

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
August 19, 2015
FINAL

Members Present: Chairman Fred Douglas, Selectman Lee Mayhew and Selectman Mark Schultz.

Staff Present: Town Administrator Russ Boland and Road Agent Kent Perry.

Public Present: Larry Cassidy, Bob Rogers, Ian Holden, Jillian Allen, Geoffrey Allen, Siel, Jonathan Siel, Herman Munster, William Welch, Art Napolitano, Ron Curran, Greg Curtis, David Gill, Chris & Pete Dallas, Cindy Ginn, Ginny Christenton, Nadine Preftakes, David Schmechel, Mike Decubellis, Burton Reynolds and Leo Trudeau.

Media Present: Ashley Saari

Recorder: Kathleen Humphreys.

The meeting was called to order at 6:00pm.

Consent Agenda:

Review and signing of consent agenda items

- a. AP Warrant 8/20/15
- b. Payroll 8/20/15
- c. Non-Public Meeting Minutes 7/22/15
- d. Non-Public Meeting Minutes, Sessions 1 & 2 8/5/15
- e. Meeting Minutes 7/22/15
- f. Meeting Minutes 8/5/15
- g. MS-1 Extension Request Form
- h. Timber Yield 220-049-000
- i. Intent to Cut 238-024-000
- j. Plodzik & Sanderson Representation Letter
- k. Forbearance Agreement 225-034-000

Appointments:

South Cemetery Expansion Update (6:05pm)

Cemetery Trustee Ginny Christenson addressed the Board and provided an update on the cemetery expansion and RSA 289:3, listed below, was discussed and fully understood.

TITLE XXVI
CEMETERIES; BURIALS; DEAD BODIES
CHAPTER 289, CEMETERIES
Section 289:3

289:3 Location. – All cemeteries and burial grounds shall be laid out in accordance with the following requirements.

I: No cemetery shall be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known water source other right of way of any classification of state highway. Existing cemeteries which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any classification of state highway.

II: Burials on private property, not in an established burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall comply with the requirements in paragraph I. The location of the burial site shall be recorded in the deed to the property upon transfer of the property to another person.

III: New construction, excavation, or building in the area of known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed of the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

IV: Nothing in this section shall be construed to conflict with RSA 290, local ordinances, or cemetery rules concerning burials and disinterments of human remains. – **End of RSA**

The Board had concerns with the expansion and verified with the Cemetery Trustees they are aware of RSA 289:3 and need to stay 25 feet away from the edge. Chairman Douglas asked multiple times if the trustees are aware to not bury within 25 feet of the edge and not to excavate in that area. The Trustees are aware of it.

Mrs. Chrisenton explained the road is inside the cemetery and they will keep 25 feet away and plan to use that 25 feet of road area for parking. The road will access the backland and plans call to make a wider turn so visitors are not driving over the Byam's lot on the corner. The maps will be updated to reflect the changes.

Chairman Douglas inquired if the trustees found the boundary markers. The trustees found a big round support for the fence and the deed talked about a fence post so they are confident it is the boundary marker. Chairman Douglas made it clear based on state statute they can't excavate and can't remove the stumps. Mrs. Chrisenton understood this and the statute.

Mrs. Chrisenton informed the Board the Cemetery Trustees have found records dated 1931 where the town raised \$500 assuming to buy and grade the cemetery; it was an old gravel pit.

The far section was deeded in 1891. The town also has land on the corner of the cemetery.

Selectman Schultz asked if there are bodies there that are not documented after hearing that undesirables would be buried outside the cemetery.

The Highway Department will be cleaning up the area. Chairman Douglas asked Road Agent Kent Perry if he is clear on the line on the north side of cemetery and that they can't excavate. Mr. Perry responded he was clear. It was understood they can't go on foot or use a shovel either. It was discussed the practice will continue to put dirt in that section to level off the steep slope but no excavation will occur.

Cemetery Trustees Larry Cassidy and Bob Rogers wanted to publically thank Ginny Chrisenton for her work as she has saved the town thousands of dollars and has better software and skills to produce more accurate maps. The Selectman also thanked Mrs. Chrisenton.

Mrs. Chrisenton informed the Selectmen they are very careful when digging graves and there is at least one trustee present when the highway department digs a grave. "If he finds bones, it's not his responsibility, it's ours," said Mrs. Chrisenton.

Old Town Business:

Rose Mountain Bike Race Update

On Aug. 29, 2015 a benefit bike ride is planned to help raise funds for the purchase of a conservation land easement on Rose Mountain. There will be a 20 mile and 40 mile loop. The fire and police department met with organizers to review safety and it was noted they are comfortable with how the race is set-up. One Lyndeborough officer and Chief Deware will be at the race which will start and end at Center Hall. The race route will go through Mont Vernon, Francestown, Greenfield and New Boston and organizers will coordinate with all the towns.

Appointment:

Mountain Road Engineering Information Session (Public discussion started at 6:20pm)

The town sent letters to Mountain Road area residents inviting them to an information session and asked resident's opinion in the following questions before the design stage begins:

1. The determination of the use of curbing and what type.
2. The question of the removal of trees in the right of way.
3. Paving of the gutters.
4. General concerns and questions.

Kevin Leonard from NorthPoint Engineering, Road Agent Kent Perry and many residents were present.

Mr. Leonard gave a brief description of the four sections Northpoint will design paving plans for. The sections are: 1). Badger Pond. 2). Ledges at Hunters Cot. 3). Starting at #444 Mountain Road by the hiking trail and 4). Just south of French Road. Mountain Road is not a scenic road.

Test pits were done in many sections. Geotechnical results are expected soon.

Test on the hiking trail area entrance found clay and high ground water, which is not good for road base soils therefore improvements will need to be made there. French Road culverts need to be replaced.

Mr. Leonard discussed trees and wanted to know Lyndeborough's views so they can proceed as many communities treat trees differently; some will remove trees so none are in the zone of the right-of-way while others will keep the trees for its scenic value and design around it. Trees roots can cause issues with the road, space restraints for drainage and shade in the winter which leads to uneven road surface conditions. Several trees were flagged with blue tape and residents can see their preliminary guess on what types of trees along the corridor might come down to install proper drainage or identified for safety purpose. Mr. Perry also noted some of these trees are hit by the plow. The public and town officials are encouraged to look for the blue tagged trees.

It was noted the right-of-way varies and some trees are up against the rock wall while others are reasonably far enough away. A group of trees in front of Hunter's Cot are in the ROW because it was determined a rock wall was built in an incorrect location and should be a few feet back, which both will need to come down. A proposed parking area for the hiking trail is possible in this section.

Bob Rogers said the majority of the Planning Board felt very strongly of maintaining the rural character to the town. The topic will be discussed at their next meeting and board members will be encouraged to visit Mountain Road to review the trees marked in blue.

Resident David Gill had concerns about doing the whole road and referenced Town Meeting where the concept of doing the whole road was talked about and wondered why the other sections are not being paved. It was explained these sections will be paved by the town and NorthPoint is doing the engineering study on the sections that will be the most challenging. He has concerns the sections may not match when the project is completed.

Greg Curtis, who lives at 378 Mountain Road, provided history on the road. In the early 1970s the town took a portion of his father's land where Steve Gilson, #351 Mountain Road, lives, and that is where the road use to be, at that time it was a dangerous curve. In his opinion, the ledge needs to be taken out. When he plows he is worried about the blind hill which is very tight. He suggested near Hunter's Cot maybe 4-6 feet of the ledge could be taken out and also for drainage that a culvert could go under his driveway possibly with a grate. Chairman Douglas explained the plans include removing ledge and installing guard rails.

Greg Curtis asked about the water washing down from the van Hams, #228 Mountain Road, to Gilson, #351 Mountain Road, down to Mason Road and if rip rap will be used to help.

Mr. Leonard explained the right-of-way is narrow from Badger Pond to Mason Road with massive erosion problems. A few methods were recommended from rip rap, drainage, catch basins to curbs. Curb options can be Cape Cod berm, which need to be replaced at some point, or granite curb which is a 7" rise and maybe 7" on top and more permanent but it's more costly. The advantage to a slope curb is vehicles can drive over it. Curbing would make it feel crowded so they recommend two additional feet.

Mr. Leonard wants to avoid hydroplaning during heavy rainstorms and said for everyday use the wider pavement and catch basin is an option and on the steeper sections they could use vane grates/drainage. Catch basins will need to be cleaned out periodically.

David Schmechel had concern about controlling the drainage and does not want the water dumped in his hayfields and asked about catch basins. He was informed the water will go into the culverts and then back to the other side of the road. Mr. Leonard suggested they look at the fields together. The plan is to get the water to the wetlands.

Mr. Douglas said he will step down from the Board to talk as a resident to say the option of curbing goes against the character of Lyndeborough.

Mike Decubellis said the road is so narrow there and would prefer to use every inch for road.

Bill Welch would like to look at the options and if curbing is a tool, to use it. He did not like the argument that just because there are no curbs here as a basis for a decision. He's also said he is sensitive to it and has been in town his whole life. Mr. Welch is willing to work with the town and discuss other options but is not willing to move his rock wall back 12 feet for the project but would be willing to compromise.

Geoffrey Allen moved to Lyndeborough because of its rural character and likes the way Mountain Road looks. He is willing to have a less than perfect road that ties into the character and is against curbing unless he is shown it's the only option. He also wondered if there have been a lot of fatalities on Mountain Road or people hitting trees and should that be considered.

Leo Trudeau talked about a silting pond.

Mr. Leonard said it would be unconventional to put draining in without curbing. It may have paved gutter lines and use less space than formalized ditch. It's not what he would recommend. It would be more cost effective to do the unconventional design but not sure it will be as effective. He would like to see the problem solved.

Peter Dallas asked with curbs how to prevent water from going into driveways and was told by Mr. Leonard each driveway would be custom done with the goal to not flood people's houses.

Mike Decubellis talked about a stream that runs along the road and if efforts will be made to push it back from the road. He was informed the project starts at the culvert at French Road and goes down from there but it can be discussed. Mr. Decubellis also does not want to see rock walls destroyed.

NorthPoint Engineering will start the preliminary designs and come back around October 1, 2015 with road profiles, drainage solutions and impacts with about 60-70% of the plans designed. Residents will be notified about the date of the next meeting.

Around October 1, 2015, NorthPoint Engineering will start the permit process with DES to be ready for Town Meeting in March. If the project is approved at Town Meeting 2016, it needs to be completed by the time schools starts in Sept. 2016 so the school buses can pass.

Routes during the construction were briefly discussed and Mr. Schmechel had concerns he may not be able to get to his fields but was assured he will have access.

Mr. Trudeau asked if the projects can be done in sections if there is no consensus on curbing and if there is the possibility that not all sections will be approved at Town Meeting 2016. It is possible not all sections will be approved.

Mark Schultz asked the residents, "From what I have heard we want to keep it as rural as possible and safe as we can and keeping as many trees as we can." There was no opposition to his question.

Public discussion ended at 7:50pm.

Community Forum:

None

New Town Business:

NRPC Representatives

This will be tabled until after the Planning Board meets.

Brandy Brook Road Guard Rails

Road Agent Kent Perry informed the Board residents of Brandy Brook Road would prefer a stone wall to guard rails if there is no cost difference. Mr. Perry priced the projects: A 20 foot stone wall would cost \$600 for stone and \$800 for labor while guard rail are \$25-\$27 feet per linear feet installed. \$35,000 for Brandy Brook was encumbered.

VOTE: Selectman Mayhew moved building a stone wall at Brandy Brook Road as a guard rail. Selectman Schultz seconded the motion. Motion passed 3-0.

Police Pistol and Detail Accounts

The Board has concerns about the revolving funds for pistols and police details and where the money goes and what it can be used for. A fund was previously discontinued. The Board felt one option would be to create a revolving fund that would start from zero instead of trying to go back and find the money. The warrant said "to be used for what it's intended" but never specified what it was intended. A future warrant article was considered to correct the language.

The town currently budgets for police details. The Selectmen discussed to estimate the police details and gun permits in the budget.

2014 Audit and Letter of Representation.

VOTE: Selectman Mayhew voted to approve the 2014 Audit and Letter of Representation. Selectman Schultz seconded the motion. Motion passed 3-0.

Selectman's Fall Schedule 2015

The Board plans to meet on Sept. 3, Sept. 16 at Center Hall, Sept. 23 with Mountain Road Engineers, Sept. 30, Oct. 21 and Oct. 28, 2015.

State School Funding Calculation

Lyndeborough is potentially \$20,000 a year behind on payments which could equate to 150,000 to \$200,000. Russ Boland plans to attend the meeting to obtain additional information.

NRPC Electricity Contract

The Board agreed to sign the contract.

Town Administrator Report

-Sept. 16, 2015 is the employee cookout from 4:00-6:00pm at Center Hall. The regularly scheduled Selectmen's meeting will be held at 6:00pm at Center Hall.

-The Cemetery expansion report and forester reports were sent to Mark Stevens, NHDES. Mr. Perry will develop a road to enter the expansion area.

-Mr. Boland will ask the Conservation Commission to bring in any documentation relating to Putnam Pond for the boat ramp.

-Selectman Mayhew suggested a line item for Selectmen to send flowers to people who are sick or have a tragedy or those who have served the town.

-The sprinkler heads at Citizens' Hall have problems and will be reviewed. It is possible to put a sprinkler head outside on the back end of the building which would help in the event of a police cruiser catches fire while parked next to the police department.

-The electrical outlet in village is now the responsibility of the town. A ground light will be added and Dig Safe has been called. Jasper Electric will begin work soon. The street light outside Citizens' Hall has been removed. The cost of the projects will equal out.

-The Safety Manual is due to be updated which is required every two years. It was last updated in 2012.

-There is a \$318 credit from the Department of Labor for our unemployment coverage.

-Attorney Chris Drescher sent a letter asking permission for the sheriff to serve paperwork to them for pole assessment instead of to the town office and the Board was in agreement.

Other Business:

Chairman Douglas brought up a resident's complaint and the Board took up the issue of a man who made an anonymous complaint regarding what he felt was a junk yard in Lyndeborough after he became aware the Code Enforcement Officer took action on a complaint of a junk yard on Old Temple Road. The man wanted to remain anonymous. The Board took up discussion of the practice of responding to anonymous complaints and had different opinions.

A possible process could be: First offense results in a certified letter, second offense results in an officer visit to deliver a Cease and Desist Order and third offense results in a court date.

VOTE: Selectman Mayhew moved to have the Code Enforcement Officer take a cursory review at C&W Auto and see if it violates the statutory language pertaining for a junk yard. Selectman Schultz seconded the motion. Motion passed 3-0.

Non-public RSA 91-A:3II (A&E)

-Personnel & Legal.

VOTE: Selectman Mayhew moved to enter into a non-public session at 9:00pm. Selectman Schultz seconded the motion. Motion passed 3-0.

VOTE: Selectman Mayhew moved to end the non-public session at 10:20pm. Selectman Schultz seconded the motion. Motion passed 3-0.

VOTE: Selectman Mayhew moved to adjourn 10:20pm. Selectman Schultz seconded the motion. Motion passed 3-0.

Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 10:20pm.

Date:

Kathleen Humphreys, Transcriber

Fred Douglas
Chairman

Selectman Lee Mayhew

Selectman Mark Schultz

APPROVED BY THE BOARD OF SELECTMEN ON SEPTEMBER 2, 2015