

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES (DRAFT)
January 26, 2011**

I. CALL TO ORDER

Selectman Byam called this meeting to order at 6:15 p.m. on Wednesday, January 26, 2011 in the large meeting room in Citizens' Hall.

Those persons present were as follows:

Members

Present: Arnie Byam & Donnie Sawin

Staff

Present:

Public

Present: Jessie Salisbury, Brendan & Tanya Philbricks

Media

Present:

Recorder: Kate Thorndike

I. Agenda Items

6:05 Review & signing of warrants and documents

6:35 Budget Committee Report – discussion of outstanding budget items and revisions/ updates to budgets: Solid waste
Elections & vital records

7:30 Citizens' Open Forum

7:45 Town Administrator Report:
-P/T police officer interviews
-Road Agent report
-Center Road property
-Articles on Town Warrant

8:00 Non-Public RSA 91-A:3 II (b)

9:00 Non-Public RSA 91-A:3 II (a)

II. Adjournment 9:30

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Jessie Salisbury told the Board about a glass display case that is available for sale. It could be available for revolving exhibits and located in Citizens' Hall. The Historical Society and the Artillery have both agreed to donate \$100.00 to the \$500.00 purchase price. She asked the Board if they would be willing to contribute the balance. The Board members were quite supportive of the idea and agreed to put it on the agenda for a final decision next week. She also wanted the Board to know that she had recently been given a ledger from around 1859 documenting Artillery history. It will eventually be donated to the Lafayette Artillery.

Budget Committee Report – discussion of outstanding budget items and revisions/ updates to budgets:

- Solid waste
- Elections & vital records

There was a brief discussion on the recycling center.

Kate Thorndike...ACTION...will update the Police Department page on the website and ask **TA Bingham** to check into the FD gas card.

There was a brief discussion of the recycling center and solid waste.

Warrant Articles will be reviewed at the next full Board meeting.

Citizens' Open Forum

Brendan and Tanya Philbricks were in attendance

Brendan Philbricks set up a camera to film the Board of Selectman while he asked multiple questions regarding the scheduling in the Police Department, the Board's dealings with Officer Kevin Maxwell and potential conflict of interest between the BOS and the PD. Some of those questions/comments were as follows:

-BP: Why did the BOS ask TA Bingham to order Officer Maxwell to hand over a file containing Donnie Sawin's pending investigation? **AB:** The Board of Selectman wanted to send that file to an outside agency.

-BP: So, have you looked at that file? **AB:** I never received that file. **BP:** Mr. Maxwell informed me that he had turned over the file as requested to Mr. Bingham. Have you seen the file, Mr. Sawin? **DS:** No, I never saw it. **BP:** So, it was turned over to an outside agency? **AB:** Yes, a private gentleman that took care of it. **BP:** An outside investigator who is paid by the Town of Lyndeborough? So you used our taxpayer dollars to protect Mr. Sawin from a possible crime that he might have committed? **AB:** We had to have an investigation. There was an allegation that we had to have looked into and our own PD cannot do that.

-BP: You guys were in a closed session, came out at 11:15 pm and requested that file in public. I presume that in a closed session you were discussing Kevin Maxwell and the investigation against one of your own. **AB:** I cannot discuss what the BOS discusses in a Non Public session. *Brendan Philbricks proceeded to read the definition of recused.*

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-BP: Mr. Sawin is operating under the guise of 669:7 RSA where it doesn't mention part-time Police officers. I don't know if Mr. Drescher is getting old in his age and failed to go a little further on down to "B".... *Brendan Philbricks proceeded to read from RSA 669:7, No. B-Common Law Incompatibility.*

-BP: Have you or Mr. Brown thought about having Mr. Sawin resign as Selectman? **AB:** No.

-BP: Did the BOS give Mr. Bingham the line that Kevin Maxwell didn't have enough management experience for the Town of Lyndeborough or do you feel the same as quoted in the Union Leader by Mr. Bingham? **AB:** Kevin Maxwell is a good officer but his leadership and management skills are weak. **BP:** I think my 15year old could manage this police department. I think it's a joke that someone would say he doesn't have management experience with two police officers and two part timers. That's my opinion. So, you suspended Kevin Maxwell for three or four days for speaking out in public, didn't you? **AB:** Officer Maxwell was suspended. **BP:** And the suspension was signed by Donald Sawin, wasn't it? **AB:** No, sir...I don't think he did. **BP:** Do you think Mr. Maxwell has a hell of a case with the Department of Labor against you guys? **AB:** No

-BP: So, who made up this new police schedule that doesn't have Kevin with two days off and has the most busiest days without coverage? **AB:** I don't think it has the busiest days without coverage. **BP:** Have you seen the statistics for the busiest days of the week and the coverage? Did you have anything to do with that schedule? **AB:** Yes, I did. **BP:** All three of you? **AB:** Yes **BP:** If that's not mismanagement, I don't know what is. Was that ineptitude or was that spite? Are you guys inept at making a police schedule or was that spiteful, Mr. Sawin? **DS:** I'm one of three. We all looked at the schedule and we needed to have coverage. **BP:** I've seen the schedule. Three adults and a Town Administrator and you're telling me Kevin Maxwell...*the tape ran out and was turned over. The discussion continued...*

-BP: Were you aware when Kevin Maxwell spoke up right here and raised his hand...**AB:** Did you happen to realize that there were residents who cautioned Officer Maxwell in his attitude and tone to the Board in the way he was speaking? **BP:** Lee Mayhew, who speaks out of both side of his mouth? Yeah, tone it down a little. **AB:** Another resident also spoke to Kevin about it. I don't know if you were aware of that.

-BP: I'll talk about Mr. Sawin's integrity as a police officer and a selectman when there are more people present, perhaps Channel 9's camera will be rolling for that one. ...incompatibility for Mr. Sawin, which I'm probably going to petition the Superior Court next week for an injunction if he doesn't step down and resign. If that doesn't work, I think perhaps we'll have a petition on the ballot come March to vote people out before the end of their terms. *Mr. Philbricks recited from "Section 43:6...disqualification...*

-AB: Unless you've got something else for us, I'm going to close Open Forum. **BP:** You're not closing it. I'm sure you would like to close it. **AB:** If you would like to make an appointment and talk to the Board when there is a full Board... **BP:** I'll be here in two weeks with more people and probably a TV camera if you guys haven't been served and you're still a Selectman at that time. *Mr. Philbricks recited from another document...*

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-**AB:** If you want to continue, make an appointment and we'll go over this. We are closing Public Forum. We have other things to do. You are more than welcome to stay. However, you reading RSA's to us doesn't get us anywhere. **BP:** So, can we have the money that the town spent regarding the defense against the crime committed in the...selectman against Basinas and the crime perhaps...**AB:** Put your request in writing and we'll get you the information. **BP:** ... the money the town spent on Drescher defending this alleged criminal act? **AB:** Give us in writing what you'd like and we'll give you anything that's allowed.

BP: I have one closing statement. Mr. Basinas investigated a crime that implicated a part-time Lyndeborough police officer and a selectman. The Selectman found a way through the Town Counsel to fire him. Now, very similarly we have perhaps a crime committed by a part-time Lyndeborough Police officer who is now a Selectman and it looks like the Board of Selectman and Mr. Sawin in his position of authority are trying to get rid of Kevin Maxwell...to squash the crime and make it go away. Do you see any similarities here, Mr. Byam? Do we want to go down this road and repeat history in the town of Lyndeborough? **AB:** I don't think we are repeating history, Sir. The Basinas case and what you're coming up with tonight are completely different. You can surmise anything you want. I don't see any similarities at all. **BP:** Seems the same to me and a lot of people. Mr. Brown would know that. Mr. Brown is probably going to leave office in the middle of a scandal or another law suit. That's all I have.

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 Byam moved to adjourn; Selectman Sawin seconded the motion.

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

Selectman Byam then declared the meeting to be adjourned at 8:20 p.m.

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Date: January 26, 2011
Kate Thorndike, Recorder

Steven M. Brown, Chairman

Arnold A. Byam, III

Donald R. Sawin