

LYNDEBOROUGH BOARD OF SELECTMEN

MEETING MINUTES

April 8, 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 via phone, Selectman McQuade is excused, Town Administrator Russ Boland and Recorder Lisa Post. Roll-Call Votes will be taken.

Public Present: Mark Chase

Media Present: Jessie Salisbury

III. Appointments: None

IX. Community Forum and Public Comment:

Jessie Salisbury – I haven't been anywhere to see anybody or do anything.

IV. Decision Making Actions:

- Old/Tabled Business:

Purgatory Road Parking Restriction Discussion: T/A Boland noted that everyone is aware that now that we are all on social distancing, we are having a problem on Purgatory Road down by Fitches' Corner on the weekends with a huge amount of out-of-state people parking and disobeying the parking regulations in that area. In consultation with the Police Chief, T/A Boland recommended the Board take a vote and erect "NO PARKING ON PAVEMENT" signs in an attempt to alleviate the problem. They have been conducting enforcement down there but I do not know how many parking tickets were given out, Chair Chamberlain noted there were 24 reported for the month of March. T/A Boland queried the Board if they supported putting up the "NO PARKING ON PAVEMENT" signs on both sides of the roads. After a lengthy discussion on adding the additional signs, questioning the effectiveness of ticketing, the difficulty of police enforcement of the "Stopping, Standing and Parking" violation, as well as, the consideration of shutting down Purgatory Falls, the Board concurred the additional signage with the current language was the appropriate response to the situation. The Board directed the Road Agent to place the additional signs on Purgatory Road and directed the Police Chief to continue strict enforcement.

Jessie Salisbury questioned if there is a problem with parking at the other side of the falls. Selectman Douglas asked T/A Boland to direct the Police Chief to have the officers monitor the parking area of the upper falls to see if anything needs to be done about the parking.

VOTE: Selectman Douglas moved, Chairman Chamberlain seconded the motion to erect signs on Purgatory Road in the Town of Lyndeborough on the West side in the area of the entrance to the

Purgatory Falls under RSA 31: 39 giving the authority of the Board of Selectman to adopt parking regulations. Roll Call: Chair Chamberlain-Yes, Selectman Douglas-Yes. Motion carried 2-0.

Fire Department New Tanker Purchase Discussion: Chair Chamberlain questioned T/A Boland on the contract that was sent back. T/A Boland noted they modified the signing page where Primex indicated to insert the word "Contract," and they did insert that but the overall price is up \$5K.

T/A Boland read a letter from the Fire Chief: *"After review of all four tanker manufacturers bid specifications, the members of the Tank Truck Committee would like to recommend the manufacturer Midwest Fire Apparatus to build our new Tanker Truck. Here are some of the key factors: Midwest was able to meet or exceed the LSD Bid Specifications, Midwest was able to come under budget and was the lowest cost of all the manufacturers. Midwest will have the quickest build delivery time which is important due to the DES Grant has a very tight timeline. Midwest was the only manufacturer whose Sales Representative kept up on a weekly basis asking if any questions needed answers and also one of the only Sales Reps to come out and site visit. With that said, we would like to ask you, the Select Board, to review the Midwest Contract once our legal insurance teams review the contract, and/or review the necessary wording contract changes to the contract and give permission to Russ Boland, Town Administrator and/or Brian Smith, Fire Chief authorization to sign and complete the contract. If more information is needed to answer any questions, I will provide that information to you. Thank you. Brian Smith Lyndeborough Fire Chief"*

T/A Boland sent the contract to the Selectman and to Primex. Primex came back with suggestions regarding a case that had been adjudicated and if we needed to take legal action, the manufacturer requires Minnesota, Primex asked that we request New Hampshire, although they recognize that they probably will not do that. We are looking for a commitment that it will fit inside the building and they won't commit to that either. They will commit to building to the specified height the Lyndeborough Fire Department has issued for requirements. The Lyndeborough Fire Department will be required to take delivery or final inspection of it at their plant in Minnesota and two round trip tickets are in the bid price. It will then be driven by a third party who supplied us with a certificate of liability insurance as well as property insurance. The cost for it to be driven to Lyndeborough is \$3,700, and T/A Boland is uncertain at this time if anyone in the Fire Department would be willing to drive it to Lyndeborough. It also allows break-in time for the engine.

Primex has reviewed the contract and made additional suggestions on how to make us the third party insured. T/A Boland received an updated draft contract, from Chief Smith with a final bid price of \$279,543, however, while the bid price is final, the production date on the contract may change. Chair Chamberlain said there is a \$6,740 increase from the last contract and stated that physical possession of the truck will take place in Minnesota. T/A Boland indicated the price change and the word "contract" has been inserted on the signature page.

T/A Boland had a conversation with Selectman McQuade who has experience with the company and their product as they have had a tanker in Greenfield for a couple of years and has no problems with that company. T/A Boland relayed the increase cost is due to modifications in the tank fill location from the rear to the front of the hose bed so it would not interfere with the deployment of the hose, a cabinet was added and portioned creating plumbing changes that were made at the Fire Department's request. T/A Boland referenced change orders in apparatus and/or equipment in reply to Selectman Douglas's concern that there will be no more changes that would increase the price of the Tanker. Chair Chamberlain

answered Selectman Douglas that there was \$290K in the Warrant Article and the cost of the truck is \$279,543 plus they will need to buy some equipment because the truck does not come with the suction hose and chocks.

T/A Boland confirmed for Selectman Douglas that the grant has already been approved contingent upon receiving the truck prior to May 1, 2021 and that if the truck comes in after that date, it should still qualify as the DERA wants a signed contract in their hands no later than September 2020. However, if the vehicle is late and DERA will not honor the grant, we will contact our Representative and Senators. Chair Chamberlain indicated that because of COVID-19 crisis there might be delay in supplies and noted there is a penalty clause of \$100 per day in the contract if completion exceeds the above date of the draft date of March 31, 2021. T/A Boland noted the \$66K grant will be rebated from the Federal Government after we comply with destroying the old truck within a certain time table (15 days from either the date received or placed in service). The counselor from the DERA grant will work with us to ensure no steps are missed.

According the Fire Chief this was the only manufacturer that could make the timeline for the grant. The grant has been extended to May 1, 2021. If the order is placed by next week, we can expect to have it the first week of April 2021 and will have 15 days to get rid of the old tanker. After individual conversations with Select Board members, T/A Boland contacted the Town Engineer, Kevin Leonard, to inquire if they would be able to ascertain as to whether the specifications would allow this truck to enter the building and thanked Selectman Douglas for his recommendation. Kevin Leonard indicated he would be able to do so with the updated specifications. T/A Boland also spoke with him about the possibility of having one of his representatives, who has an expertise in Fire apparatus, accompany one of our representatives to Minnesota. T/A Boland confirmed to Selectman Douglas that the Town Engineer would review the specifications of the truck as being built, considering the Fire Station, the pavement and the rise, etc., and provide an evaluation that the truck, built to that specification, will fit in the door. T/A Boland indicated that they can accomplish the first request but the second request was in the preliminary discussion stage.

T/A Boland thought the Board should make a motion to authorize him and Fire Chief Smith to enter into an agreement not to exceed \$279,543 in consultation with the Board. He will run this by Attorney Dresher for a quick turnaround, however, Selectman Douglas advised T/A Boland to run this through Primex instead and Chair Chamberlain concurred.

VOTE: Chair Chamberlain moved, Selectman Douglas seconded the motion to authorize T/A Boland and Fire Chief Smith to enter into a contract with Midwest Fire to purchase a new fire tanker in the amount not to exceed \$279,543 in consultation with the Board. Roll Call: Chair Chamberlain-Yes, Selectman Douglas-Yes. Motion carried 2-0.

- New Business:

- Salisbury Road and Purgatory Falls Road Stop Sign Discussion:** At the last meeting, the Board authorized the paving of Salisbury Road in conjunction with the work that is being done in Mont Vernon, it came to light there needed to be a stop sign at the corner of Salisbury and Purgatory Falls Road as you head east entering Purgatory from Salisbury. Selectman Douglas indicated that the signs should go up as soon as possible as it could be a safety issue and Road Agent Chase agreed it could be done before the culverts were fixed.

VOTE: Chairman Chamberlain moved, Selectman Douglas seconded a motion to direct the Road Agent to place a stop sign at the intersection of Salisbury and Purgatory Falls Road headed westbound. Roll Call: Chair Chamberlain-Yes, Selectman Douglas-Yes. Motion carried 2-0.

- **Highway Department Operations Discussion:** T/A Boland indicated that the Town Meeting approved the purchase of a 2020 Freightliner mid-sized Dump Truck. The specifications were given to the Board in their packet and electronically. The Road Agent has reviewed those and there was a discussion of steel wheels versus aluminum wheels and on this particular truck, given its size and GVW (Gross Vehicle Weight), his experience has been steel wheels have been fine. The representative from Freightliner will be in attendance at the April 22, 2020 Selectmen's meeting for possible action to approve and enter into a contract with them. Chairman Chamberlain invited Road Agent Chase to share any pertinent information. Road Agent Chase indicated he had reviewed the specifications and everything looked good. Chair Chamberlain and Selectman Douglas expressed concern over the potential of the warranty being invalidated as the wording in the contract states "not to exceed 8% grade." T/A Boland suggested that Road Agent Chase ask the representative to strike that statement out of the contract, or if they are concerned, to explain it. Road Agent Chase will inform T/A Boland before the next meeting after he speaks with the Freightliner Representative.

T/A Boland stated in the past 3-4 years the Highway Department has filled the fourth full-time position with part-time employees and that worked well for a few years, however, it is not working anymore. We universally agree upon re-instating that fourth position which is budgeted to begin in July. The Road Agent and I had several conversations and propose to the Board to allow us to promote one of the part-time employees effective on May 1, 2020, the reason being from an operational point of view, we would be able to assign two personnel to take care of the grounds of the cemetery and town buildings as we are coming into the season which would allow a reliable two other personnel to be working on the roads and on days three and four, depending how things are going in the cemeteries, all four personnel would be working on the road. We are finding ourselves in a situation now where our part-time employees are very good but their ability to show up for two to four days a week is challenged.

The Road Agent and I looked at the budget, it will be a \$6K increase over what we anticipated. We believe through the Highway Department budget we could make up the \$6K given that salt usage alone is a savings of \$17K. Road Agent Chase has been very conservative with the salt application. The most would be a \$10K expenditure for salt in the fall which would allow \$7K that we would under expend. Chair Chamberlain replied to Selectman Douglas that they are asking that the part-time employee be promoted to Heavy Equipment Operator full time on May 1 instead of July 1, 2020. T/A Boland indicated that the person that they recommended currently has a CDL and has been working for the Highway Department for a year or more and has acceptable or above-average reviews.

VOTE: Selectman Douglas moved, Chair Chamberlain seconded the motion that the Town Administrator is instructed enter into a hiring agreement promoting Milton Leavitt to the position of Full-Time Heavy Equipment Operator as of May 1, 2020 at the pay rate we discussed. Roll Call: Chair Chamberlain-Yes, Selectman Douglas-Yes. Motion carried 2-0.

Selectman Douglas asked Road Agent Chase if he heard that the State Legislature has taken on the discussion of limiting or stopping the use of salt in New Hampshire due to environmental concerns and that there could be a dramatic change if that passed. Mr. Chase responded he had not heard but confirmed with Selectman Douglas that it was currently in Committee and

stated he would speak with other towns and send a letter to Rick Reindeau from the Road Agents' Association to bring this to his attention.

Mark Chase wanted to make the Board aware that the Highway Department has started to grade the roads in town and has cleaned out all the culverts on New Road and Mountain Road and identified culverts with problems and are blowing them out. He also noted that they have acquired a 500-gallon water tank for free and have the pump and they will be savings money in their budget. Chair Chamberlain noticed the work on New Road and commented it looked good.

T/A Boland informed the Board that traditionally this time of year the Highway Department goes to four ten-hour days and unless the Board had an objection, they could transition to those hours the 1st or 2nd week of May as long as all the dirt roads are graded. Selectman Douglas agreed as long as there is no overtime around Memorial Day.

T/A Boland brought up the "Intent to Cut" by Chris Brown behind the DPW. Mark Chase stated Chris Brown has a right of way to the right of the cell phone tower and he will be logging through the Highway Garage but has not heard back from the Forester. T/A Boland noted that the Town enters the Highway Garage through an easement off Locust Lane. Mark Chase stated the owner of the lot is concerned about the logging trucks and skidders going over her section of property to get to the Town property and brought it to the Board to inform them they are going to clean out 20 acres. Mr. Chase spoke with Chris Brown who indicated they have another project planned and was unsure at the time if they would be entering through his right-of-way to the Town property. Chair Chamberlain expressed concern that they would run trucks up and down Town property tearing up the access to the Highway Garage and wants to make sure the Road Agent does not have to fix it. Selectman Douglas stated that the weight limits would have to be lifted before they start. Mark Chase informed them the on the Intent-to-Cut they will start in early summer 2020 and T/A Boland will check with Dawn Griska for more information. The Chair noted it is not on the Consent Agenda and questioned where the easement comes through. Selectman Douglas stated that is between the land owner and Chris Brown and before the logging is authorized, he must provide documentation that shows authorization to drive over her property and has no problem with him going over the Town property. T/A Boland thanked Mr. Chase for bringing this to the attention of the Board. Chair Chamberlain suggested that pictures be taken of the road prior to the logging procedure starting as Mr. Brown will be responsible for any damage.

Selectman Douglas questioned the status of the old George Warren property with the two driveways and Road Agent Chase responded that he had sent a letter dated March 26, 2020 letting them know that the new driveway was not approved and they should stop using the new driveway, however, Mr. Chase said they closed the old driveway and was told to go through the Planning Board to get their approval. Selectman Douglas questioned why the new driveway with better sight alignment was not approved and Mark responded that it was because he wanted to use both driveways after initially agreeing to abandon the old drive. Mark agreed that the new driveway had better sight alignment but indicated they could only have one driveway, Road Agent Chase explained they are putting in a handicap ramp and need the wrap around driveway to accommodate a wheel chair van. Road Agent Chase spoke directly with Matt Fish making him aware they failed the permit. Chairman Chamberlain questioned whether there was a problem with the angle of the driveway as well. Selectman Douglas suggested that an internal loop be created on their property using the new driveway to solve this problem. Chairman Chamberlain stated they would bring that up at the to the Planning Board.

- **2020 Budget Discussion:** Due to the current Covid-19 crisis and the U.S essentially being shut down, there is great concern over the Town's cash flow. The Town anticipated to receive \$80K in Rooms and Meals Tax, \$88K in the Highway Block Grant and \$11,730K in the extra Block Grant this year and all that is uncertain at this point until we receive a cash deposit bailout from Federal Government. T/A Boland put together a Cash Flow Analysis for the Town of Lyndeborough using the worst-case scenario covering April 8 through July 1, 2020.

Current cash on hand as of yesterday was \$1,035,140. The estimate of \$120,000 in revenues over the next three months was based on looking at last year's revenue minus 20% which gives us the estimated potential total of \$1,155,140 in revenue. The known estimates of expenses were derived from past experience as well as future estimates: school payments, town payroll, weekly expenses over three months which essentially is keeping the lights on, ambulance and solid waste payments, assessing operations, IT upgrades which have been ongoing since the first of the year, Avatar software, Advanced Paving, old pavement reclaiming to gravel at the DPW and gravel expenses, aggregate and pipe and welfare which is a \$7,500 budget but with what we are going through in the nation, I conservatively put the estimate at \$10K bringing the total obligations to \$1,358,500 minus \$1,155,140 cash on hand, which leaves a deficit of \$203,360.

T/A Boland has been in contact with Advanced Paving and has it in writing that they will defer any billing no matter when they do the work out to July 15, 2020, which was by my request, as we will have tax bill due as of July 1, 2020 and will have additional revenue at that point. Regarding the old pavement reclaiming, in consultation with the Road Agent, Mark has been talking to the owners regarding a deferral to July, 15, 2020 but he needed to check with the other partner. The Road Agent made it clear that under no circumstances will we be able to pay the bill before July 15, so if he shows up in May or June or early July is optional on his part but payment would not take place until July 15.

The third thing is what I call just-in-time payments, we always make our payments extremely early. However, we will take a closer look at paying them just in time. In addition to that, hopefully, we will be receiving revenue from the second tax bill throughout the month of June.

Given the seriousness of the situation, I recommend the Selectman to consider directing me to instruct the Department Heads that a spending freeze is in effect until further notice and all discretionary expenditures shall first be approved by the Town Administrator or in his absence, the Board of Selectman. I think we have no other option at this point but to be prudent because we do not know what is ahead of us. T/A Boland concluded the presentation by stating he is in daily contact with all the Department Heads and this policy has been in place for the last several weeks since this crisis began. I cannot say enough about the Department Heads' cooperation and have not received any push back at all.

In fact, additional suggestions were given on how we can save money during this two- to three-month period while we figure out what is going on. Chair Chamberlain questioned if \$20K for Avatar was less and T/A Boland confirmed it will be around \$15K. T/A Boland tried to be conservative with revenue projections and expenses; an example is the school payments of \$804K will be more like \$802K and rounded up on all these situations. Chair Chamberlain thought it was best to base decisions on the worst-case scenario. Chairman Chamberlain stated this was scary and did not like numbers with parenthesis around them to which T/A Boland replied that he does have it in writing from Advance Paving and will get it in writing from the pavement reclamation or they will not do the work until after July 15. He

also noted it is another example of the good working relationship they have with Advanced Paving.

VOTE: Chairman Chamberlain moved, Selectman Douglas seconded to direct the Town Administrator to instruct the Department Heads there is a spending freeze in effect until further notice and all discretionary expenditures shall first be approved by the Town Administrator, or in his absence, the Board of Selectman. Roll Call: Chairman Chamberlain-Yes, Selectman Douglas-Yes. Motion carried 2-0.

- **Reappointment of Committee, Commission & Land Use Board Members During Covid-19 Discussion:** Giving the environment that we find ourselves in and all these folks have been interviewed multiple times in the last few years, I had conversations with all of them regarding appointments. Clayton Brown does not want to be re-appointed to either the Heritage or the Historic Committees. Paul Best does want to be re-appointed to the Planning Board, Mike Decubellis does and the Chair had a conversation with him. Julie Zebuhr would like to be re-appointed to the Planning and Zoning as an alternate and Sharon Akers would like to be appointed as an alternate to the Conservation Commission. I have sent letters to all three alternates currently and asked them to have someone step forward so the Board could appoint a regular member at a later date. Jessie Salisbury would like to be re-appointed for the Historic Commission. T/A Boland recommended a blanket motion to appoint members and Trish Schultz would draw up the swearing-in papers. The Chair agreed and Selectman agreed.

Clayton Brown, declined reappointed to Heritage and Historic District Commissions

Paul Best, reappointed as Planning Board Member, term expiring 2023

Mike Decubellis reappointed as Planning Board Member, term expiring 2023

Julie Zebuhr, reappointed as Planning Board Alternate Member, term expiring 2023

Sharon Akers, appointed as Conservation Commission Alternate Member, term expiring 2023

Jessie Salisbury, reappointed as Historic Commission Member, term expiring 2023

VOTE: Chairman Chamberlain moved, Selectman Douglas seconded the motion to re-appoint all of the officials expiring this year with the exception of Clayton Brown and the exception that Sharon Akers would be an alternate rather than a full-time member of the Conservation Commission. Roll Call: Chairman Chamberlain-Yes, Selectman Douglas-Yes. Motion carried 2-0.

- **Items not on Agenda: None**

V. Town Administrator Report

T/A Boland informed the Board he was in constant contact for the past several months with the Town of Wilton regarding status updates on the ambulance operations while in consultation with our Fire Chief to receive operational reports. I have been advised by the Town of Wilton the transition from the previous Chief to the new Administrative Officer is going smoothly. They have some resignations but those resignations have either recanted or are still with them or they added back in previous members so the people who are resigning are being replaced. I have also kept the Board members in the loop of what is going on. We are monitoring the ambulance situation and Wilton knows we are monitoring it and the Lyndeborough Fire Chief and his command staff is keeping an eye on it. Chair Chamberlain questioned Wilton's concern over Temple. T/A Boland confirmed Temple left the agreement and Wilton is concerned whether or not their payment met the IMA requirements because they are paying for the first quarter but then there was something about a 60-day notice they had to give. Chair Chamberlain stated they did not meet the IMA because the notice was the day before.

The Highway Department will be going to 10-hour shifts somewhere in the May 1st time frame. We are working with our IT provider, Twin Bridge Services to get electronic capability, particularly for the Planning Board such as Zoom Conferencing. However, there was an FBI bulletin that Zoom has been hacked at several municipalities and school districts. The IT provider is trying to come up with a solution for us.

T/A Boland stated Lyndeborough's Covid-19 response is to protect both its employees and citizens. Citizens' Hall is closed to the public with the exception of appointments. The residents seem to be very happy they can still register their cars and conduct business here. Frankly, they have been more than understanding. Ursula and Dawn are working remotely from their homes. We got software from our IT provider that allows them to virtually look at their computers while at home. We keep in contact through email and telephone. We are all practicing social distancing and taking that very seriously.

VI. Selectmen's Report

a. MACC Base Action & Agenda

T/A Boland has been in touch with Director Johnston and nothing has taken place since the Town Meeting. Because of the Covid-19 crisis, the Board of Governors have not met and there is nothing to be reported.

b. Transportation Committee

Chairman Chamberlain reported that the committee cancel both the March and April meetings so there is nothing to report.

c. Planning Board

Chairman Chamberlain reported they trying to get electronic conference set up but it will depend on our IT. The Emergency Order 23 allows us to not have a meeting every month and also eliminated deadline in terms of actions which give us the breathing room that we needed to take care of this.

d. Heritage Commission

Chairman Chamberlain reported no meeting took place. Jessie Salisbury questioned if the Library is open and that there are so few people, they could use that space to meet. T/A Boland suggested she call the Library and the Chair mention it could also be held at Citizens' Hall.

e. Safety Complex

No items to discuss.

Consent Agenda: Tabled until April, 22, 2020

VII. Information Items Requiring No Decision: None

VIII. Non-Public: None

Adjournment:

VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to adjourn at 7:50 p.m. **Roll Call:** Chairman Chamberlain-Yes, Selectman Douglas-Yes. **Motion carried 2-0.**

All scheduled items having been addressed; the public meeting was adjourned at 7:50 p.m.

Next regular meeting: April 22, 2020 at Citizens' Hall at 6:00 p.m.

Lisa Post, Transcriber

Chairman Mark Chamberlain_____

Selectman Fred Douglas_____

Selectman Richard McQuade_____