.

III. ADJOURNMENT

All scheduled items having been addressed, Selectman Brown moved to adjourn; Selectman Sawin seconded the motion.

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VOTE: Chairman Brown called for a verbal vote on the motion. All members voted in favor.

Chairman Brown then declared the meeting to be adjourned at 10:40 p.m.

Date: December 22, 2010
Kate Thorndike, Recorder

Steven M. Brown, Chairman

Arnold A. Byam, III

Donald R. Sawin

APPROVED BY THE BOARD OF SELECTMEN ON JANUARY 5, 2011