

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
August 20, 2014
FINAL

Members Present: Chairman Fred Douglas and Selectman Lee Mayhew.
Selectman Arnie Byam was not present.

Staff Present: Town Administrator Russ Boland

Employees Present: Road Agent Kent Perry

Public Present: Roger Williams

Media Present: Jessie Salisbury and Ashley Saari.

Recorder: Transcribed from audio recording #243
The meeting was called to order at 6:06pm.

Approval of Minutes, Manifests, and Items for Signature:

Review and signing of consent agenda items by Chairman Douglas and Selectman Mayhew.

- a. Payroll
- b. AP Warrant
- c. 7/23/14 Board of Selectman Meeting Minutes
- d. Banking Authorization Form
- e. Pole Petition-PSNH
- f. 7/6/14 Board of Selectman Meeting Minutes

Agenda Items:

Public Hearing: Snow Removal and Snow Placement Ordinance:

Road Agent Kent Perry said the ordinance is great and had no questions.
No public comments were made.

**VOTE: Selectman Mayhew made a motion to have the reading of the ordinance.
Chairman Douglas seconded the motion. Motion passed.**

See file for ordinance. The ordinance will be published in the newspaper on or about October 1.

Appointments:

None scheduled

Community Forum

No one was present.

Old Business

Prosecutorial Contract:

The contract expires at sunset on Dec. 31, 2014. It would take 30 days to execute the contract. Chairman Douglas and Chief Rance Deware spoke prior and Chairman Douglas relayed that it is Chief Deware's opinion, that with current staffing, the town should go forward in executing the termination at this point. The town has had very low statistical numbers relative to prosecutorial issues with the police department. The cost is \$8,000 per year. If terminate now could save about \$2,400. The Board would like to have a dialogue.

Selectman Mayhew's recommendation is there is no need to continue the contract and went on to say that "Wilton is a good neighbor, they provide service to us and I would want to transition in an orderly, friendly, full notice way."

The Board discussed timeframe for notice and to have a decision prior to the next meeting on Sept. 3 as payments are due on the first of the month.

VOTE: Selectman Mayhew made a motion to ask the town administrator to confirm his conversation with the police chief then communicate in writing to inform the Board then proceed with a termination notice. Chairman Douglas seconded the motion. Motion passed.

Lyndeborough-Greenfield Boundary Decision:

Mr. Boland sent a letter to Attorney Drescher along with the package of material Mr. Williams provided to the Board.

Selectman Douglas read the documentation twice and feels it comes back to the Superior Court ruling. He would prefer a full Board present before any notice would take place.

Roger Williams was present and gave a detailed account of the town boundary dispute. His property is in Lyndeborough. Due to a town boundary problem his 13 acre lot is reduced to 3.6 acres in Lyndeborough and ownership of the remaining land is not recognized in Greenfield. He is asking Lyndeborough to send a letter of intent to Greenfield requesting the towns should work together to resolve this.

Chairman Douglas asked Mr. Williams if the Lyndeborough and Greenfield attorneys consult, what is his expectation. Mr. Williams replied, "My attorney advised him to go in front of the judge to perfect my title in court." Mr. Rogers mentioned he is more concerned about straightening out his title than the town boundary. "Its 220 years delinquent." Mr. Williams told the Board, "I was advised it's not my responsibility to straighten out the town boundary."

Mr. Williams added the deeds were drawn up and measured in rods and the reference points are there but differ from what is real. His problem is he does not have a clear title and it's the same problem in Greenfield with the development. It's his legal right to have clear title and he would like to work with the towns and not the courts. Greenfield is aware of the situation.

Selectman Mayhew said when you go to cure your title it would be good to have Atty. Drescher's opinion to help the judge.

Mr. Williams said that unfortunately bogus maps and deeds have been filed with the registry in Nashua. He informed the Board he had a discussion with the registrar and she said suggested he goes back to the surveyor who is Meridian Land Services. Kenneth Clifford, certified the maps, is still with the company.

Selectman Mayhew suggested that Mr. William's attorney send a letter and explain the difficulties and request a meeting with Meridian because they can file corrective measures with the registry. Mr. Williams said it was mentioned before but he feels there should be pressure on Meridian from someone other than himself. He thinks Lyndeborough has every right to take back that land. It's his land and taxable property.

The Town Administrator will keep Mr. Williams informed.

It was questioned who is the Greenfield building inspector. Selectman Mayhew suggested that maybe he should have a copy of the material provided by Mr. Williams to review.

Chairman Douglas and Selectman Mayhew instructed Town Administrator Boland to contact Attorney Drescher for an opinion on the case and to provide direction to the Board.

Chairman Douglas added that there will be correspondence with Greenfield and the town is inclined to weigh in on what the Superior Court said many years ago so they know we are proceeding.

Mr. Williams asked the town to respond to the letter from 2004 where they are waiting to hear from Lyndeborough.

Mr. Williams said the towns walk the town boundaries every five years and last time was 2009 so this is the 5th year. He believes the 1805 map was used and it reassured everyone the boundaries are the correct boundaries. Mr. Williams is asking if the two towns can use the 1806 map of Lyndeborough which is state law. He provided the information that one of the ways to ensure it is the correct map is the original Hobby House Frozen Foods ruins on Gulf Road, which became Swanson Foods, is in Greenfield, not Lyndeborough and the leather smith shop that is on his property on Gulf Road, which is just a stone ruin from the 1700s would be in Lyndeborough. Right now both buildings are in Lyndeborough.

School Board Issue Decision:

Mr. Boland had a dialogue with SAU 63 superintendent Dr. Christine Tyrie. The \$48,232 payment was budgeted in Article 4 and raised by taxation. Good news, according to the email, under expended budget that unanticipated revenue will more than offset the payment.

Chairman Douglas asked what does that mean and if it is being paid by the school? Mr. Boland said his interpretation is it is coming out of the school budget.

Also in the package of material, are the documents sent to the Department of Education and used for their decision.

Selectman Mayhew said this is confusing and is Dr. Tyrie talking about the town's \$48,000 and if so, why is the school paying it?

Town Administrator Boland said the bond is for the school so it will be the school side if it's all one tax rate broken up to town, schools, county and education.

Selectman Mayhew asked if it was collected in the school's portion of the budget. Mr. Boland said correct and its' being offset in the school budget by unexpected revenue.

It was questioned where the money comes from next year. It will be about \$96,000.

Chairman Douglas said the tax rate is going up for the school when it is not supposed to. Chairman Douglas said he will go back to his statement that they will increase the tax rate as a result of that school budget to cover that cost when in fact the School Board told voters, 7-8 times there would be no tax impact on the town of Lyndeborough. He would like to know from the School Board exactly where savings comes from.

Selectman Douglas mentioned the enhancement of the safety issues that will transpire at the Central School will be a cost factor. The conversation continued with more details on the safety issue to address.

New Business

Crossing Guard Discussion:

Town Administrator Boland said the crossing guard will start the new school year as usual and in the usual spot. She will report back in a few weeks about the volume.

Selectman Mayhew said he saw a notice for the new office of Attorney Dwight Sowerby and the administrative assistant listed is his wife, Cindy Sowerby, who is on leave from her office duties at the Lyndeborough police department. Mr. Boland will have a conversation as to if the chief knows if Mrs. Sowerby will be returning.

Lyndeborough Francestown Perambulation Report:

A wording change was made to say "proceed to inspect the boundary markers between Francestown and Lyndeborough". A change was made in the last paragraph to say "Lyndeborough representatives" and "Francestown representative" and that was acceptable to Francestown. The Lyndeborough Board said the document is acceptable.

The actual inspection took place on Sept. 8, 2012. The document was dated Aug. 21, 2013.

It was questioned if Arnold Byam and/or former selectman Kevin Boette walked the bounds.

Cartographics Contract Preview:

The cost was \$1,750 for tax maps, maintenance and contract. Ms. Hasty wanted to have a dialogue with them regarding filing timeframe because the town's data is so low.

Election Staffing Discussion:

The Town Administrator informed the Board that Town Clerk Trish Schultz advised him when the polls are opened a Selectman, or their designate, is required to be present.

VOTE: Chairman Douglas made a motion to ask the town administrator be present at the Lyndeborough polls from 8 am through 5 pm then he will be relieved by Chairman Fred Douglas by 5 pm. Mr. Mayhew seconded the motion. Motion passed.

Chairman Douglas mentioned that Town Clerk Trisha Schultz inquired if the November 2014 election can be held at Citizens' Hall. He informed the Board he has no issue with that providing that one election takes place at the Town Hall in the Center due to DOT regulations and ownership of the road. Ms. Schultz will confirm if the phone lines, required to hold the election, can be transferred.

VOTE: Selectman Mayhew moved that if the town clerk finds that all aspects of election procedures can be accomplished in Citizens' Hall, that the November 2014 election be held upstairs in Citizens' Hall. Chairman Douglas seconded the motion. Motion passed.

Police Department Cruiser Repair:

The 2011 police cruiser needs repairs. The Board reviewed the bids that ranged from \$400 to \$800. Chairman Douglas works at Rocca so a fourth bid was requested. It was noted there are only two selectmen present tonight. Rocca Auto submitted the lowest bid and also includes the alignment. The bid was awarded to Rocca Auto.

Selectman Mayhew is not inclined to bring the police vehicle to Nashua for repairs because they will be out of town too long.

Town Administrator Report:

-NHMA is hosting a Budget and Finance workshop that Mr. Boland will attend.

-Employee Appreciation RSVPs total 25 attendees. It was discussed that this year the party will be employees only and they can consider inviting spouses next year. The cost of a clock as a gift for a retired employee is estimated between \$100-\$180 and will be inscribed.

-Local towns are forming an area town administrator group which will meet the next morning for the first time.

-N.H. Municipal Association's Cordell Johnson thought the path the town is taking regarding the logging news was correct.

-Recently, Selectman Mayhew had a conversation with Tom and Ginny Chrisenton regarding a noise complaint for their chainsaw running by 6 am. Mr. Chrisenton thought he was under the agriculture status. Mr. Chrisenton did hire someone to cut for him. Selectman Douglas asked if it was Mr. Mayhew's opinion if Mr. Chrisenton understood RSA 644:2 or felt his rights were infringed. The response was he felt his rights were infringed. Chairman Douglas asked if it comes to another discussion that he would like to be present to explain the disorderly conduct law. Discussion continued.

An editorial in the Milford Cabinet praised the town of Lyndeborough for looking into a noise ordinance. Chairman Douglas wanted to make it clear to the media attending that the Board didn't pursue a noise ordinance because there is already a law, RSA 644:2 Disorderly Conduct that will address unreasonable noise. The Board felt the noise ordinance will be much more intrusive on the residents.

RSA 644:2 is a tool for law enforcement to talk to neighbors and if it is not resolved it allows police to use enforcement actions. The Board wants people to respect other people's property and the ability for people to rest when it's appropriate. The courts ruled that 7am-5pm is reasonable hours.

-PSNH conducted a light audit and a report will be available soon. PSNH does not think the library would need any modification but Citizens' Hall, the fire station and the highway building could benefit.

-MS1 and MS4: Mr. Boland expects \$35,000 less in revenue anticipated. \$1,800 was discussed. It needs to be filed by Sept. 1.

-MS1, the Summary and Inventory Evaluation was submitted to Todd Haywood for review. The Selectmen will need to check a box when it is filed electronically by Sept. 1. A signed copy should be in the files.

There is \$141,000 payment to Wilton and \$47,000 payment and Mr. Boland would like to be able to make all three payments before the end of the year and the town has made one payment already.

-Newest Lyndeborough Police Officer Eric McDuff will graduate from the Police Academy on Friday, August 22, 2014. Chief Deware would like him available by Sept. 20. Office McDuff is expected to do a few training shifts in local communities for more experience and exposure.

The police hours were discussed. Chairman Douglas' opinion is five 8 hour shifts are more productive than 10 hour shifts and the schedule can be adjusted. Mr. Boland said the goal is to cover 136 hours between 7am-11pm.

-Bill Drescher has not responded on the cell tower.

-Painter Matt Harwood said he will paint the siren on top at no additional cost.

-Trees close to Citizens' Hall were discussed and they need to be trimmed. It was discussed to consult with Richard Herfurth.

-Mr. Boland contacted Mark Alder of Crooked S Road. Mr. Alder was happy with the response to the noise ordinance.

-William Downs is requesting a waiving of \$1,200 for the shared intent. He has a \$5,000 performance bond from Garwood Lumber. Chairman Douglas said the letter is not clear about the \$1,200 road bond and when it will be released. Selectman Mayhew said the \$5,000 performance bond would not protect the town.

VOTE: Chairman Douglas made a motion to follow the normal procedures and require the \$1,200 bond. It needs to be presented to the Selectmen's office. Selectman Mayhew seconded the motion. Motion passed.

-Broman Way. The dust issue was resolved after the Road Agent was able to use additional material.

-Mr. Vigneault has contacted the Selectmen's office regarding notification of a lot line adjustment and cited RSA 302:4 and 302:6. The Planning Board's view is that for a lot line adjustment they only send a courtesy letter and do not require a certified letter or a 10-day notice on a lot line adjustment. The Town Administrator and Cindi Hasty reviewed the regulations and also spoke to Planning Board Chairman Bob Rogers. Mr. Vigneault plans to attend the meeting on Aug. 21 in regards to the lot line adjustment for Cullen-Penney properties on Johnson's Corner.

-The next selectmen's meeting will be held at Center Hall at 6:30pm after the employee appreciation party.

VOTE: Chairman Douglas made a motion to enter into non-public section at 8:45pm. Selectman Mayhew seconded the motion. Motion passed.

8:05pm

Non-Public RSA 91-A:3II (d & e)

-Pending legal matter

-Updated possible deeding of properties

Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at ?pm.

Date:

Kathleen Humphreys, Transcriber

Fred Douglas
Chairman

Arnie Byam III

Lee Mayhew

APPROVED BY THE BOARD OF SELECTMEN ON SEPTEMBER 17, 2014.