

**LYNDEBOROUGH BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**October 21, 2020**  
*Final*

**I. Call to Order:**

Chairman Chamberlain called the meeting to order at 6:00 p.m.

**II. Introduction of Members Present:**

Chairman Mark Chamberlain, Selectman Fred Douglas

Selectman Richard McQuade was excused

Town Administrator Russ Boland and Recording Secretary Kathleen Humphreys

**Public Present:** Jessie Salisbury

**III. Appointments:**

None

**IV. Community Forum and Public Comment:**

Jessie Salisbury said Lucy Schmidt has an antique Parcheesi game board she is willing to donate to the Historical Society but until then she would like to see it displayed. The Board is agreeable displaying the game in a case on the second floor of Citizens' Hall.

Mrs. Salisbury mentioned that an 80-acre property on Baldwin Hill Road is being sold. This is the former Baldwin Property in which the house burnt but was rebuilt. The owner has left it opened for hiking and bird hunting and would like to find a way to preserve it for people to use. Jessie Salisbury agreed that it would be nice to protect the top of the hill and forwarded the information to Conservation Commission member Sharon Akers asking the Commission to get in touch with him. Jessie Salisbury mentioned that the owner previously tried to preserve the land, but the endowment was too expensive and he didn't follow through with it. It was discussed how difficult this process can be to preserve land or have a conservation easement.

**Decision Making Actions:**

**Old/Tabled Business:**

**Property Revaluation & MS-1 Update**

The MS-1 is in the Consent Agenda. T/A Boland said he hopes the tax rate can be set in the next week or two.

**Potential Solar Property Tax Exemption 2021 Warrant Article Discussion**

The Town was visited, last meeting, by Mr. Mitchell who asked if the Selectman would compose a Warrant Article for a solar tax exemption.

T/A Boland shared with the Board that he had a discussion with Selectman McQuade who is not in favor of the Selectmen proposing this Warrant Article and suggested that the property owner proposes this as a Petition Article, if he is interested in pursuing it. Chairman Chamberlain agrees but has a concern about the exemption clause that Mr. Mitchell provided to the Board, which was for 100%. He felt it might be okay for a limited

number of panels but not sure about granting an exception for a large solar panel array. A Petition Article could be modified at Town Meeting to place a cap on the exemption. A solar exemption was brought before the voters in 1984 and failed. Chairman Chamberlain's research showed that many of the local towns have some kind of solar exemption. The DRA's list does include "Taxes Lost". Selectman Douglas said that is true of any exemption whether it is old barns or anything else and wondered, "Where do you stop this?"

Chairman Chamberlain provided an example of New Boston that is not taking in \$23,000 in taxes. T/A Boland said they are taking in those taxes but spreading that around to the rest of the property owners.

Selectman Douglas agreed with Selectman McQuade, not to endorse this because it suggests the Board of Selectmen are in favor of it. He does not want to have to step-down from Town Meeting to say that as a citizen he does not agree with it and provide reasons why.

T/A Boland was directed to contact Mr. Mitchell with the Board's decision in an email and include the appropriate RSAs. Mr. Mitchell is a property owner but not a Lyndeborough resident. He can submit a warrant article, but it will require 25 signatures from registered voters in Lyndeborough. It was noted that Assessor Todd Haywood did not see the solar panels when he did the reevaluation.

### **Brandy Brook Road Emergency Lane Discussion**

Prior to the last meeting, Chairman Chamberlain and Road Agent Mark Chase visited Brandy Brook Road in relation to this discussion and both have concerns about it.

Road Agent Chase filed a report that said there are drainage issues, which need work but that work cannot be done this year. The Town should not have to pay for that. It will take a minimum of two-weeks to cut back the brush with a rented chipper. The homeowner has been cutting back brush between his house and the Roper's house. A turn-around is needed and it was mentioned that it would be dangerous to turn a plow truck around in the driveway because of the steep drop-off. Selectman Douglas inquired if the Road Agent has an estimated cost. Road Agent Chase said he will work on an estimate.

Selectman Douglas reminded the Board that the former property owner came before the Selectmen and asked the town to take care of a serious wash-out and the Board voted, "No" because it is a Class VI road. If someone lives on a Class VI road they should know the Town does not maintain it. Selectman Douglas felt if you do it for one resident you should do it for all.

Chairman Chamberlain said this is similar to what the Board told some Tarn Road residents, that they would need to bring the road up to Town standards before the Town could take it over.

Selectman Douglas realized that the Brandy Brook Road property owner has the right to file a Petition Article to bring it out of Class VI status to Class V status. He would suggest engineering cost be brought to Town Meeting if he goes this route.

It was discussed that the former owner or real estate agent did not disclose the road status information to the current owner. Maybe there is recourse to go back to the seller/real estate agent on this matter. They are obligated to provide any information that will impact the sale of the property. T/A Boland noted there was a dialogue between Administrative Assistant Dawn Griska and the real estate agent, where she informed the agent that Brandy Brook Road was a Class VI road. Selectman Douglas asked if there was a waiver in the file. He was informed there was one from the first owner of the property. T/A Boland informed the current owner he would need to hire a contractor to plow for this winter and documented it in his log.

Chairman Chamberlain said the property owner's concern is that emergency services may not be available if it is not plowed. Selectman Douglas asked for clarification if the property owner wants the Town to fix the road or maintain it. The answer was to maintain it.

There is an option to make this an emergency lane. The brush would need to be cut in addition to creating a turn-around location. This was discussed. Selectman Douglas asked if even as an emergency lane, for the purpose of protecting the Highway Department and its equipment, would the road need to be upgraded? Road Agent Chase mentioned in his report an inadequate culvert that gets blocked and there are problems there.

Selectman Douglas reminded the Board of a previous situation on Pinnacle Road that had a cottage on a Class VI portion of the road. The owner wanted it to be a Class V road and insisted the Town work on this road. At that time, Attorney Drescher advised the Town that it boils down to whether the Town did any work on the road, even stick a shovel in the ground to dig out drainage, then it reverts to a Class V status. In this case, it was determined that they did not change the culvert or do any work, so the Town prevailed. Chairman Chamberlain believes that minor maintenance is allowed on an emergency lane.

Selectman Douglas felt if this resident wants the road to be plowed then it should revert to a Class V road and brought up to Town standards so it can be accepted. He has concerns about "paper roads".

T/A Boland reviewed the options:

1. Revert to a Class V at Town Meeting via a Petition Warrant Article. The property owner bears the cost of upgrading the road.
2. Stay at a Class VI road.
3. Change to an Emergency Lane after a Public Hearing

Selectman Douglas mentioned that a resident at the end of lower French road signed a waiver that they are responsible for plowing and maintaining that road. Mark Chamberlain reported that land is selling quickly in Town and more development is coming.

T/A Boland will send the property owner on Brandy Brook Road an email after coordinating the language with the Board.

### **Coronavirus Relief Fund Grant Reimbursement Update**

The Town filed Request #4, which goes from Sept. 1 – Oct. 15, 2020 for \$3,900.00. They are aware we are over the cap but wanted that information filed in case there are any additional funds available in the future. To date, the Town sent in the close to \$120,000.00 for reimbursement. A discussion continued relative to a line item for any additional funding that may come in.

#### **Putnam Pond Boat Ramp Dedication Plaque Discussion**

T/A Boland has a photograph of the plaque, which will be installed Friday by Medlyn Monument. Staff will coordinate a date for the dedication with Lee Mayhew's family. It was discussed to send a photograph to the family prior to the dedication.

#### **2021 Budget Schedule Discussion**

The schedule is in tonight's package. After a discussion, the meeting was changed to November 6, 2020.

T/A Boland said the proposed budget is up \$7,000.00 overall. Selectman Douglas said he does not want to see the budget go up. He realizes there are costs the Town can't control and emphasized that some people are out of work and feels for them. He mentioned he knows of several towns are trying to reduce their budget by 2%.

#### **2020-2021 Road Salt Bid Update**

The contract has been signed and executed for purchasing 600 tons of road salt for the 2020-2021 winter season.

#### **November 3, 2020 Selectmen Election Assignments**

The Selectmen can appoint a designee who is a registered voter. Selectman Douglas suggested to arrive on-time as to avoid being without a Selectman on duty at the polls.

Selectman Douglas will cover 8:00 a.m. to 12:00 p.m.

A Designee will cover the noon – 4:00 p.m. shift.

Chairman Chamberlain will cover the 4:00 p.m. to close shift

For police coverage, Officer John Murphy will cover the morning while Chief Rance Deware will cover the evening shift then deliver the results of the count to Peterborough.

#### **b. New Business:**

##### **2021 Health Trust Rates for STD, LTD, Life and Dental Insurance**

This remains stable except the short-term disability, which is up 4%. The increase will not affect the budget. This has been signed-off and recertified with Health Plus.

Selectman Douglas asked T/A Boland if he has heard anything about the School Budget, which he has not. He mentioned there could be a \$250,000.00 surplus returned to the Town.

#### **c. Items not on Agenda:**

Nothing to discuss

#### **V. Town Administrator Report**

The proposed DPW schedule was discussed. The staff would work four 10-hour days with alternating start times. They would cover the morning bus schedule as well as the afternoon commute time, which typically has not been covered. The later shift would

end at 7:00 p.m. and this employee would be required to contact MACC Base when they leave the Highway Garage for their safety. The entire Highway Department staff would be working Tuesdays through Thursdays with a reduced staff on Mondays and Fridays. This would reduce the need for over-time. The schedule will be given a 30-60 day trial.

In light of the new assessments and the situation with COVID-19, Selectman Douglas said he would like to know at the end of December how many unpaid tax bills there will be. T/A Boland said the county tax could be up \$40,000.00.

The Freightliner chassis was delivered to Barre, Vermont. The plan is to post the Volvo dump truck for sale on [www.municipibid.com](http://www.municipibid.com) and include information regarding recent work on the vehicle. A reserve on the bid is being considered.

The new police cruiser has arrived at the dealership and will be available after the equipment from the 2016 cruiser is transferred. The mileage is 86,000 and there is some front-end noise. The lights, cage, and the detailing will be removed. The back seat is plastic but unfortunately, the original seat was not saved. The Town is asking for the backseat to the new cruiser to save for when that vehicle is sold.

Selectman Douglas asked to reconsider the CIP and maybe push police vehicle purchase out to six-years instead of every four years. The reason was the trade-in value at four-years is no longer as good as previously expected. He mentioned a study for the Milford Police Department by Dr. Turner at MIT. He took the use of vehicles, life expectancy, type of driving and concluded the benchmark of 80,000 miles is a good time to rotate a vehicle out of service. Selectman Douglas felt that since the department is not running two cruisers that could increase to 100,000 miles without major component issues. The vehicle has a 100,000 mile warrant. T/A Boland said going to a six-year plan could increase the maintenance budget. The Capital Improvement Plan Committee meets next Monday, October 26, 2020 and they can consider this option.

Back to the budget, the state, country, welfare, and school taxes are unknown at this time. The Highway Block Grant and Room & Meals Revenue might be down \$40,000.00. PRIMEX rates are not going up

## **VI. Selectmen's Report**

### **a. MACC Base Action & Agenda**

MACC Based developed their budget, which went up slightly. It is \$23,026.00, up \$550 or up 2.38%.

### **b. Transportation Committee**

They held a Zoom meeting last Wednesday and approved six projects for the Ten-Year Plan. One of which is a bridge in Wilton, behind the police department. There is \$1.9 million in un-spent funds available. Brookline has two intersections, Nashua has a few projects, and Merrimack will replace a footbridge under the Everett Turnpike, where it goes over the Souhegan. That project is \$1.2 million whereas, the bridge in Wilton was only \$600,000.00.

### **c. Planning Board**

They met on October 15, 2020. There was an informal discussion for the Forleo property on Baldwin Hill Road (M-L 247-033-000), which has a B&B Business and guesthouse. They want to subdivide into four-lots and are asking for a variance from soil

based zoning because they don't have the road frontage and the terrain is steep with severe soils. The Planning Board Chairperson should be sending them a letter. They would need relief from the Zoning Board of Adjustment in order for the Planning Board to act on their variance. That was sent to the ZBA. Meridian Land Services was the firm representing the property owners.

The Planning Board briefly talked about the Rules of Procedures. Some members requested a print a copy and did not want to print their own.

**d. Heritage Commission**

They meet next Friday at Center Hall. Their next meeting will be in January. After this meeting, they will close Center Hall but the heat will be kept on until after Veteran's Day.

Selectman Douglas requested the yellow billboard sign be placed in front of Center Hall informing residents that voting is at Citizens' Hall. It was noted that the Tax Collector identified Center Hall as a "catastrophic" voting backup location

**e. Safety Complex**

No items to discuss.

**Consent Agenda:**

**VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to accept the Consent Agenda as signed of October 21, 2020 to approve 1-3 and table 4-5. Motion passed 2-0.**

October 21, 2020 Consent Agenda		
Item #	Item Title	Approved
1	AP Warrants – October 13 & 20, 2020	Yes
2	Payroll Warrant – October 5 through 18, 2020	Yes
3	Request to Renew Nomination of Donnie Cole as Health Officer and Carylyn McEntee as Deputy Health Officer	Yes
4	Board of Selectmen's Public Meeting Minutes – October 7, 2020	Table
5	Board of Selectmen's Non Public Meeting Minutes – October 7, 2020	Table

**VII. Information Items Requiring No Discussion**

No items to discuss.

**VIII. Non-Public Session RSA 91-A:3 II (a & d)**

**VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to enter a Non-Public Session at 7:23 p.m. Motion passed 2-0.**

**VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to exit the Non-Public Session at 8:30 p.m. Motion passed 2-0.**

Once back in public session:

**VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to appoint Jason Hutchinson as a volunteer firefighter with a six-month probationary period to the Lyndeborough NH Fire Department. Motion passed 2-0.**

The Board directed T/A Boland to ask Burton Reynold if he could serve as a Selectmen's Representative during the November 3, 2020 Election from 12:00 p.m. - 6:00 p.m.

**Adjournment:**

**VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to adjourn at 8:52 p.m. Motion passed 2-0.**

All scheduled items having been addressed, the public meeting was adjourned at 8:52 p.m.

Next regular meeting: November 4, 2020 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Mark Chamberlain\_\_\_\_\_

Selectman Fred Douglas\_\_\_\_\_

Selectman Richard McQuade\_\_\_\_\_