

# LYNDEBOROUGH BOARD OF SELECTMEN

## MEETING MINUTES

October 9, 2019

*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 and Selectman Richard McQuade

Selectman Fred Douglas was excused

Town Administrator Russ Boland Minute Taker Kathleen Humphreys

**Public Present:** Scott Brooks, Shelly Streeter, Dwight Sowerby, John Clark ITAC, Burton Reynolds, John Herrmann, Toni Symopoulos, Jennifer Hanks, Tammy Roy, Robert Maciorowski, Jim Coates, Spencer Roy, Jason Batchelder, Robb Wray, Adam Marcinuk, and about 25 other residents.

**Media Present:** Jessie Salisbury

### III. Appointments:

**7:00 p.m. Public Hearing - Cable TV Franchise Contract**

### IV. Community Forum and Public Comment:

Jessie Salisbury discussed the Fourth Grade Local Government tour scheduled for tomorrow. The students will be arriving at Center Hall about 8:45 a.m. and then proceed to Citizens' Hall.

### V. Decision Making Actions:

None

#### Old/Tabled Business:

#### **2020 Assessing Statistical Update Discussion**

The proposed contract has been received from DRA after their review. The suggested corrections were forwarded to the Selectmen. Assessor Todd Haywood has been notified and will be modifying utilizing DRA's suggestions. This topic shall on the next agenda.

#### b. New Business:

#### **Halloween Hours Discussion**

Halloween hours were set at 6:00 p.m. through 8:00 p.m. on October 31, 2019. The police have been notified and Chief Deware replied the department will be well staffed.

**VOTE: Selectman McQuade moved, Chairman Chamberlain seconded to set Halloween hours on October 31, 2019 from 6:00 p.m. through 8:00 p.m. Motion passed 3-0.**

It was noted that the hayride is a separate private event. .

49           **2019 Salt Contract**

50           The salt agreement has been executed.

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

53           None

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55           **VI. Town Administrator Report**

56           The Town received notification from NRPC to update our Emergency Hazard Mitigation  
57           plan. The Town has been awarded a grant. The work will be done by NRPC at no cost.  
58           The grant is for a 50% match but that will be matched in-kind by Town staff assisting  
59           NRPC.

60  
61           **VOTE: Selectman McQuade moved, Chairman Chamberlain seconded to authorize T/A**  
62           **Boland to notify the State, informing them that NRPC will develop the 2020 Emergency**  
63           **Hazard Mitigation Plan. Motion passed 2-0.**

64  
65           **Proposed Asphalt Plant hearing**

66           Lyndeborough has been notified as part of a regional impact of the proposed asphalt  
67           plant in Wilton. The **Wilton Zoning Board of Adjustment (ZBA)** will meet on  
68           Wednesday, **October 23, 2019 at 6:30 p.m.** to hear the case for a variance for the  
69           height of the structures.

70  
71           The Town received a letter from the Wilton Conservation Commission that they plan to  
72           submit to the Wilton ZBA in response to the proposed asphalt plant. The Lyndeborough  
73           Conservation Commission will meet jointly with the Wilton Conservation Commission  
74           tomorrow evening, October 10, 2019 at Citizens' Hall. Chairman Chamberlain and  
75           Selectmen McQuade plan to attend.

76  
77           T/A Boland discussed this matter with an Attorney from the New Hampshire Municipal  
78           Association (NHMA) who suggested that since this case has been noticed as a Regional  
79           Impact that the Town can take a position on the asphalt plant proposal. Furthermore,  
80           since the Board of Selectmen also meets the same evening as this Wilton ZBA hearing,  
81           the Selectmen can delegate one person to deliver the opinion of the Town of  
82           Lyndeborough. The Wilton ZBA will meet October 23, 2019 at 6:30 p.m.

83  
84           Jessie Salisbury said the proposed location is about 1,000 feet from her house.

85  
86           Since the Board has to come to a conclusion before their next meeting there was a  
87           discussion about a work session. It was agreed to have a joint meeting with the  
88           Selectmen, ZBA and Planning Board on October 17, 2019 at 6:30 p.m. Chairman  
89           Chamberlain said, "We have to have a decent argument for or against, not just a 'we  
90           don't want it'".

91  
92           The Planning Board should weigh-in because some of the traffic from the asphalt plant  
93           will go through the Town roads.

94  
95           **Other meetings:**

96           Jessie Salisbury said the Supervisors of the Checklist are required to attend an  
97           upcoming School Board meeting because it will be a special School District meeting.

100 **Ambulance:**

101 The Town was notified that the Wilton Selectmen would like to meet in Executive  
102 Session with Lyndeborough, Temple, and Greenfield on **October 21, 2019 at 5:30 p.m.**  
103 regarding the ambulance. Lyndeborough will request that the meeting start at 6:30 p.m.  
104 so their members can attend.

105  
106 **School Funding Crisis:**

107 Chairman Chamberlain and T/A Boland attended the School Board meeting last night  
108 and informed this Board of upcoming meetings to address the school funding crisis.

109  
110 The School Board will meet on:

111 **October 22, 2019 at 7:00 p.m.** to address the school funding crisis

112 **October 24, 2019 – hold a Public Hearing**

113 **November 9, 2019 - School District Meeting**

114  
115 The school funding crisis will delay the setting of the tax rate until mid-November.

- 116 1. The delay on setting the tax rate and the bills going out which possibly could impact  
117 cash flow and result in the Town having to take a tax anticipated noted The Town  
118 Office is conducting an analysis now.
- 119 2. Chairman Chamberlain was annoyed with delaying the School Board hearing  
120 another week for no particular reason.

121  
122 **VII. Selectmen's Report**

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

124 T/A Boland and Chief Deware met on Monday with the consulting firm from Virginia that  
125 Milford retained. The firm presented what they are going to be reviewing. They  
126 interviewed all police chiefs to investigate what their individual town's needs are. They  
127 visited the DPW tower. A report is expected in December 2019.

128  
129 Three Options:

- 130 1. MACC Base managed by Milford
- 131 2 Milford stand-alone option
- 132 3 Joint governance (*current status*)

133  
134 T/A Boland reviewed the tower lease to see what we can put on the tower.

135  
136 **b. Transportation Committee**

137 Chairman Chamberlain reported that the NH DOT is delaying the 10-year projects  
138 another year. He also reported the State will institute a "flashing yellow" light system, at  
139 the Wilton Rd/Rt. 101 intersection, which will allow a permissive left-hand turn during off-  
140 peak hours. Chairman Chamberlain felt it was being started without a lot of public  
141 education. This project is being done under CMAQ, which is the clean air program,  
142 because the cars are not sitting idling if they are allowed to turn at the yellow light. It  
143 was noted that Nashua has four permissive yellow lights installed plus yellow flashing  
144 lights are used in other parts of the country.

145  
146 Chairman Chamberlain is concerned about the Block Grant money in regards to the  
147 school funding crisis and felt it is confusing. The biennium wording was discussed,  
148 which reduces the yearly payment in half.

Senator Jeanne Dietsch from District 9 sent an email addressing Block Grant funding, stating that the DOT budget was reduced.

T/A Boland talked to the DRA regarding the school funding issue and reported that the Town will have a decision to make on the anticipated \$23,000 in additional funding, which the Town would only receive \$11,000 this year. The Town would need to hold a public hearing to accept the funds as unanticipated revenue or modify the MS-434 to increase revenue. It was discussed to help off-set taxes because of the potential loss in the Highway Block Grant funding.

The Town's 10-year project on the State's list, the trestle over Glass Factory Road, is kicked back to 2026 for engineering work with construction expected in 2028. Chairman Chamberlain's understanding is the NH DOT is replacing the 22x9 foot wooden deck but is not replacing the framework for a price tag of \$1.69 million. There was general agreement that this seemed excessive.

#### **Planning Board**

The next meeting is **October 17, 2019**. They expect to hear a driveway appeal. According to Town Counsel, the Planning Board can or cannot accept to hear the driveway appeal but regardless, driveway appeals do not go to the ZBA. If the Planning Board upholds the Road Agent's decision, it could move forward to Superior Court. If the Planning Board does not accept to hear the appeal, it could go directly to Superior Court. The Planning Board designated the Road Agent to oversee driveway permits.

#### **c. Heritage Commission**

The Commission met last Friday at Center Hall. Jessie Salisbury mentioned a photograph of an old stone arch bridge which showed the pond and dam still there. Mrs. Black provided the photographs and her parents use to own Betty Steven's home.

It was discussed to adjust the budget for the Cellar Hole Map project and add a place holder of \$1,000.00.

#### **d. Safety Complex**

No items to discuss.

#### **Consent Agenda:**

The Consent Agenda was tabled until the end of the meeting.

### **VIII. Information Items Requiring No Discussion**

Three members of the ZBA attended a seminar and plan to hold a work session to share what they learned with the other members of the Board. It was discussed to meet at the library. The earliest that Chairman Chamberlain can attend is 6:00 p.m.

### **IX. Non-Public Session RSA 91-A:3 II (a, c, & I)**

**VOTE: Selectman McQuade moved, Chairman Chamberlain seconded to go into a non-public session at 6:42 p.m. Motion passed 2-0.**

**VOTE: Selectman McQuade moved, Chairman Chamberlain seconded to exit the non-public session at 6:56 p.m. and rejoin the public meeting. Motion passed 2-0.**

**7:00 p.m. Franchise Public Hearing**

TDS Manager Scott Brooks and Sales Representative Shelly Streeter from TDS were present along with about 30 residents. The public hearing moved to the second floor of Citizens' Hall.

*Shelly can be reached at [shelly.streeter@tdstelecom.com](mailto:shelly.streeter@tdstelecom.com) or 603-746-8146 for further information or to inquire if your home will have fiber optic available.*

The purpose of tonight's Public Hearing is hear comments regarding the Cable TV Franchise. A Public Hearing and a contract are required to have a Cable TV Franchise Agreement. It was made clear the agreement is strictly for television.

Scott Brooks discussed the particulars of the bandwidth required for fiber optics. He explained that in 2014, TDS decided to offer fiber optics to homes in New Hampshire. TDS had no additional State universal funding. It was a \$35 million project. Currently, TDS services about 25 communities. As a business plan, they offered fiber optics in the larger communities first. TSS plans to roll out fiber optics to homes TV to about 75% of the homes in Lyndeborough, which will include cable TV. The long-term goal is to offer fiber optics to 100% of the homes and to discontinue their copper lines.

Mr. Brooks sat down with the Board of Selectmen recently to present a contract. The Cable Franchise document is strictly for cable TV that TDS is offering. Town Counsel reviewed the document.

Tammy Roy asked if this is something the Selectmen will decide and sign the document or does it get voted on? The answer is the Selectmen will make the decision and vote to approve or not approve the contract. She also asked if this cable is for digital cable or fiber to the home. Mr. Brooks replied that it's fiber optics to the home and TDS will offer cable TV, broad band and phone. She just wants internet and added, "This is 2019, who does not stream? This is how we entertain ourselves in our homes. I told all my neighbors to drop cable and I'm suffering now for that. It's sad my phone internet is faster than my home."

Scott Brooks mentioned that they are not covering the entire community with fiber optics.

Jennifer Hanks asked what determines where you cut-off who gets fiber? She believes she is the first gray dot on the map on Center Road. Mr. Brooks said, "The engineering teams determined based on what we were given for a budget and what is the most we can upgrade on that a budget." Jennifer Hanks asked, "What would we have to do to get that coil on the next pole strung down to my house?" Mr. Brooks explained, "Its \$30,000.00 for us to string cable one mile. In some communities in this situation, we chipped in and the owners were covering the rest. Not everyone can do that. We will continue to assess each community."

Robert Maciorowski said he works in Portsmouth and can work from home if he has the bandwidth. He noticed that fiber has been strung in his area, Mountain Road, Crooked S Road and Cummings Road, but does not see his house on the map. After the meeting, Shelly Streeter will review the map with residents to determine if their home will have the ability to order fiber optics.

Jim Coates asked if this will replace DSL and he was informed, "Yes". He wanted to know if he can subscribe to just internet or is it a package deal. Shelly Streeter explained that customers can order just internet and they no longer have to have a phone line for internet. There is an inexpensive basic package that has some local TV stations.

Spencer Roy asked if resident would be compensated for the current packages they are paying for which did not deliver the speed or quality of internet they signed-up for. Mr. Brooks is unaware of any discussion relative to refunds.

A woman in the audience asked if fiber optic will deliver what it promises because with DSL they did not get the bandwidth in their package. Mr. Brooks explained with DSL, the further away from the HUB is to the home, the feed can get slower. Adding in multiple homes/people sharing the bandwidth will also decrease the speed. In contrast, fiber optic is not shared. He explained how 20-years ago, their copper lines were state-of-the art. They were solid and reliable. As time went on, new activities such as streaming and other uses clogged up the system resulting in reduced speed/bandwidth at homes.

Adam Marcinuk said that by looking at this map, his home is one of the grey dots and asked could there be any possible improvement for the homes that will be stuck on copper. "We have been paying for a bandwidth we have not remotely been getting." Mr. Brooks said he will ask the local TDS employee to look into if it's a distance or congestion issue at the Marcinuk home. He also explained that not every home will go to fiber. The more people moving fiber will result in less congestion for the homes that stay on copper.

John Clark from the ITAC committee addressed the Selectmen and read this statement, "TDS is in the business of making money. They made a lot off our ancient DSL, charging high-speed rates. But they don't make much off TV, its DISH. This agreement is about them wanting sweet, sweet TV revenue. TDS installed fiber to the cheapest to reach half of our Town, didn't tell us what they were doing, and have no plans for the rest of us, leaving us in the dark. TV service over fiber costs basically nothing, meaning it is free money, year after year for TDS. I ask that you expand the agreement to include a committed timeline for 100% fiber coverage of Lyndeborough, bringing high-speed internet and TV to everyone. Yes, there will be a one-time CAPEX to TDS, but the increased revenue over time will more than make-up for it. Now is our chance to bring everyone forward together."

Robb Wray inquired about the relationship to have fiber and TV. He is spending over \$200.00 per month on Direct TV and wanted to know if he can get rid of that. He was informed he could.

Scott Brooks addressed John Clark's statement and said, "To your point the CAPEX does not make sense. We are bound by law have a Cable Franchise fee. We pay to bring local TV to you. There is a thin line of making money on cable TV."

John Clark added, "TDS would not be here requiring a Cable TV Franchise if there was not money. We understand you business and you have a monopoly on this town and I'm requesting to our Selectmen that the entire town and business are covered by the internet and TV and we can attract new families and new business and pay for our infrastructure".

Scott Brooks mentioned that if push comes to shove, TDS can enact this contract in 90-days if the Selectmen do not sign it but that is not the direction TDS wants to go. We want to be good partners and work in good faith. We are using contractors to get the fiber installed as fast as we can. He added, TDS is regulated to have phone service here.

Toni Symopoulos lives on Center Road and said, "Five-years ago when we moved here, we were told fiber optics was coming soon. This is five years later and you are saying we will get 0% soon. How long will I have to wait? We are one of the gray dots."



A woman in the audience said she wants to move from Lyndeborough because she works from home. Her internet is so bad that she has to do her work out of the Irving parking lot to get internet.

Jennifer Hanks said she has two children and both her and her husband work from home so internet is important. "We are always online and moved from Milford, which had Comcast, to this, which is horrendous. This is very unattractive to move to this town."

Dwight Sowerby said, "I'm frustrated as everybody else. I spend a lot of money on Direct TV. However, we finally have the probability of getting true broadband here. If we put too many blocks in their way they will go elsewhere with their resource. Take what we can get. There are some areas in town that will be too difficult to get to. I'm lucky; I got a dark dot, but for the folks with the gray dot, if they make the commitment you should get better service with DSL."

Mr. Sowerby asked the Selectmen if Town Counsel reviewed the contract and he was informed, "Yes, Attorney Drescher did review it". He also asked if they decided on the franchise fee which ranges from 0%-5%. He added, the franchise fee would be passed along to the customers. Chairman Chamberlain said the Board decided to go with 0% because it would just be another tax on the residents. The audience responded with applauding.

T/A Boland said he has worked here for five and a half years and finds this issue frustrating. He noted that the Town lost quality people because of poor internet. For example, a Budget Committee member moved due to poor internet. Also a former Town employee lost the sale of her house because the perspective buyer could not work from home due to poor internet service. He informed the residents that the Town wrote letters to everyone they could think of trying to resolve the internet issue plus reached out to competitors. One solution was the Town would have had to come up with \$1.6 million, as their half, to improve internet service. The Town realized that internet is an issue, as well as the ability to work from home and values of homes. The reason the IT Committee (ITAC) was formed was to address this issue. T/A Boland also said the Town was days away from signing a contract which would cost \$500/month to improve internet at Citizens' Hall before they realized that TDS was in Town stringing fiber. "We are experiencing this issue also. We have been trying. We would like to think [this improvement] has to do with all our whining."

Scott Brooks discussed a new law that passed allowing towns to bond for internet upgrades and cited that Chesterfield is first town to do so. Scott Brooks and T/A Boland said they are willing to sit down and discussed how the entire town can be covered.

Becky Hudson asked if Comcast will be the TV service provided and the answer was no. Ms. Hudson added, "I have lived here five and a half years and really love Lyndeborough but hate crappy internet. Will our internet make the taxes go up? T/A Boland responded he does not speculate that it will.

Robert Maciorowski wanted clarification why TDS stringing fiber optics was such a big secret and noted there was no information or marketing and when hook-ups will be available. Mr. Brooks did not know why it was not communicated better. He expects hook-ups to start possibly in a month or two. He explained that TDS is experiencing a technical issue which may require wires to be re-spliced further delaying hook-ups.

Jackie Chawla asked if the fiber change-over would disrupt their service when it starts because she works from home. Mr. Brooks replied that it will be seamless.

Shelly Streeter asked if TDS can utilize a town space so people can come and sign-up for service. Chairman Chamberlain replied, "Yes, TDS could utilize the space in Citizens' Hall".

TDS will have door knockers who go door-to-door. People can also sign up via email. T/A Boland mentioned he asked the TDS sales teams to check-in with the Lyndeborough Police so they know where they are working in Town and the license plates of their vehicles. Mr. Brooks added their vehicles will have TDS magnets and they will be wearing a TDS badge.

John Herrmann asked if there is the possibility for a third party payment to get cable extended. His home is a half mile from the cable. The answer was "Yes".

John Clark asked if there will be a channel available for local cable access for the Town to air public meetings. Scott Brooks said they will offer local affiliates but mentioned that many towns are streaming their meetings through the internet.

TDS now offers a business package. There was some discussion about small businesses, such as a real estate office, and if they could utilize the residential or require the business package.

Burton Reynolds said he has a very long driveway. He asked if would there be an additional fee for his drop-off in his case of a long driveway. Mr. Brooks replied that TDS is not charging at this time for long drops. The drops will be in the same fashion that currently exists, for example if a line is buried, the fiber will be buried.

Robert Maciorowski asked about exclusivity and if Comcast could come to Town. Mr. Brooks said TDS would not intervene but would ensure the contracts are for the same percent.

Jason Batchelder inquired about their commitment to maintain the system. Mr. Brooks replied, "The buzz word with fiber is its "futureproof" but he hates to predict. This is the latest and greatest today. It's better than coax and better than copper. Maybe someday will be satellite."

The Board has a few more questions before they vote. The agreement could be signed tonight.

*The Public Hearing ended at 8:00 p.m. The meeting resumed downstairs at 8:20 p.m.  
Residents consulted with Shelly Streeter to inquire if their homes will be getting fiber optics.*

**VOTE: Selectman McQuade moved, Chairman Chamberlain seconded to sign the Wilton Telephone Company Cable TV Franchise Agreement for a five-year term. Motion passed 2-0.**

**Consent Agenda:**

**VOTE: Selectman McQuade moved, Chairman Chamberlain seconded to accept the Consent Agenda minus the September 25, 2019 Public Meeting Minutes. Motion passed 2-0. (see below)**

The Board discussed the School Budget Crisis. The topic came up if the Department Heads should cut back on spending but it was agreed that the departments should not be penalized because of the school issue.



**VOTE: Selectman McQuade moved, Chairman Chamberlain to adjourn at 9:43pm. Motion passed 2-0.**

**Adjournment:**

All scheduled items having been addressed, the public meeting was adjourned at 9:43 p.m.

Next regular meeting: October 23, 2019 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Mark Chamberlain

Selectman Fred Douglas

Selectman Richard McQuade

### October 9, 2019 Consent Agenda

Item #	Item Title	Item Date	Approved
1	AP Warrants – October 1 & 8, 2019	10/9/2019	Yes
2	Payroll Warrant – September 23 through October 6, 2019	10/9/2019	Yes
3	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Chrisenton, Tom & Virginia (19-279-02T, Map-Lot 229-003, 229-005, & 229-006), Accessed Via Woodward Road	10/9/2019	Yes
4	Request for Approval of Intent to Cut Application (19-279-12T) (230-005-001 & 230-001-000) – Accessed Via Woodward Road	10/9/2019	Yes
5	Request for Approval of Intent to Cut Application (19-279-13T) (230-006) – Accessed Via Woodward Road	10/9/2019	Yes
6	Request Town Clerk to Issue Property Tax Overpayment Refund – Williams (220-029)	10/9/2019	Yes
7	Request for Approval of Petition and Pole License from PSNH and TDS Wilton (New Road – 18/10)	10/9/2019	Yes
8	Board of Selectmen's Public Meeting Minutes – September 11, 2019	10/9/2019	Yes
9	Board of Selectmen's Public Meeting Minutes – September 25, 2019	10/9/2019	No
10	Board of Selectmen's Non Public Meeting Minutes – September 25, 2019	10/9/2019	Yes