

**LYNDEBOROUGH BOARD OF SELECTMEN  
WORK SESSION MEETING MINUTES  
April 3, 2013**

**Members Present:** Chairman Kevin Boette, Arnie Byam & Fred Douglas

**Staff Present:** Town Admin Kate Thorndike, OIC Rance Deware and RA Kent Perry

**Public Present:** Lee Mayhew, Dan Donovan and Brenda Madsen

**Recorder:** Pauline Ball

**No Citizen's Forum or Citizen Appointments were scheduled for this meeting**

**Approval of Minutes, Manifests, and Items for Signature:**

The Board addressed all items that needed their signature.

**TA Thorndike** explained that Town Clerk Trish Schultz is asking that Linda Anderson, a former Deputy Clerk, fill in on a temporary basis. She will be called in to serve when needed. The Board approved the arrangement.

The Board confirmed the re-appointment of Kent Perry as the town road agent.

**Agenda Items:**

**6:30 p.m. Road Agent Kent Perry-----1989 Mack Truck inspection/repairs**

Before addressing the 1989 Mack Truck, **RA Perry** said that he met with the Brox Paving Co. representative and walked Center Road prior to the paving project. The base coat will cost \$41,300 (\$71.20 per ton) and it will be done in two stages. After Wilton's paving project is completed in about two and a half weeks, the section from Steve's Bus Service to Johnson Corner Road will be completed. He will use the summer for road repairs in the Center Hall to Dutton Road section and a base coat will be applied in the fall. With the \$149,000 paving budget, he will also overlay the NH Turnpike section and maybe the Badger Pond section on Mountain Road. **Chairman Boette** voiced concern that the preliminary repair work, i.e. ditching, etc. will not be completed prior to the paving. **RA Perry** said that he would be able to do the work after the paving without a problem and preferred to have the paving done by Brox's "A" team. **Selectman Byam** asked about the proposed work along the Lemire property. **RA Perry** said that he has not heard anything concerning that project but that work will not harm the road. **Selectman Douglas**, addressing the repair work to be done in the Old Center and its impact on the residents, asked that the road agent personally contact them and inform them of the project and its timeframe. **TA Thorndike** responded that letters can also be sent out to those residents and information concerning the road reconstruction will be placed on the website. **RA Perry** added that signs will be put up two weeks before the project begins. Detours are limited, usually there's traffic slow down or brief road closures depending on the project. **RA Perry** explained that the 1989 dump truck will not continue in service because of a laundry list of issues, i.e. kingpins, springs, etc. It is his intention to remove the deteriorating dump body and perform the necessary repairs in-house at a cost of approximately \$2500. After the repairs are made, the sander will be attached to the truck

and it will only be used during the winter months. In this manner, they may be able to eke out a few more years of use.

The town barn roof will be repaired next week and **TA Thorndike** asked the Board chairman to sign the contract. She stated that they have received \$6200 from insurance and a \$1700 for the depreciation retainer. The estimate for the repair is for \$7800.

**Selectman Douglas** said that he recently spoke to Karen Forleo on Baldwin Hill Road concerning a drainage issue (ditch in front of the property has washed out) which has resulted in no mail delivery for two weeks. **RA Perry** said that he would check it out and resolve the situation.

The Board presented a Letter of Appreciation to RA Perry and his crew for the excellent job on town roads throughout the winter. Residents Jim and Nadine Preftakes and Ron Curran expressed their appreciation for all the highway department's hard work and long hours.

**Other Business:**

- **Prosecutorial Agreement with Wilton**

In a review of the proposed prosecutorial agreement, **Chairman Boette** noted that the changes to the names and dates had been made. He asked if anyone on the Board had any comments. **Selectman Douglas** replied that he had a few notations:

#3.....*"Paragraph 10"* should be changed to *"Paragraph 12"*...**Change has been made.**

#5E.....*"any Lyndeborough Defendants"* should be changed to *"any Defendants brought by Lyndeborough Police Department."* **The Board agreed with this change.**

#5F..... *"Any presentation or presentations before the Grand Jury shall be the responsibility of the Lyndeborough Police Department."* .....**Why aren't these presentations to be performed by the regional prosecutor? Because several questions were raised on this issue, the Board agreed that they should consult with town counsel as well as the Wilton Police Chief for the answers.**

#6A..... *"A case file furnished in a predetermined format."* ..... **Who will provide the case file? OIC Deware will sign off on the files before they leave the office.**

#6C...Subpoenas.....**Will the regional prosecutor produce the subpoenas and issue them to the police department for service? OIC Deware replied in the affirmative.**

#9...Payment.....**Referring to Grand Jury presentations mentioned earlier, what services were being provided for the annual \$7800 payment for services?**

OIC Deware explained that, under his current salary, the \$650 monthly payment would be based on 24 hours per month for prosecutorial duties; he now averages between 16 and 24 hours per month. On an administrative issue, Selectman Douglas asked if it was necessary to remit a monthly payment. The Board and the Town Administrator agreed that a quarterly or a lump sum payment was preferable.

#10...Effective Date... "*Paragraph 11*" should be changed to "*Paragraph 9*"...**Change has already been made.**

#11....Term.... **No automatic contract renewal. A new contract will need to be negotiated prior 12-31-13.**

#12 A...Termination....**Why was a "30 day notice" necessary? Selectman Douglas thought a week was sufficient for a smooth and proper way to transfer information back to the police department. OIC Deware noted in #12B that all case files will be returned within 7 days. A thirty day notice is to avoid an additional monthly payment.**

**Chairman Boette** concluded this review and after some discussion with town counsel and Wilton police chief, this agreement will be executed. **TA Thorndike** noted that the Board has a scheduled meeting with the Wilton Select Board on April 15<sup>th</sup>.

- **Citizens' Complaint Forms and Policy/Procedures**

**TA Thorndike** described the three different forms that were drafted for the Board's review.

1. a form against a town employee or a department head and its procedure policy
2. a form against a fire dept. member and its procedure policy
3. a form against a police dept. member and its procedure policy.

After discussing the format and procedure language, the Board and Town Administrator agreed to consolidate the data into one form. They briefly touched on such issues as disciplinary authority, timeframe of complaint, neutrality of Select Board, town administrator's intermediary position, etc. **Selectman Douglas** offered to provide some **OIC Deware** also suggested contacting LGC and comparing their complaint form and procedures. This issue will be discussed again at the next meeting.

- **Employee Review Schedule**

**Chairman Boette**, referring to the Employee Review schedule, thought that department head reviews should be done during the second half of the next Board meeting. All review forms must be completed by department heads within the next two weeks.

The Board briefly discussed such issues as Verbal Discipline and Verbal Consulting, Probationary Review Status forms, documentation for personnel files. **Selectman**

**Douglas** offered to provide a Probationary Status form for the town administrator's review. The Board also discussed the timing of employee reviews and agreed that they will be held in the fall, before November 15<sup>th</sup>, in preparation for 2014 Budget planning.

- **BTLA Church Exemption Status**

**TA Thorndike** asked if it was the Board's intention to remove the exemption status from the United Church of Lyndeborough Forest Road property; right now, the tax card shows that the building and a small portion of the property is still exempt. She said that she and the town assessor is in agreement that the entire property should be taxed because according to the BTLA ruling, the church owners did not meet the burden of proof. The Board reviewed the BTLA ruling and discussed the issue.

**VOTE: Chairman Boette** made a motion to remove the full exemption from the tax card. **Selectman Douglas** seconded the motion and the **VOTE** in favor of the motion was unanimous. A letter will be sent to the owner confirming this decision.

- **Internet Postings/Social Networking**

**OIC Deware** distributed copies of a proposed policy that will direct employees of the Police Department in the use of the internet, the web and social networking as a medium of communication which could impact the department. He asked that the Board review the policy for discussion at the next meeting.

**Adjournment:**

All scheduled items having been addressed, the meeting was adjourned at 8:20 p.m.

Date: April 3, 2013  
Pauline Ball, Recorder

Kevin J. Boette  
Chairman

Arnie A. Byam, III

Fred Douglas

**APPROVED BY THE BOARD OF SELECTMEN ON MAY 01, 2013**