

**LYNDEBOROUGH BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**August 18, 2010**

**I. CALL TO ORDER**

Chairman Brown called this meeting to order at 6:30 p.m. on Wednesday, August 19, 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), RA Perry, FC McQuade, OIC Maxwell.

**Public**

**Present:** Jessie Salisbury, Bob Rogers, Lee Mayhew, Sally Curran

**Media**

**Present:**

**Recorder:** Kate Thorndike

**II. Meeting Updates**

Planning Board

Carnival Hill site meeting

6:45 Appointment – Kent Perry, Road Agent, CIP needs for 2011

7:10 Appointment – Sharon Kinney, candidate for Health Officer to meet the board

**7:30 Citizens' Open Forum**

7:45 Town Administrator Report:

New Road / Mountain Road Intersection- traffic signs.

Ordinance process – littering ordinance

RR Crossing at Gulf Road

8:00 Appointment – Kevin Maxwell, P.D. report & discussion

8:20 Old Business:

Review Action Item list –progress update

Emergency Operation Plan (EOP) –basic plan review & comment

PD Addition – RFP for architect's drawings

8:45 New Business:

Winter Road Maintenance Policy review

EOP Emergency Support Functions – select first 5 for review:

(Transportation, Communications & Alerting, Search & Rescue,

Public Works & Eng., Information & Planning)

8:55 Review & signing of warrants and documents

## **I. Adjournment 9:30**

**Meeting updates:**

**Meeting Updates – Planning Board: No meeting**

**Carnival Hill Site visit:** Steve Brown gave an update on the site visit. Then the Board returned to Citizens' Hall to review the Emergency Operations plan.

**Appointment – Kent Perry: Review of CIP: KP:** There is nothing new. My Equipment purchases are over until 2014. **SB:** Any changes necessary? **KP:** The 99 backhoe requires frequent repairs but everything else is new. Look into funds through the EOP to put toward the future backhoe purchase. We can do our own maintenance on that vehicle because it is older. We will be putting in the new radiator ourselves. We save a lot of money on maintenance in the Highway Department. **DS:** Suggestion: put a comparison together of what you would have spent if you weren't doing the repairs yourself. It could be quite useful at Town Meeting. **KP:** I will be doing some work on New Road this fall. **AB:** What about the shoulders on the edge of the new pavement? **KP:** It's been done. **AB:** It looks like some places may have been missed.

*There was a brief discussion of CIP schedule*

**JB:** Joanne Woods is in the audience. I think she is looking to see what the status of the project is. **AB:** We got there a little late. I didn't get back out back yet. There is quite a low area with a catch basin. There seems to be some green sewer pipe that maybe should have been connected to the catch basin. So, there is no way for the water to get into the basin. Effectively there is a dam there. **SB:** I apologize and I will get out there. As a Board we need to make a decision about helping or not helping. The question is did the town make a mistake originally in having the catch basin there? Is there ledge or not? **JW:** I think that Kent originally did work on the property due to a vehicle accident involving my neighbor. **SB:** The Board will discuss this over the next week or two and get back to you. **JW:** That's fine. That will give me a little more time to get some further information from Mr. Mobley to bring to you.

### **TA Report:**

The town office has received complaints re: the two yield signs on Mountain and New. I would like to ask the Board to amend the motion regarding traffic signs on the intersection of Mountain and New to have four STOP signs at that location. The main complaint is that the site lines are really bad and that STOP signs will require people to stop to look more carefully. **KP:** I went out and talked to the residents and almost everyone out there wants the STOP signs back. I currently have the signs up. **SB:** I would like to get Kevin's opinion to make sure that we understand what his concerns might be. **JB: ACTION...Yes, I will do that.**

**Littering Ordinance: JB:** Haven't gotten as far as I'd like. I will get back to the Board.

**Gulf Road R.R. Damage:** It was damaged in the spring and I have put in a claim. Adjuster is meeting with Kent and me on Monday. The question at hand is what role the LHD will

play in preventing future damage. Discussion about options and KP is ready and willing to assist and to make sure that the road is properly set to prevent future damage. **ACTION...TA Bingham and/or RA Perry will update the Board on that meeting at the next regular BOS meeting.**

**French Road:** We are approaching the August 30<sup>th</sup> deadline. I got an email from Deb Buxton today and advised her to contact Emily requesting a site meeting with **RA Perry** so they have full clarification about what needs to be done. Basically the town is out of it at this point. **ACTION...I will forward** you the email from Deb Buxton.

I have been trying to do some historical research on the spring Well at Johnson's corner: I have requested over three weeks ago all of the test results from the residents and have yet to receive anything.

**Appointment** – Sharon Kinney, candidate for Health Officer to meet the board  
The Board met and interviewed Ms. Kinney and will **ACTION...make a decision by the first of September.**

**Winter Road Maintenance: JB:** Kent would like to discuss a few things. The policy is old and needs some changes. *Brief discussion of the WRM Policy...* **ACTION...Jim and Kent will look into the environmental changes made to snow removal as well as laws of plowing across the road. TA Bingham** will finalize a list of roads that are not maintained for winter use. **SB:** Formal list of class VI roads? **JB:** We do have a list. It just has to be document managed. **AB:** Differentiate the Class VI from the “not maintained for winter use” roads. **JB:** We will get some more information and put it back onto the agenda for another meeting.  
**SB:** Let's think about how we want to handle shoveling at the different town buildings.

**Citizens' Open Forum**  
**Tink Anderson was in attendance**

**Community Day discussion... JS:** Wally Holt's great aunt who is 98 is coming to talk about her childhood. She left Lyndeborough in 1938. She was born in Wally's House.

**Tink Anderson:** I would like a disposition on the e911 issue that I brought up a few weeks ago and what action has been taken on it. Mr. Bingham had shown you a card that we were going to distribute. *Brief discussion on the road numbering ordinance...* **TA Bingham:** I know that the card went through one or two revisions and we added the town website. We do have the cards and they are with the cruisers so they can be handed out. **SB:** Do you think we should be anything differently? **TA:** We need to recruit new officers and they won't know where people live. I don't think we should wait until there is some kind of serious problem. We are always recruiting new firefighters. Emergency responders are depending on the proper numbering. The town is changing and there are a lot more people. I'm going

to leave it up to you guys. **RM:** I agree with Tink. People do move in and move out. Mailboxes get plowed out and not put back up. The FD put together map books based on the E911 system so we will always know where a house is. We gave PD a copy as well. There is no excuse for missing a call. **TA:** I wouldn't want to see people get fined for not complying but we might as well take advantage of the opportunity this weekend to get the news out. **AB:** Are there any houses in particular that you've noticed? **TA:** Up on Mtn. road, there are a lot of mismarked mailboxes.

**RM:** I wanted to pass in the bills from the Suburban propane incident as well as a bill from the brush fire on Glass Factory Road from the Town of Temple to **TA Bingham**. There will be a reimbursement from the state on the brush fire bill. I want to do some verifying of the 911 maps that we just received and then I'll fill in the Board.

**AB:** Are there kid and horse signs available for out on Mountain road? **KP:** I can get some horse signs to put up.

**OIC Maxwell:** Crooked S logging is coming to a close. They are done logging and will be stumping, etc.

**Appointment – OIC Kevin Maxwell:**

**Police Department: SB:** We have been having ongoing discussion trying to work out how we get the PD to operate most efficiently with the organization that we have in place. Do you want to address some of your concerns over some of the specifics in the reports that the Board is asking for? Is that something you want to do tonight? Do you want to do that in a different forum? **KM:** I'm not sure where the memo on reports comes from. I received a memo on scheduling and on call but not reports. **SB:** Yes, the memo that was sent was on coverage, the cruiser and staffing. In terms of coverage, it is clear with the departure now of Danny that LPD is understaffed. **KM:** I think hiring would come under 91 A-3, non-public. **SB:** I agree, in terms of discussing any particular candidate. But what's working and what isn't would come under public. We are understaffed and it is not reasonable for us to believe that we are getting 112 hours. What are we doing to seek qualified individuals to get us up to where we used to be? What are your thoughts on getting from where we are to where we need to be? **KM:** I don't think we can have a full discussion without going into 91 A-3 personnel issue. Yes, we are light but I think we need to address some of the issues in the memo of today so that it can be solidified as to exactly how the hiring process works. Who makes the recommendations to the Board? I am working on a full background of an individual. **SB:** Would that be a part time? Yes. He is not a certified officer. **AB:** How long does it take to get that individual out onto the roads? **KM:** within 4-6 weeks. **SB:** Ok that's good news. **KM:** The only other application I've received is from someone who is prohibited from handling a weapon. **SB:** We believe that you have a key role in the hiring process but by statute the BOS hires and fires. So, what we are looking for is a recommendation from you on a hire or no hire. You do the first line vetting of people. Then you come before the Board. Ultimately, the responsibility, obligation and authority lie with the Board. We are not looking for information that we are not privileged to have. It is the Board's expectation that you are actively searching out individuals to bring us back up to the coverage that we have promised the towns people. That level of coverage is an implied contract between the townspeople and us. I am guessing that we have to have enough part

timers on board to fill out that schedule. Do you see flaws in that logic? **KM:** The 112 has been problematic since the other full timer left for active duty. What I'd like to see is the ambiguity and confusion over the process/ chain of command structure as far as my job description, solidified prior to going 100 percent onto the hiring efforts. We are still trying to reinvent the wheel on this OIC position because it is a unique animal. To be sure that we do everything properly and that chain is being properly followed. Once we clear up that then absolutely we should go ahead and staff this department. **SB:** Would that question be aimed at making sure the right individuals are involved in the right steps of the process? **KM:** The process needs to be followed without being circumvented with someone coming from the outside and half way through throwing something in the middle. **SB:** Is the Police Department unique in that applications must come to the PD first? **KM:** They can be submitted to anyone but when it gets to me that is the start of the application process. Mike French put those systems in place and is fairly common throughout law enforcement in general. **JB:** I guess I want to know how you see the process based on the two policies we have. How do you see a typical application process going through? How would you like to see it? **KM:** It is not the way I'd like to see it. It is what is written in the town's policy in terms of chain of command and there is good reason for it. *Application process and chain was discussed...*

**JB:** What kind of efforts do we need to be making to bring in viable candidates? **SB:** We should advertise where ever we can. Our PD keeps getting thinner and I haven't seen too much being done to build the force up. We could stand to hire several people. **JB:** We have a lot of open slots on PD coverage and it is putting OIC Maxwell in a bad spot. **KM:** I think we are missing the point here. What I'm saying is...you keep going around it and there is an open forum here but you've got to do it the right way. If someone can circumvent the process, bypass the OIC, go directly to the Town administrator and think he's going to get hired, then if that is the way you want to do it then find someone else to run the Police Department. Follow the process which is already spelled out and then let's do a full court press. But first, give me the authority to follow the process that is already in place. Either I am managing the day to day stuff or the Board is doing it. Finalize the ambiguity, follow the directives properly and then I'll start advertising. **SB:** We can go into non public if necessary and I understand this is your view of the world. Certainly, if we are doing something we shouldn't then let's get it out to discuss. **AB:** What would be the optimum number of officers for the department? **KM:** Four part timers and two full timers with a combination of green and experienced is a nice combination for the department. **AB:** It would be nice in our situation to be able to go turn-key.

**SB:** Other item on the memo has to do with the cruiser and the benefit of having "on call" versus the wear and tear on the vehicle, having it out of town, fuel miles, etc. Currently you take the cruiser home as a matter of course? **KM:** Yes. **SB:** We did talk briefly about how often you are actually called out versus how often the vehicle goes home and the cost benefit. I have some history here and there are certain perspectives in town about whether or not a police cruiser should leave the town on a regular basis regardless of whether it is on call or not. It is viewed as a perk without really seeing a return on that investment. There are extra miles on the vehicle. We are paying for gas in addition to wear and tear. We talked about trying to get some data on that and the more we talked about it, the less comfortable we got about maintaining the status quo. In the memo we have asked you to cease that activity.

**KM:** I think that was kicked around after I left and was unable to give my input. Then a policy was made that contradicts the previous policy. The number one problem is that as soon as there are two cruisers parked here and a personal vehicle drives home then everyone in town knows that the PD has gone home for the night. It has statistically shown an increase in crime. You can put state police on call but they aren't going to patrol when on call. I think you will see an increase in crime and it is a disservice to the town. It is 4.5 miles from my house to the Milford line and coming in that way from Center Road produces a guarantee of extra coverage on Center Road twice a day. So there is minimal wear and tear. People want to see the Lyndeborough PD not the state police. Anecdotally, I can tell you about a year and a half ago, we had a domestic on Putnam Hill Road. State Police were called and never responded. I'm not knocking the State Police but they are spread thin. You will get a much more delayed response if there is a crime in town or a fire call. Motor vehicle complaints are down since I started taking the care home. I would like to put into my response that I didn't realize we were going to discuss this tonight. Yes, I see it can be viewed as a perk but there is no comparison between me and the former Chief Basinas. People do not want to see the cruisers all over the place.

**SB:** There is not a comparison being made here. The town policy with respect to vehicles does not mandate or require (it says it can be possible) and the decision was made by Neal Cass not the Board. I would also remind you that it is the Board's right and authority to change their mind on that decision. *A Brief discussion on the absence of a PD vehicle at Citizens' Hall followed.*

**SB:** Is there anything else that you would like to discuss in this forum? **KM:** We need to finalize our diverse roles and how they interact. As I requested, I think it would be good for me to meet with town counsel re: how I interact with a Board that also has one of my subordinates on it. I think there are some areas there that we all need to get on the same page on.

We will be chatting again soon to work on some of these organizational growing pains and we will jump on addressing some of the questions and issues that you have mentioned.

**JB:** RFP for the PD addition is critical. We are running out of time. Monday night at 6:30 work session. **SB:** Kevin, can you make it to the Work session on Monday night? **KM:** Yes, I can tell you that the feedback from people is really negative. Foreclosures are up, people are losing their homes and the townspeople are going to not be supportive. It will be hard to sell to the voters. As long as it is not some elaborate building. **SB:** Might be what we shoot for is do the work we said we going to do and then it is a three or four year projects. Maybe it's just the shell.

**SB:** Donnie has suggested that he go on a leave of absence from the PD to help facilitate our discussions and transition into what we think the PD needs to be. So what that will do is help with both the appearance and any conflict of interest. He will no longer be on the payroll and will remove his interest in the PD as an employee. Assuming that goes along and we can continue our conversation re: proper process. His sole role will be as a member of the Board of Selectmen and remove any other conflict. We have gotten an outside opinion on that which is that will remove any conflict. **KM:** So, at any point can he go off the leave? **SB:** It is limited. It is no longer than 18 months. Donnie is trying to remove any

impediment to us moving forward with the final organization of the Dept. Donnie has made that request and it needs to be approved.

**Donnie Sawin:** I would like to formally request an indefinite leave of absence from the Lyndeborough Police Department. Selectmen Brown and Byam both stated their acceptance of his request.

**Selectman Byam** moved to accept Donnie Sawin's request for an indefinite leave of absence up to what the policy allows from the Lyndeborough Police Department. **Selectman Brown** seconded the motion, so moved.

**VOTE:** Selectmen Brown and Byam voted in favor, and Selectman Brown declared the motion to have carried unanimously (2-0).

After the work session next week we will get together and discuss further issues. At that point, Donnie will be acting only as a Selectman.

**KM:** Not anticipating that this would come up tonight...What is the town's policy on a leave of absence? **SB:** My recollection is that any employee can request one and that there is a cap of 18 months.

*The Leave of Absence policy was read by TA Bingham.*

**KM:** Is it the Board's opinion that will eliminate any conflict? What if a vote on PD issues comes up? There is still conflict as long as he is potentially an employee.

Procedurally, if I need to finish up some business with him, how should we handle that? Obviously, he should be compensated. **JB:** We will date the leave effective as of the date you have finished any work involving Donnie. **KM:** He should be paid if he has to come in to work.

Donnie handed in his weapon and ammunition. He will also return a radio.

### **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.

**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 10:00 p.m.

Date: August 18, 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