

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
July 23, 2014
Final

The meeting started at the Safety Garage on Center Road at 6 p.m.

Members Present: Chairman Fred Douglas, Selectman Arnie Byam and Selectman Lee Mayhew

Staff Present: Town Administrator Russ Boland, Jr.

Department Heads Present: Fire Chief Rick McQuade, Health Officer Carylyn McEntee, Road Agent Kent Perry. (*Mr. McQuade and Ms. McEntee did not return to Citizens' Hall*)

Public Present: Mark Altner

Media Present: Jessie Salisbury

Recorder: Kathleen Humphreys

Minutes:

After touring the newly renovated safety garage on Center Road and the grounds, Fire Chief Rick McQuade, Health Officer Carylyn McEntee and Road Agent Kent Perry discussed with the full Board and TA Russ Boland how they envision utilizing the space to make their jobs more efficient.

Chief McQuade informed the Board they will be consolidating and removing the wood piles both inside and outside the building.

The two-story garage will be used for safety equipment for the police, fire and highway departments. Discussed if vehicles may be stored on the property and if so a chain link fence secure enclosure. Chief McQuade inquired if the highway department could provide fill to grade the driveway to make it easier to get trailers in if they want to temporarily store the trailer there.

Contractor Wally Holt recently completed repairs to the building including improving the staircase and securing the second floor and the building was rewired. Chairman Douglas commented that structurally the building is very solid.

Selectman Byam, who is also a volunteer firefighter said, "A secure storage facility is what we envision." Selectman Douglas added that it can progress from that if needed. Right now it will be cold storage.

According to Selectman Byam new concrete was poured due to past flooding problems. The garage sits close to a pond which has experienced flooding in the past. The house was in a state of decay and was used for a burn exercise by the fire department last spring.

It was discussed to critter proof the garage to allow the potential for storage of files in the future.

VOTE: Chairman Douglas made a motion to have Town Administrator Russ Boland take bids for two garage doors and one personnel door. Selectman Byam seconded the motion. Motion passed.

The town's emergency shelter was discussed and Health Officer McEntee was asked to meet with the SAU 63 office to ensure, and get in writing, the continued use of the Lyndeborough Central School for catastrophic emergencies once the elementary school consolidation is completed.

Ms. McEntee said she feels her department is public safety and she may have room in her budget for needed supplies such as cones or signs and she's agreeable to have her budget used to purchase safety supplies.

An alarm system will be installed prior to use.

The meeting returned to Citizens' Hall and was called to order at 6:35pm by Chairman Douglas. All people listed above, except noted, returned to Citizens' Hall to continue the meeting.

Approval of Minutes, Manifests, and Items for Signature:

Review and signing of consent agenda items after the conclusion of the non-public session.

- a. Highway Paving Purchase Order
- b. Intent to Cut 225-016-000
- c. Intent to Cut 211-07-000
- d. Intent to Cut 220-042-000
- e. Intent to Cut 200-041-000
- f. PA-16 for DRA-Curtis Dogwood Natural Area
- g. Land Use Change Tax – 230-005-001
- h. Timber Yield-Operation 13-279-06
- i. Non-Public Meeting Minutes 7/2/2014
- j. Non-Public Meeting Minutes 7-9-14

Appointments:

Noise Ordinance

Mark Altner of 109 Crooked S Road asked if the Board would consider a noise ordinance. "I'm here to discuss an issue with quality of life and concerns of noise generated by specifically timbering companies."

He explained how a 2010 a logging operation was staged close to his windows and it lasted 6-8 weeks. The foreman, he will refer to as only "Dan H", asked if they could bring timber out of his path but since it was a long-term project he did not allow it and the staging area was set less than 200 feet from his house which he felt was unnecessary. It was dealt with by former Lyndeborough Police Officer Maxwell and the result was to not start before 7 a.m. but at times it started earlier.

A new logging operation across the street from Mr. Altner's home has been on-going. Eight acres from a 13 acre lot was cleared. Also behind his house on Herrick Road is another logging

operation. There have been numerous complaints to town hall in regards to logging operations starting very early and was reported that trucks were idling their engines as early as 4:30am disturbing the neighborhood.

Mr. Altner was informed the town recently dealt with the noise issue and spoke to the logging operations and informed them they should not start prior to 7 a.m., which is the working hours recognized by the state, 7am-5pm. There has been improvement in this matter.

Mr. Altner wanted the Board to consider adopting a town noise ordinance. The Board believes that Disorderly Conduct, RSA 644:2, has the ability to combat this problem.

Mr. Altner's concerns are the level of noise and staging area. He is asking the timber companies be courteous to the neighbors. He said he has no problem with neighbors who want to log their property or the timber companies who come in and make money. His issue is the loud and unreasonable noise when it is not appropriate. He mentioned that there are people who need to sleep and are sick and he thinks the noise is too much. He also questioned if the temporary commercial operations have more rights than the residents.

It was discussed if under the timber cutting permitting is it appropriate for the board, as the governing board, to put sanctions. Timber tax was also discussed.

Mr. Altner reported the trucks arrive before 7 a.m. and before Lyndeborough police are on duty and wondered if they police could adjust hours to be able to check on the hours of operation.

A setback for staging areas was also a topic of discussion.

Selectman Mayhew volunteered to take Mr. Altner's input and research it.

A noise ordinance will require addressing more than residential logging operations and other items are loud such as a leaf blower at 6:30am or a motorcycle and the courts would rule it discrimination if all noise was not addressed. Board discussed if a conversation with Attorney Dresher is necessary.

For the next meeting Mr. Boland will draft a form letter making timer companies aware of RSA RSA 644:2, being a good neighbor, highlight unreasonable noise and site it on the timber permit.

Mr. Boland informed the Board the town received 14 intent to cut forms so far this year and in 2013 the total was 12.

Community Forum

No topics were brought up by the public however, Road Agent Kent Perry wanted to discuss Nichols Road, which is a Class VI road. He wanted the Board's permission to work on the road because there is a culvert with a horse track just beyond the fields. It was discussed if it should be done on working hours or off hours.

The Board determined that making it an emergency lane would be a solution to allow the road to be fixed properly and gives the road agent permission to work on this Class VI road.

It was discussed if a Class VI road had any work done, such as cutting or ditching to it, then it reverts back to the town and the town has to maintain it. Recent cases were discussed.

It was suggested to read "A Hard Road to Follow" which has a section on emergency lanes. It gives the town the ability to work on the road without reverting back to Class V status. A few roads have trails for horseback, riders, snowmobiles or hikes and there could be issues if the town needs to be able to safely access them for emergency reasons.

Pinnacle Road, Collins Road and French Road are fire lanes and this one should be also in Mr. Perry's opinion. The resident who maintains that section of road called the highway department a few times already.

VOTE: Selectman Mayhew made a motion to put on the agenda for a public meeting to make Nichols Road an emergency lane. Selectman Byam seconded the motion. Motion passed.

It was decided to have the fire chief, police chief and road agent report back to the Board with recommendations on what Class 6 roads would make good emergency lanes by Aug. 6. A public hearing can be held on September 3, 2014.

Old Business

Snow Ordinance

Wording changes were made to the document.

VOTE: Selectman Byam made a motion for TA to make wording changes. Selectman Mayhew seconded the motion. Motion passed.

Aug. 20 will be public hearing for snow ordinance.

Rt. 31 Paving

Senator Andy Sandborn called Chairman Douglas and they discussed the paving project on Rt. 31. He was informed it won't be paved but will be shimmed. They have concerns about motorcycle use on that road and plan to ride it together on Aug. 8, 2014.

The August 6, 2014 agenda will include:

6:05pm Chairman of the School Board
6:30pm Sen. Sandborn

Cell Tower

Mr. Boland sent the cell tower contract for legal review and it expected be back by Aug. 6. Mr. Reynolds managed to negotiate an extra \$10,000 fee, totaling \$30,000.

Communication Chain of Command

If Mutual Aid is called to town then that information should be sent to the chain of command during reasonable hours and use judgment for other hours. In order of calls: TA Boland, Chairman Douglas, Selectman Byam and if they are not available call Selectman Mayhew.

New Business

Mr. Boland visited with the Planning Board the previous week and relayed they had a nice interview with Paul Best. They were in agreement the Board is the appointing authority and asked that they could appoint Mr. Best, who will be sworn in next week by the town clerk.

Mr. Boland did pass along the application concerns from the Planning Board. They felt it was a bit much and suggest a letter of intent.

Mr. Byam informed the board the Conservation Commission would like to be flagged on the intents to cut. Discussed providing a copy in their town's mailbox or scan then email the document over for every intend to cut.

PRIMEX Annual Recertification

Chief Deware will fill out the form by Sept. 3 for the town to be eligible for the 2.5% discount. The next meeting is Sept. 9.

Propane Pricing Project

Mr. Boland presented propane prices from a variety of companies.

Rhymes would guarantee \$1.71 per gallon but would need to lock in soon. They could install the new tanks and then transfer the product in it at no cost of the town. Surburban Propane would honor 35 cents above cost. Ciardelli quoted \$1.79 per gallon and would like the opportunity to match the lower price.

If the town pre-purchase 7,000 gallons and only use 6,500 they are obligated to take the remainder but that should not be a problem because they can top off in a few of the tanks in town.

VOTE: Mr. Mayhew made a motion for Mr. Boland to keep researching into propane cost on behalf of the town and to lock in price. Mr. Boland has authority to lock in when he finds the best deal for 7,000 gallon. Motion passed.

Police Detail Discussion

The rental of town property and the need for a police detail was discussed. The paperwork states "large" function but Selectman Mayhew wanted a more definitive number to describe large. The Board felt 100 people would equate "large". The town's application to rent the halls will be changed to reflect this definition of large.

It was discussed if a police vehicle needs to accompany the police officer at a detail at a function in town and opinions differed on this matter but they all agreed they do not want to see Lyndeborough Police cruisers on a detail outside the town borders.

Chairman Douglas said with the "history behind us" he does not want to see our town employees bidding details and punching out and going to details. He does not want to see town cruisers in non-abutting town.

VOTE: Selectman Byam made a motion the Lyndeborough police cruisers are not allowed to be used for traffic details outside the town of Lyndeborough. Selectman Mayhew seconded the motion. Motion passed.

Selectman Mayhew would like to make a motion regarding how on July 19, Lyndeborough Center Hall was rented for a fundraiser for an individual Lyndeborough citizen that had injuries and he would like to request the Board waive the fee for the police service. He understands the police officer has to be paid but the sponsors would not have to have that money taken from the fundraising pot of what they raised and suggest the town pay the police officer. Selectman Byam does not disagree with the thought process but warn it's setting a precedent.

VOTE: Selectman Mayhew made a motion to waive the fee for the police officer for last Saturday's fundraiser for John Hyde, July 19, 2014 at Town Hall in the Center. Selectman Byam seconded the motion. Motion passed.

Chairman Douglas said that in past, police officers would volunteer their time for fundraisers.

Selectman Mayhew let his opinion be known that police officers and other town employees should pay for their own food when on duty and not accept free food, either in town or outside of town.

NRPC Road Counts

The road count data is available. Burton Reynolds, Kent Perry and Russ Boland will review paving projects plan.

Selectman Mayhew asked if the Board has a problem if he knocks on the door of the lady on Center Road. She felt that she does not own the land where they want to cut trees for a better light of sight on the dangerous corner of Mountain Road, adjacent to the intersection of Crooked S Road. Mr. Boland offered to join him.

It was noted there will be a police shortages during August due to vacation schedules.

Chairman Douglas asked if other members are under the impression that when no officer is on duty, is the town covered by State Police. They reviewed the schedule. Between 1500-0700 hours there is always a gap. Mr. Boland will research this and report back to the Board.

Chairman Douglas again inquired on the statistical information on the prosecutor stats for the first six months of the year that he requested.

Town Administrator Report

Mr. Boland will exchange the bill of sale for the tractor on Saturday with the buyer who will pay with a cashier's check and show a driver's license.

The sap house on Center Road does meet setback requirements.

Mr. Boland talked to the resident on Broman Way regarding the dust control issue. She understands the position of the town.

Mr. Boland held the first depart met head meeting last Wednesday and felt it was productive. They will meet once a month after the Wednesday of the first BOS meeting.

FCC License for the highway department has been renewed for a period of ten years. Training program for 2014 has been received.

First of three payments was made to the WLC School District last week.

The Safety Committee met yesterday. The police chief was given PRIMEX form for completion.

Mr. Boland met with fire department last Monday. The I-9 and W-40 forms are moving in right direction. Mr. Boland went to Greenfield for a seminar on how to get more volunteers for local fire departments. It's a national problem. A fire fighter just past his FF1 level and the department had cake last Monday.

A thank-you letter was sent to Kent Perry from the Cemetery Trustees.
A letter of commendation was given to a police officer Michael Chapdelaire

A former employee who is on Cobra insurance was billed however, due to a holiday credit which was based on this person's contribution and it shows the town owes this employees \$1,500.

VOTE: Selectman Mayhew made motion to reimbursement in amount of approximately \$1,500 which was a Cobra payment to Kate Thorndike to be made by the town. Selectman Byam seconded the motion. Motion passed.

Telephone

TDS will renew for 12, 24 or 36 month. It's important for the highway department to have internet to keep an eye on the weather. Mr. Boland recommends to sign for 24 months there are some cost savings but also increases so it's a "wash". Trish Schultz needs static IP address. The Board requested to ask for a clause to sever the contract if the money is not appropriated at town meeting. The Board cannot sign for a multi-year contract for that reason.

A Record Retention Committee was formed that includes Trish Schultz, Cindi Hasty, Louise Dwyer and Lee Mayhew.

VOTE: Selectman Mayhew a motion to dispose of the town's copier in an appropriate manner to a town agency. Selectman Byam seconded the motion. Motion passed.

Chairman Douglas reminded the Board they received permission at last meeting for the flag pole to be painted at Center Cemetery. If the police chief's Boy Scouts can't do it in a reasonable amount of time, Chairman Douglas would like to be notified.

**Non-Public RSA 91-A:3II (d) at 8:53pm and came out at 9:16pm.
Tax Deed Property.**

The Board signed different intents to cut and permits.

All scheduled items having been addressed, the public meeting was adjourned at 9:50pm.

Date: July 23, 2014
Kathleen Humphreys, Recorder

Fred Douglas
Chairman

Arnie Byam III

Lee Mayhew

APPROVED BY THE BOARD OF SELECTMEN ON AUGUST 20, 2014