

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
April 06, 2011**

I. CALL TO ORDER

Chairman Byam called this meeting to order at 6:30 p.m. on Wednesday, April 6, 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: Andy Roeper, Donald Anderson, Mike Decubellis

Media

Present: Jessie Salisbury

Recorder: Kate Thorndike

I. Agenda Items

6:30 – Approval/Correction of Minutes as needed.

Review and signing warrants, action items and correspondence, etc.

6:50 – Appointment – Robert Dolinak

7:00 – Public Hearing – public input on designating the class VI portion of French Road an emergency fire lane

7:30 - **Citizens' Open Forum**

7:45 – Appointment – Mike Decubellis

8:10 - Town Administrator Report:

1645 Center Road

Health Insurance comparisons

Inmate workers program

8: 20 – Appointment – Rob Williams

8:40 –Old Business:

Generator for Citizens' Hall

Milford Boundary issues -

9:10 – New Business:

II. Adjournment 9:30

Appointment – Bob Dolinak: *Bob Dolinak was not in attendance*

New Business:

-72 Glass Factory Road: The Board received a letter from a legal firm in reference to a longstanding complaint issue from the abutting neighbor. **RA Perry:** There are multiple vehicles moving in and out of the property which appear to be commercial vehicles and there is also an illegal driveway. The property is not commercially zoned. The Board will follow up with **TA Bingham** to determine what the office has done to date and what the next step of enforcement is.

Kent Perry updated the Board on the county inmates who came and worked on clearing brush in front of the stonewalls around Center Hall. They worked fast and did an excellent job. He is planning on asking them to come back to do some painting at the Highway garage this summer.

There was some discussion on tree work in the area to maximize views, address some standing dead wood and possibly plant some new maples.

Public Hearing for public input on designating the class VI portion of French Road an Emergency Lane

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

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

Discussion followed which included the following:

- The need for maintenance on the road to keep from losing the road completely
- Issue with a culvert? The emergency Lane reclassification will allow **RA Perry** to go out and do some work on it so we don't lose the roadbed.
- The importance of good forestry practices and review of logging sites prior to the loggers exit.
- The value of keeping that road open as an emergency lane in the event that EMS needs to rescue a hunter/hiker/equestrian or the Fire Department needs to respond to a forest fire. If we can't maintain the road then emergency vehicles might not be able to pass on the road. It doesn't cost any money to change the status. It allows us to maintain the road and therefore not losing the town's asset and keep it open as an emergency lane.
- It doesn't change the use. It is still a public right of way. This maintenance will be on an as needed basis giving the Road Agent the power to keep that road intact. This is a trial and some other roads may be looked at in the future depending on the outcome and feedback on French Road such as Pinnacle, Emery and Stone Bridge.

Chairman Byam: If there are not any more questions or comments, we will close the Public Hearing.

Selectman Sawin moved to reclassify the Class VI portion of French Road to an Emergency Lane. **Chairman Byam** seconded the motion, so moved.

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

Chairman Byam: If the ConCom has any they would like us to look at, please bring them forward. **RA Perry:** In August, the ConCom and I will go out together and we'll do the work together so the project is done using the expertise of all.

Mike Decubellis brought forth a technical point...**Selectman Sawin** read from the RSA stating that after the Public Hearing the Selectmen need to put in writing the public need/safety interest and recommendations from the Fire Department to support the reclassification. The Board addressed that issue at last week's meeting with the Fire Chief and will include those minutes.

Appointment: Mike Decubellis: Littering of the phonebooks. Happened again despite our efforts to try and stop it. **TA Bingham** said that we didn't have the law behind us but other towns are creating ordinances and make phonebooks part of that law. I will concede that the law is not necessarily on my side in this case. **Selectman Sawin** brought forward a littering ordinance some time ago and will amend the original and bring it back to the Board.

Mike Decubellis:-Is the town interested in a sand pit in N. Lyndeborough? It is owned by Society for the Protection of NH Forest which is looking to get out from under the tax liability. The Board has considered this site before. The town office will pull up the minutes from prior discussions in preparation for a discussion on 4/27/11 at the Board's Work Session. Mike Decubellis and RA Perry will both be in attendance.

Citizens' Open Forum

Robert Mason & Michael Arseneault came before the Board in response to an enforcement letter he had received. He apologized for taking so long and explained some reasons such as personal hardship and weather that has prevented him from finishing the work and asked the Board for an extension until June 30th. Additionally, the final paving on his driveway apron is on hold until the Route 31 paving is done. **Chairman Byam** asked Robert to come back in two weeks to let the Board know when that final paving will be done. Robert will be in touch with Wilton and/or the state and agreed to get back to the Board in two weeks. **Chairman Byam:** We will work with you. Get it all done by July 1, 2011. Thanks for coming in.

Bob Dolinak came before the Board as a retired member of the Lyndeborough PD to discuss slanderous allegations that a town resident, Brendan Philbrick wrote about him and that were published in the Milford Cabinet. He paraphrased the article and wanted to address the Board to say that none of what was written is true. I've been off the job for almost two years. I don't know where Mr. Philbrick is going with this or what his agenda is but I won't tolerate it. I live one town away and I feel that while I was serving Lyndeborough as a police officer

that I did the best that I could. I'm really surprised that the Milford cabinet would publish a letter without contacting me for my side of the story. I would challenge the person who wrote the article to bring forth this so called confession that I wrote. I know it doesn't exist. I'll submit to a polygraph administered by the NH State Police anytime, anywhere regarding these allegations. I want a public apology from Mr. Philbrick and if I don't get one, I will seek legal recourse against him. I'm sorry that I have to come before you tonight to defend my character.

Jessie Salisbury: I spoke with my editor and they told me that they did not intend to print the letter and it somehow got printed. It was the second letter that he had sent and they didn't print the first one. Right now they are concerned for repercussion for them. They should probably apologize as well.

Bob Dolinak: Thank you. This was just an out and out attack against me. When people see things in print they tend to believe it. I would hope that Mr. Philbrick has the intestinal fortitude to rectify the situation. I apologize for being late but I was waiting on a call to confirm the time.

Monument posts on Center Road are snapped off and still need repair:

ACTION... Chairman Byam will contact Dick Tremp at the state. **RA Perry** will get Dick Tremp's number to **Chairman Byam**.

A brief discussion of a large pothole on Mountain Road followed.

Town Administrator Report:

-1645 Center Road

FC McQuade: Anything been resolved from last week's meeting? **TA Bingham** was going to talk with town attorney about whether or not the town has true ownership. Can I get on some type of notification for this please? I've asked for updates and I'd like to be on the list for email communication. I haven't heard anything for over a week.

Selectman Sawin: We are double checking the notification requirements to be sure that we've complied. We should be moving on this pretty fast.

Kate Thorndike: **Jim Bingham** has an appointment with Bill Drescher to discuss the property on Monday.

FC McQuade: There does not appear to be any asbestos on the property with the exception of possibly some flooring in the kitchen and shingles. The FD will handle the testing. The garage will remain and cleanup will be relatively simple. **Andy Roeper:** Contain the burn zone so you don't have run off into the brook? **FC McQuade:** Our paperwork for this burn takes two weeks once it's submitted and the test results are necessary to submit the paperwork. Again, notification...please keep me in the loop.

The conservation easement to Badger Pond was briefly discussed.

Asbestos testing on shingles: **ACTION...Selectman Sawin** will call ChemServ to get the pricing and get the information back to **FC McQuade**.

Mike Decubellis mentioned a pair of Osprey who are nesting near the pond and asked those involved in the burn to be aware and careful with their presence and habitat.

-Health Insurance comparisons: Selectman Sawin asked whether the office was looking into other options besides LGC and Primex.

-Inmate workers program

Rob Williams: Appointment:

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

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

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

The Board then went into nonpublic session, as recorded separately, at 8:05 p.m. The Board returned to public session at 8:12 p.m.

FC McQuade: I am still looking for clarification on what happened with the paperwork for that firefighter's injury, please. Have we clarified whether or not volunteer firefighters have short term disability for injury? That was supposed to be looked into and I find that very disturbing that it hasn't been resolved. **Selectman Sawin:** Would you send the Board an email on that whole situation please? **FC McQuade:** Yes. I've been told that it's been resolved but I would like to hear exactly what happened, why it took so long and whether or not volunteer firefighters are eligible for STD. **Chairman Byam:** We'll discuss it with **TA Bingham** when he gets back, get to the bottom of it and get you a definitive answer.

FC McQuade requested amounts for his gas/diesel expenses to date. He has submitted fuel slips but still has zero dollars in that line item.

Old Business:

-Generator for Citizens' Hall: 16kw to 20kw, single phase; Chamberlain Enterprises submitted a second estimate for the Board's review.

Andy Roeper: Wire conversions: anyway we could get any more outlets upstairs? Floor vents are useless and some collapsed flooring. HDC will bring their suggestions/concerns to the BOS at the Joint meeting. The Board will have Wally Holt sit in to offer some input as well.

-Milford Boundary

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

Chairman Byam then declared the meeting to be adjourned at 9:30 pm.

Date: April 6, 2011
Kate Thorndike, Recorder

Arnold A. Byam, III,
Chairman

Donald R. Sawin

Kevin J. Boette

APPROVED BY THE BOARD OF SELECTMEN ON APRIL 13, 2011