

**LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
May 29, 2013**

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

Staff Present: Burton Reynolds, Admin Asst. Cindi Hasty, Lt. Rance Deware, RA Kent Perry, Health Officer Carylyn McEntee, FC Rick McQuade

Public Present: Bob Rogers, Lee Mayhew, Ron Curran, Bud McEntee, Mark Schultz and Clayton Brown

Media Present: Jessie Salisbury and Dave Anderson

Recorder: Pauline Ball

Non Public Session:

6:30 p.m. Non-Public RSA 91-A:3 II (a) Personnel Reviews

The Board entered a Non Public session under RSA 91-A: 3 II (a) for employee reviews. The session adjourned at 7:18 p.m.

Approval of Minutes, Manifests, and Items For Signature:

The Board opened the public meeting at 7:20 p.m. and addressed all items that needed their signature.

Appointments:

7:20 p.m. Highway Update

RA Perry informed the Board that work is being done on Crooked S. Road because of drainage issues. He will begin work on Center Road soon and as yet, has not had any responses from neighbors on their concerns. He does have some drainage issues in the area where it was timbered last year but has not been successful in contacting the property owner. **Chairman Boette** advised the road agent that no extra purchases should be considered during the month of June.

7:30 p.m. Police Update

Lt. Deware submitted a grant reimbursement check for training expenses that had been paid upfront with Training and Conference funds. **Chairman Boette** asked if there were any problems with the police vehicles and **Lt. Deware** responded that tires will be addressed in June and other than having Firestone replace a tire because a nail was imbedded to close to the side wall, they haven't had any problems. He said that prosecutorial services are working out well and noted that the prosecutor had two court appearances in May. They have worked on four pre trial motor vehicle hearings, plea arraignments and a discovery request as well as a review of Officer Byam's warrant affidavits. Referring to the open F/T position, **Lt. Deware** said that he received eight candidate applications and will interview the following: (2) out-of-state certified F/T officers; (1) in-state certified F/T officer and one certified P/T before making a decision.

7:40 p.m. Health Officer Update

Ms. McEntee asked the Board if there were any Health Officer Report forms available that could be used when responding to a call. She said that it was important to submit a report, whether the call was unfounded or not, to be placed on file in the town office. She also suggested keeping a tick list of what is required and how it's determined when a home is safe or unsafe for habitation. Cindi Hasty said that she would contact LGC to see what was needed. **Ms. McEntee** reminded the Board that Homeland Security has recommended that the Emergency Management/Health Officer purchase a laptop computer/printer/fax for keeping the files separate from her personal computer. The cost is limited to \$1200 which is paid upfront by the town and 100% reimbursed by Homeland Security. **Chairman Boette** explained that this issue had been discussed at the last meeting and the Board is in favor of the purchase but will not make a decision until June. **Ms. Hasty** also stated that she has two additional quotes which the Board will review as a comparison to Karen Holland's quote which was submitted at the May 15th meeting.

Ms. McEntee requested a name badge as well as calling cards that she can present to a home owner or leave at the door if no one is present. **Ms. Hasty** said that she would take care of that request. **Selectman Douglas** suggested that the Health Officer have a police officer accompany her when going to a health inspection at a residence. **Ms. McEntee** agreed with the suggestion because a health inspection can be problematic.

At this time, **Chairman Boette**, on behalf of the Board and the community, thanked Ms. McEntee for her service to the community and presented her certification from the State of NH.

New Business:

- **WLC School Warrant**

Chairman Boette said that the WLC School warrant has not been signed nor the payment sent out. **Mr. Reynolds** explained that paying the school at the beginning of the month was not leaving the Town with enough funds to pay all their bills before cash flow from the mid-year tax bills start arriving. **Mr. Reynolds** said that he would like to discuss this issue with Lisa Ambrosi to see if either sending a partial payment now or simply sending the total payment later in the month would work for the school. The Board did subtract \$186,703 from the payment until it could be discussed. The revised warrant total of \$2,600.33 was signed by all three members of the Board.

- **Midyear Tax Bill Update**

Mr. Reynolds and **Ms. Hasty** said that the mid-year tax bills will be ready to send out on Thursday, May 30th. **Chairman Boette** state that Town Clerk Trish Schultz was waiting for some clarification from the DRA on a particular issue. **Mr. Reynolds** did not think that it was a big concern since the mid year tax bills are only an estimate. It is more important that the final figures for the December tax bills are accurate.

Chairman Boette asked how his position as temporary town administrator was working out. **Mr. Reynolds** replied that he is trying to prioritize issues for review now that the tax bills are going out. He will be comparing paid invoices to line items and correcting any errors, if needed.

He is also making a list of major items that he works on each office day and Ms. Hasty will put the data on a spreadsheet for the Board's review.

- **Goss Park Committee Meeting Request**

Cindi Hasty explained that the representative for the Wilton Selectmen has requested a meeting to discuss the Goss Park issues and would prefer an evening meeting, if possible.

- **Old Coach Road – Class VI**

Mr. Reynolds said that he recently walked Old Coach Road and was amazed at the great condition of the Class VI road. The property owner or owners have maintained it by putting in culverts to improve drainage and graveled the road. He showed the Board photographs that were taken to demonstrate how well the road appears. He suggested that the photos be kept on file, in case, an issue regarding emergencies lane is discussed, some time in the future.

Community Open Forum:

Bob Rogers stated that he still has his "Vote Fred Douglas for Selectman" sign in his garage and will bring it out in 2 ½ years.

Clayton Brown asked why the flag was not on the flagpole at Center Hall. **Selectman Douglas** asked the same question since it was discussed at the last meeting and it was not present for Memorial Day. **Ms. Hasty** responded that Walter Holland did not have a bucket truck available to access the pole. **Chairman Boette** said that he would contact Mr. Holland and see what is needed. **Ms. Hasty** noted that Paul Martin had requested and received a new rope to replace the one at the Village Center before it broke; this should be done for each flag pole, on an annual basis, to avoid this problem.

Appointment:

8:00 p.m. Fire Dept. Update

Fire Chief McQuade told the Board that over the past few months he has been reviewing the Fire Department By-Laws and the RSA statutes as they relate to the election of officers. Presently their By-Laws allow the membership to vote in the officers. The RSA statute gives the power back to the Board of Selectmen and can abolish any By-Laws that deal with the election of officers. He would like to find a good balance between allowing the membership to recommend a candidate for chief and having the Selectmen make the appointment; this would be his preferred choice. He is working on a draft policy, hopefully, that will accomplish this act in a fair manner and it will allow the Fire Chief to pick his officers. A new policy would take away a favoritism vote; give more control to the chief in the hiring and firing process which is now controlled by the

membership; set specific term limits or indefinite term limits. After a little research, he still did not know when the policy, in its present form, was changed and although several older residents had some ideas, no one was sure. **Chief McQuade** said that he would have a draft policy prepared within one month and hopefully a final policy in two months.

New Business, cont'd:

- **Chief of Police Discussion**

Chairman Boette gave a brief review of the Chief of Police position that was placed on the ballot at the March town meeting and passed by a close margin by town residents. Prior to opening the discussion to the audience, he stated that the present Officer in Charge (OIC) has been performing all responsibilities without issue for the past eleven months. The police department morale has been high, positive feedback has been received from residents as well as school personnel, parents and elementary students. He has received favorably remarks from a neighboring town's police chief on the training, protocol and personalities of the present Lyndeborough police force. In his opinion, there isn't any real difference between the OIC position and that of a Chief of Police with the exception that a small town does not any recourse to get out from under a bad chief. After reviewing the Personnel Manual, he noted that it has a job transfer policy which allows the Board to look internally and hire someone qualified to fill the position. The present OIC demonstrates that he is the person to become Chief.

Selectman Byam stated that there are not too many places where you could try out an individual for almost a year before hiring him. The OIC has a good track record and educational background to become a Chief.

Selectman Douglas did not agree with his fellow selectmen because there's a process in place. A warrant article articulated how the selection process should go, if the vote for a Chief was passed. If this Board does not follow the town vote, it is going against the will of the people and circumventing the process. He questioned what the Board knew about the OIC besides his resume and job performance; stating that the current OIC had submitted a resume to the Town of Mont Vernon for Chief of Police and asked if either one of the other Board members knew this. He referred to the May 15th meeting while the OIC was sitting in front of the Board, when he asked if the other Selectmen were aware of any employee, part-time or full time who had applied in another municipality and they replied no. Because no Board member knew about his action, he had a serious problem with his loyalty. This is the same type of "loyalty" that the Board had concerns with at the previous meeting with another officer and voted not to allow the officer to continue employment as a part time officer.

Chairman Boette, in response to **Selectman Douglas'** question, said his observations of the OIC ranged from job performance and community commitments, i.e. Boy Scout leader, visible presence at community and school functions, interaction with town residents and a presence on town roads. The only issue that was brought up at town

meeting was whether or not he had a psyche test. During his inquiry into this issue, the OIC said that a psyche test was not required because he was an active officer that left one position for another in Lyndeborough and a current test was on file. **Selectman Douglas** questioned the Board's position on the issue of loyalty to the police department.

Selectman Byam stated that it's a job and everyone has the right to leave for a better position or better benefits. Loyalties did not anything to do with it since some loyalties are clouded by other factors. He said that anyone applying for a position is leaving another position. At this point, **Selectman Douglas** stated that he would not endorse a candidate without a full selection process; the position is open to the OIC and any other interested candidate.

Most of the comments from the audience advised the Board that the town voted for a selection process in choosing a Chief of Police and that's what they wanted the Selectmen to complete. They were not in favor of promoting the OIC to Chief without a vetting process. Ron Curran read the following from the town meeting minutes under Article 18: *"that the Selectmen will undertake immediate action."* Mr. Curran said that it has been two months and two weeks since that meeting and nothing has been done. **Chairman Boette** responded that the Board had been busy with other issues and now they are free to begin the discussion on the Chief's position.

Retired Chief of Police Mark Schultz, with 31 years of experience in law enforcement, said that the employee we are talking about had recently been speaking to citizens about these issues being discussed and that was one of the reasons he was attending the meeting. He said he knows how a small town works and how a police department operates. He didn't have any concerns with the OIC's qualifications or performance but was concerned that the Board goes forward and does what the town has asked. He said that it was quite possible that the OIC may become the new chief; but it will be done by going through the selection process. It is time to make some decisions, such as whether or not the position will be full time or part time and how it will affect salary compensation. These are some issues that must be decided prior to posting the position. Right now the OIC draws a pension and works part time, so he cannot become a full time chief. He asked **Selectman Byam** for his opinion.

Selectman Byam reiterated that there's a policy in place to allow hiring internally but there isn't any job description for the Chief's position, in place. If a LGC comparison is made between the position of Chief and OIC, there's very little difference. He added that the first step would be to determine whether the town needs a full time or a part time Chief of Police.

After listening to all comments, **Chairman Boette** and **Selectman Byam** agreed to continue the discussions on the search process and said that they would discuss job description at the next meeting. **Selectman Douglas** said that he would work on a draft on how a search should proceed that the Board could review at the next meeting. Mr.

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Reynolds said that he may have a copy of the report put together by the previous Search Committee that the Board could review as well.

Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 9:00 p.m.

Date: May 29, 2013

Pauline Ball, Recorder

Kevin J. Boette
Chairman

Arnie Byam III

Fred Douglas

APPROVED BY THE BOARD OF SELECTMEN ON JUNE 12, 2013