

**LYNDEBOROUGH BOARD OF SELECTMEN  
MEETING MINUTES  
March 24, 2010**

**I. CALL TO ORDER**

**Chairman Brown** called this meeting to order at 6:30 p.m. on Wednesday March 24, 2010, in the large meeting room in Citizens' Hall.

Those persons present were as follows:

**Members**

**Present:** Steve Brown, Arnie Byam & Donnie Sawin

**Public**

**Present:** Jessie Salisbury

**Staff**

**Present:** TA Jim Bingham, RA Perry, FC McQuade

**Media**

**Present:**

**Recorder:** Kate Thorndike

**I. Agenda Items**

6:35 Town Administrator Report:  
DES inspection report on Granite State Concrete Co. (read file)  
NH Selectperson Institute workshop offering (read file)  
Gulf Rd. Bridge – easement letter, etc.  
French Rd. agreement letter  
FEMA-3/14 Rain Event estimate, Wind storm 2/26/2010  
Road Agent Report

7:00 Old Business:  
Establishment/Review of Action Item List  
Policies and Procedures review schedule

**7:30 Citizens' Open Forum**

7:45 Non-Public RSA 91-A:3 ( c ) ( resident tax issue- requested meeting)

8:00 Old Business: (cont.)  
Strategic planning & goal setting for this year (cont.)

8:15 Review & signing of warrants and documents

8:30 Non-Public RSA 91-A:3 (a)

**Town Administrator Report:**

DES inspection report on Granite State Concrete Co. (read file)  
NH Selectperson Institute workshop offering (read file)

**Gulf Rd. Bridge** – Easement letter, etc. **JB:** I started reconciliation for the second set of payments. I put together a second request letter to Christina Koutroubas re: a signed easement (read file). **SB:** Is this missing third easement preventing us from getting back the last piece of money? **JB:** Theoretically, yes. Practically, they may not even bother with the third one; I don't know. I was going to put it together and send it in anyway. If they say there is a problem, then we'll go after it. There is always Eminent Domain. **SB:** Does that mean we would take the land or take the easement? **JB:** I'm not sure but I believe it is probably forcing them to accept the easement. **SB:** Let's leave it as is and see what happens next.

**French Rd. agreement letter:** I have a copy of a revised agreement letter using some suggestions from Mike Decubellis. Dave is coming in next week at 6:45. There is still some concern over difference over agreed to items. So, we will need to get together and hash it all out. **SB:** Was there some discussion at one point about attempting to extract the town of Lyndeborough from the discussions between the logger and DES? **JB:** I believe that is still a viable alternative and I will check with counsel. Yes, we can be extricated from that because I don't think that DES understands the RSAs and we were put on by mistake. **KP:** I was advised by the folks in Concord that the town should stay away from it all together. I need to stay off the road or it will become our problem.

**SB:** Is that an Emily thing?

**JB:** Yes, I think she didn't understand and she thought it was a town road. The only area where we have a problem is that the town has a jurisdiction over Class VI roads and it is up to the Road Agent to state what the users can and can't do. That is where our difficulty is because Dave Buxton did consult with Kent and Kent gave him direction on what to do. However, Dave picked a very poor time to use that road and rutted it out very badly and that is what has caused the complaint.

**KP:** It looks like it did two years ago. If we donate materials, that might also cause us some problems.

**AB:** This has gone on for many years and the road is deteriorating. It is a shame to see someone profit, damage a road that was serviceable and disappear. I understand it is a business but there is personal accountability as well.

**DS:** What if we suggest to Dave that he hire our Road crew?

**KP:** I'm not sure that is legal to hire out our crew.

**AB:** The last communication from Dave and his wife had a tone of defiance. It sounds like they just want to back away from the whole thing.

**JB:** It still goes back to whether or not he followed the BMPs. DES is saying that it looks like they weren't so DES wants him to fix what wasn't done properly.

**SB:** Maybe, someone needs to go up to Concord and ask directly why we are involved.

**KP:** That is already started. I called there today and told them the situation from A to B. I assured them that I had not been on the road. There is also still a question of whether or not

the DES rules are even law yet. I have gone through LGC and they are contacting lawyers for me. I should have an answer or more information for you soon.

**SB:** Let's attempt to get out of this. Let's wait for some more information and if we need to cancel next week's apt. with Dave, we can do so.

**FEMA-3/14 Rain Event estimate, Wind storm 2/26/2010:**

**JB: Rain Event:** Kent kept great records and I was able to put that all together for FEMA. A FEMA rep is coming out tomorrow to view the damages. There is approximately \$43,000 in preliminary damage costs. **SB:** Did you include hours for PD and FD? **JB:** I got PD but didn't get FD. **FC McQuade:** To be honest, I didn't track a lot of data on that event.

**Wind storm:** They are waiting on the Disaster Declaration and FEMA will be looking for more accurate numbers.

**JB: Kay Hopkins** and I went to a seminar on personnel files. Our files aren't bad but we will be working on them to make them even more compliant. The Library is requesting the funds that were approved at Town Meeting. I asked Sally Curran to put that request in writing. Would the Board like to make a motion to release funds?

**Selectman Byam** moved to release general funds in the amount of \$15,000 and issue a check in that amount to the Library Trustees to complete the Library Addition. **Selectman Sawin** seconded the motion.

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

**Conversation with Rene Pelletier at DES** re: Kent's testimony at the Public Hearing on the new rules for stream crossings. Essentially, I explained to them that it was not a good use of our money to replace those culverts but that we had hired Holden Engineering. I updated him on the specifics of our meeting with Holden last week. He is going to provide us with a two year moratorium on addressing the culverts and is open to hearing what Holden Engineering has in mind. That gives us some time to look at either the whole area.

**KP:** We no longer have the gun held to our heads. There was a twelve member board and when I explained to them exactly what was happening, they said what was happening to us was ridiculous. This is the second time I've been up there and this time they listened. We now have the backing of quite a few people in Concord. DES is being cooperative now because he is getting some pressure. **SB:** Thank you for doing that, Kent. Will Holden be readdressing how they are going to approach the problem?

**JB: ACTION...**I will call them tomorrow to discuss it further and suggest that we look at some other options.

**AB:** For my own information I would like to review the whole file on exactly how we got to this point with DES.

*A discussion followed of how the problem began and why including culvert repair, FEMA funding, emergency/temporary permitting, etc.*

**Road Agent Report:**

**Old Business:**

**Establishment/Review of Action Item List:**

**SB:** I have gone through our old minutes and compiled a list of open items. I want to go through the list and figure out the status of each one and who is responsible.

**ACTION...Kate Thorndike** will provide the Board with a list of town owned properties and email out the "Forestry Process" sheet for the office.

**Policies and Procedures review schedule:**

The Board agreed that they will start with the Personnel and Purchasing policies to review on their own and then get together for a work session. **SB:** Let's look at the Purchasing policy first.

**ACTION...TA Bingham** will email out the Purchasing Policy to the Board for review at next weeks' meeting.

**Citizens' Open Forum**

**JS:** Stephanie Roper and I met with the Wilton Heritage Commission. We are going to get involved with the cleanup of the Pauper's cemetery. The graves are not marked.

**RM:** I received a letter from the gentleman we rescued at Purgatory Falls to the Lyndeborough PD and FD thanking us. It is a very nice letter. He is also writing to the Cabinet. I wanted to make sure it gets in the PD file as well because they were there and they helped. **FC McQuade** presented the letter to the BOS.

**RM:** I still need the account number for the set up for the FD for reimbursement to cover the soon to be check for Suburban. **JB:** Yes, we are going to set up a new account. I spoke to Suburban and sent an estimate over and they sent us a check right back but I have not cashed it because I didn't want to muddy up whatever Rick was doing.

**RM:** I was concerned that Suburban was going to think that was the total bill.

**ACTION...TA Bingham** will call Suburban and thank them for the payment and emphasize the fact that there will be more bills coming through.

**RM:** I am still waiting on some other bills before we submit the overall bill. Looking over the invoices, I found some errors and we've had to make some corrections. I still think we should still send the participating towns the certified letter that states that we've received the invoice but also emphasizing that according to specific RSAs only certain expenses are billable. In the same letter we will give them a time period within which they can adjust, amend, re-bill and then be done with it. I would suggest that all responding communication be sent to the Selectmen's Office and not to the Fire Chief.

**ACTION...FC McQuade** will take care of sending out those letters and they will be billed to the FD postage account.

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

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

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

The Board then went into nonpublic session, as recorded separately, at 7:50 p.m. The Board returned to public session at 8:00 p.m.

**Selectman Brown** moved to waive the interest and administrative fees for the petitioner. **Selectman Sawin** seconded the motion.

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

### **BOS Action List:**

- PD addition
- Perambulation (Greenfield & Milford). **ACTION...TA Bingham** will contact Greenfield
- Public computer: Vision with limited access, flat screen, etc. **SB:** I might be able to get some donations from BAE. I'm not sure but I will look into that.
- DS:** When you are talking about revenue, one of the things that I brought up is the fine schedule for breaking town ordinances. Town ordinance fines come directly to the town and not to the state. Weight limit fines are something that would come directly to the town. **JB:** I haven't been able to find anything on that.
- DS: ACTION...**I will do some research on fines.
- Forester: **ACTION...**The office will get the resumes to Selectman Sawin. Next week the Board will review/discuss and make a decision on the town Forester.

**SB:** Let's start with those four/five and I will put things on a list and we will follow up next week.

**Tarn road letter to association: JB:** I talked to one of the residents who mentioned that the guy they hired, that there was some confusion and that is what left the road the way it was.

**AB:** On the fire side: we haven't done much with that dry hydrant and it is probably silted up. I'm not sure whose responsibility it is. Let's make sure we look at everything first. **SB:** If it is a private road, the assumption is that it would be their responsibility to maintain that hydrant. **DS:** Can we get a copy of the association's bylaws? **SB:** Let's send the letter out next week and follow up with some research. **AB:** I will talk with Rick about taking a truck up there once the dirt roads solidify a bit and also to see if our newer trucks can even fit in there. **ACTION...TA Bingham** will run off the letter for signatures for next week's meeting.

### **Non-public Session RSA 91-A: 3 II (a) Personnel**

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

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

The Board then went into nonpublic session, as recorded separately, at 8:45 p.m. The Board returned to public session at 10:35 p.m.

**ADJOURNMENT**

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

**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 10:45 p.m.

Date: March 24, 2010  
Kate Thorndike, Recorder

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Steven M. Brown, Chairman

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Arnold A. Byam, III

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Donald R. Sawin

**APPROVED BY THE BOARD OF SELECTMEN ON 3-31-10**