

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
August 22, 2012**

Members Present: Chairman Arnie Byam & Kevin Boette

Staff Present: Town Admin Kate Thorndike, OIC Rance Deware

Public Present: Phil St. Cyr, Bob Rogers, Lee Mayhew, Paul Lemire, Fred Douglas,

Media Present: Jessie Salisbury and Dave Anderson

Recorder: Pauline Ball

Appointments:

6:30 p.m. Phil St. Cyr, Primex Presentation

Mr. St. Cyr presented an award to the Board of Selectmen for the Town of Lyndeborough which is a member of the Primex Insurance Pool (a pool of about 400 members in which only 65 have received this honor). This award was being given to the Lyndeborough community for achieving Risk Management Excellence; accomplished through the hard work of Kate Thorndike, Burton Reynolds and the Risk Management team. This group worked together for several months updating all the town's safety policies which help to educate the community's employees in following Best Risk Management Practices. Mr. St. Cyr said that this practice will be good for both the non-profit insurer and the town because if Primex pays less for rates it also means that the town's premiums will be reduced. He did caution the town to keep the focus on performance because one severe claim can be catastrophic. It is still important to avoid claims by addressing risks and knowing how to manage them when they do happen.

6:45 p.m. Paul Lemire- United Church of Lyndeborough Exemption

Mr. Paul Lemire said that he had a prepared statement to read (**a copy is on file**) before addressing the letter dated August 10, 2012 sent by the Board of Selectmen concerning the church's exemption status.

He acknowledged that both the church moderator and the clerk were present for this meeting and that he had authority to address the issues relating to the chapel located on Rte 31. In his statement, Mr. Lemire explained that the United Church congregation was a people of faith who ultimately answer to a higher authority. They do not put information on a form or make verbal commitments without keeping true to their faith. He referred to the agreement reached with a former Board of Selectmen on April 22, 2009 when they submitted Form A9 which stated that *"during the summer months, the weekly prayer service would be held at the chapel."* Mr., Lemire said that this was their commitment and it was done in good faith. He stated that to knowingly falsify an official document would be fraudulent; and justly accusing someone of lying is scandalous. He added that they have done everything the Board of Selectmen have asked of them in order to ensure the continuation of their tax exempt status; i.e., from putting up a building, a driveway and parking lot as well as cleaning up logging debris and having

Summer prayer services. As it states on Form A9, *“the site has also been available for the public’s personal reflection and prayer.”* Mr. Lemire presented a letter from an individual who was not a citizen of Lyndeborough or a church member. This letter was written to the BOS in support for the church and property located on Rte 31(north of the Village). Mr. Lemire read the following: *“On many occasions I have seen parishioners meditating or praying at this location.”* Mr. Lemire said that many unknown visitors have left flowers and other religious articles at the site. He submitted a copy of a personal note (**copy in the file**) and read the transcript that was left by a visitor who was thankful for the chapel and asking for prayers for all those in need.

At this time, Mr. Lemire asked if the Board has abided by the April 22, 2009 agreement with the Church which states, *“the Board of Selectmen, having reviewed the submitted list of real estate and personal property on which exemption is claimed on Form A9 and have granted exemption to Lot 231-004-000, a 4.25 acre parcel located on Forest Road, seeing that now a structure exist on that property which you have claimed on the form as being used for religious purposes between the months of April and October, approximately.”*

Mr. Lemire said that it appears the Board has added unilateral alterations to the agreement and applied them retroactively. There were never any stipulations placed upon the church that required them to prove who has used the property or when; to ask people to sign in for prayer undermines the spirit of prayer. He said that the Board should have taken the initiative to communicate with the church about their concern instead of sending a letter asking the church to prove their intent. Referring to the minutes from the last meeting, he indicated that the Board has taken a direct and harsh action on hearsay and innuendo without any evidence and it gives the appearance of harassment. Mr. Lemire stated that, in the past, the Selectmen have been invited to come to the property to participate and see for themselves and that the offer still stands. He suggested that in the future, he would be happy to meet and discuss any concerns or predicaments that may arise between the Board and the church in order to come to a reasonable understanding and avoid any escalation that might incur legal expenses for taxpayers.

TA Thorndike, in order to clarify this issue, told Mr. Lemire that the tax card shows that the structure, driveway and parking lot on .10 acres are exempt for religious purposes, but the remaining acreage is vacant land and is not exempt. Mr. Lemire responded that the entire parcel was granted an exemption. **Selectman Boette** explained that before the Board grants exemptions for those who are in need, they must consider that other taxpayers will be paying more because the town needs to maintain a certain amount of revenue each year to run the town. He said that the town assessor brought up a concern on how this land was being used. Mr. Lemire responded that visitors and parishioners not only use the chapel for prayer, they also walk the whole property to pray because it is a place of prayer and reflection. **TA Thorndike** gave a packet of Supreme Court law cases for this type of exemption to Mr. Lemire for his review and stated the following: “the

burden of demonstrating the applicability of any exemptions shall be upon the claimant.” She said that proof of some kind must show that the land is being used regularly and consistently. This is the reason why this issue is being readdressed by the Board. She explained that the town assessor looks at the parcel and determines a figure based on the size of the structure, the driveway and the parking lot and what is perceived to be used for religious purposes. It does not include vacant land on the outskirts of the building. She reiterated that it was not the Board who initiated this concern; it is the town assessor who makes recommendations for exemptions and it is the reason why this issue has been brought to the table. She said that the Board has the right to look at these exemptions on a yearly basis and the agreement of 2009 between the Board and church is reviewed each year. Mr. Lemire asked where the “buck stopped” and who made the final decision. **Selectman Boette** answered that the Board makes the final decision after looking at the recommendations submitted by those hired for their expertise. Ending this discussion, Mr. Lemire said that he understood the Board’s position but did not feel that the Board understood his; that it was one more form of harassment.

Approval of Minutes, Manifests, and Items for Signature

The Board addressed all items that needed their signature.

New Business:

7:10 p.m. CIP Committee – Schedule and new members

TA Thorndike said that there will be two new members for the committee and the schedule for meetings will be set for late September. P. Ball said that the Planning Board, at their last meeting, approved the appointment of Burton Reynolds to the committee.

Item not listed on the agenda:

TA Thorndike said that the generator at the school needed repair because of an antifreeze leak and additional maintenance issues. The cost was \$1000+ for the work. She also stated that the office is requesting quotes for a maintenance contract on all town owned generators.

TA Thorndike said that there was an attempted thief at the town barn and Kent Perry is again requesting a security camera to be installed as well as a gate for the entrance. A key or combination will need to be provided for the fire department so that they can enter the area to fill up their vehicles, when needed. The Board also agreed that a pile of sand and salt should be provided outside the entrance for town resident’s use during the winter months.

TA Thorndike asked the Board if they wanted to continue the summer schedule and have meetings every other week. The Board agreed that the schedule should continue as presently set up.

TA Thorndike said that the Safe Routes to School committee will be meeting on Friday and that she, Sue Tussing and Lee Mayhew will be working on the application process starting in mid October. **Selectman Byam and Boette** agreed that a sidewalk for school children would be safer than walking on the road and that it would also define the downtown area.

Appointments, cont'd:

7:15 pm Sgt. Rance Deware –Police Department

- **Department Structure**

Sgt. Deware asked for some direction from the Board on how they wanted to go forward with rank structure in the police department. As of September 3rd he will be losing one officer and another of his officers will be entering the police academy. **Selectman Boette** asked for his thoughts on what he needed. Sgt. Deware said that it was important, when he is away on police business, to have an experienced officer who can take over the day to day activities; therefore there needs to be, in place, a structure in ranking to address this concern. **Selectman Byam** said that perception in the community was important, i.e. people understand who is in charge by the number of stripes on an officer's sleeve because they denote ranking. Sgt. Deware also stated that a full time sergeant with certification makes it easier with prosecutorial cases in court.

Selectman Boette suggested that a new officer start at a lower rank and have a chance to move up in rank. He would like to alleviate the concern that good people are hired, trained and then leave for more pay.

Fred Douglas was asked for his input on this issue and in his personal opinion, without rank structure, the town is opened up to liability; the police department must have structure, i.e., a chief of police, a patrol sergeant, sr. patrolman, etc. It is important to figure out the latitude, experience and type of supervision that is needed in the police department. **Selectman Byam** agreed that in the military, fire departments, etc. they all have a rank structure and steps to follow for any advancement. Sgt. Deware needs this rank structure so that he can fill certain slots.

Mr. Douglas also recommended defining the job description criteria, i.e. there is statutory language for a prosecution officer in which that person can make decisions at court in the best interest of the town without going to the Chief of Police. **Selectman Boette** agreed that the job description should be reviewed and updated.

- **OIC Job Description**

Because there was some confusion about the corrections made to Section A in the OIC Job Description language by Selectman Sawin, the Board agreed to send the document to town counsel for review. No decision from the Board was needed at this time.

- **IMC Police Mgmt. Software**

Sgt. Deware distributed the computer cost printout to the Board. He said that the Computer Equipment line item will be over budget but the Salary line item will be under budget. **TA Thorndike** mentioned that the town clerk has offered to transfer \$1000 of encumbered funds for the restoration of old books, which she did not need, to help cover some of the cost of the new computers. **Selectman Byam** said that encumbered funds can only be used for designated projects and can not be transferred. If these funds are not used as specified they must go back into the General Fund. Sgt. Deware replied that there are funds in the Salary line item to cover that amount. He stated that IMC will supply 2 laptops, 3 licenses and a desktop and software installation at a cost of \$16,000. There is also an additional fee of \$25 each for Wi-Fi.

VOTE: Selectman Boette made a motion to accept the IMC purchase and installation as proposed by OIC Rance Deware. **Selectman Byam** seconded the motion. The VOTE in favor of acceptance was unanimous.

- **Officer Keith Hervieux update**

Sgt. Deware said that Keith Hervieux will be sworn in part time on September 4th and will work six shifts per month. He's on the September schedule which was presented to the Board and Sgt. Deware noted that there were some open spots for additional coverage. All other personnel issues were to be discussed in a non-public session.

- **Non-Public 91-A:3 (a) PERSONNEL**

VOTE: Selectman Boette made a motion to close the public meeting at 7:50 p.m. and enter into a non-public session for a discussion on personnel issues with Sgt. Deware. **Selectman Byam** seconded the motion. The VOTE in favor of the motion was unanimous.

The Board of Selectmen and the town administrator agreed to discuss the remaining items in Old Business after the non-public meeting and the recorder P. Ball was dismissed at 7:55 p.m.

Date: August 22, 2012
Pauline Ball, Recorder

Arnie A. Byam, III
Chairman

Donald R. Sawin

Kevin J. Boette

APPROVED BY THE BOARD OF SELECTMEN ON SEPTEMBER 19, 2012