

# LYNDEBOROUGH BOARD OF SELECTMEN

## MEETING MINUTES

June 2, 2021

*Final*

### I. Call to Order:

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

### II. Introduction of Members Present:

Chairman Fred Douglas, Selectman Mark Chamberlain, and Selectman Robert Howe  
Town Administrator Russ Boland

**Public & Media Present:** Jessie Salisbury, Road Agent Mark Chase, Building Inspector/Code Enforcement Officer Leo Trudeau, Town Clerk/Tax Collector Patricia Schultz

### III. Appointments:

#### **TC/TC Schultz for deeding and department operations**

There was a discussion about removing the COVID related restrictions on access to the Town Offices.

#### **Non-Public RSA 91-A:3 II (c)**

**VOTE:** Selectman Chamberlain moved, Selectman Howe seconded to enter into a Non-Public Session at 6:05 p.m. Motion passed by roll call 3-0.

**VOTE:** Selectman Howe moved, Selectman Chamberlain seconded to reenter the Public Session at 6:17 p.m. Motion passed 3-0.

### IV. Community Forum and Public Comment:

No comments were made.

#### **Decision Making Actions:**

##### **Old/Tabled Business:**

##### **Class VI Road Policy Discussion (one-hour work session)**

*This topic was tabled to the end of the meeting.*

#### **2021 Paving Projects Update**

There is not enough money left in the approved P.O. for Advanced Paving to pave Brandy Brook Road. Road Agent Mark Chase explained that the extra cost was for drainage improvement on Center Road. The difference would be \$2,065. Items done-to-date were listed. The Board discussed options and that going forward with this could impact the budget for the engineering study on Glass Factory Road.

**VOTE:** Selectman Chamberlain moved, Selectman Howe seconded to proceed to pave Brandy Brook Road with the estimate provided, not to exceed a total amount of \$120,000.00 for the total paving projects for 2021. Motion passed 3-0.

**Memo of Understanding on Emerson Driveway Update, Map 232, Lot 036-00**

Matt Emerson reviewed the MOU document and is in agreement. The document will require signatures and shall be required to be registered at the Hillsborough Registry of Deeds. Selectman Chamberlain suggested modifications at the top of the page to meet registry standards and add a return address.

**VOTE: Selectman Chamberlain moved, Selectman Howe seconded to authorize T/A Russ Boland to execute the Memo of Understanding (MOU) for Matt Emerson's driveway, Map 232, Lot 036-00. Motion passed 3-0.**

The topic of cleaning up that area and material storage was discussed. It was agreed to relocate the household sand storage to alleviate space and access issues. This information will be posted on the Town's website as early as possible so residents are aware of the change.

#### **Purgatory Falls Status Discussion**

T/A Boland said this has been ongoing for over a year and a half. The trash issue and clean-up efforts were documented with photographs. The Highway Department is ordering more signs to compliment the signs at the Lower Falls as well as signage for Upper Falls. There is an issue with stolen highway signs, which need replacing. Methods to help prevent sign theft were discussed. Chairman Douglas discussed the parking issue on the west side and the ticket process. Parking is allowed in the parking lot but not on the street. The No Parking Ordinance regulations are helpful here. Chairman Douglas would like to see information available that the Falls were closed due to COVID-19 plus the major trash issue. If the trash becomes an issue again the Selectmen will consider closing the falls again. It's a "Carry in – Carry Out" program.

**VOTE: Selectman Howe moved, Selectman Chamberlain seconded to re-open Purgatory Falls; both the Upper Falls and Lower Falls parking lots and take the barriers down. Motion passed 3-0.**

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

##### **Assessing Request for Proposals Discussion**

The Board was asked to review the document so it can be discussed at the next meeting.

##### **Septage Agreement with Merrimack, NH Disposal**

The agreement with Merrimack expires on December 31, 2026. This agreement would allow Lyndeborough to bring any septage waste to Merrimack. It is the same agreement as the previous one, except the dates. Lyndeborough also has an agreement with Peterborough.

The Board questioned what the language regarding the solid waste compost means and asked for clarification before proceeding with authorization.

##### **Wilton Transfer Station Swap Shop Request for Committee Appointment**

Geoff Allen volunteered to serve on the committee.

**VOTE: Selectman Chamberlain moved, Selectman Howe seconded to appoint Geoff Allen to the Wilton Transfer Station Swap Shop Committee. Motion passed 3-0.**

**c. Items not on Agenda:**

Nothing

**V. Town Administrator Report**

The Grizzly for the Highway Department that was approved to purchase is not available. The Road Agent will continue to look for opportunities to purchase this equipment which is used to sift sand during winter operations.

The new dump truck will arrive between 10:00 a.m. – 2:00 p.m. tomorrow. It will be reviewed and approved on June 16. Payment is due on June 12, 2021.

The Town Clerk is aware of the registration.

It was discussed to attempt to sell the Volvo Dump Truck first on NHMA then list it on Municibid.com in the fall. Road Agent will have a conversation with Dennis Slocumb regarding a minimum bid. T/A Boland is thinking around the \$22,000.00 range. The Volvo comes with the sander and plow wing. It mileage is 64,000 miles. This topic will be on the next agenda.

Selectman Chamberlain inquired if the \$66,000.00 grant reimbursement has arrived for the Fire Department Tanker. To date, it has not. The old fire truck has been disabled and destroyed, as specified in the grant. The tank will be removed and the remaining truck salvaged.

The Budget is at 41% of year is 28% expended. Some major expenses are due soon, including paving and the new dump truck. The budget revenue is at 41% of the year at 41%.

**VI. Selectmen's Report**

**a. MACC Base Action & Agenda**

T/A Boland will be attending meeting tomorrow

**b. Transportation Committee**

The next meeting is next Wednesday, via zoom.

**c. Planning Board**

The Board approved a 2-lot subdivision at the last meeting on Schoolhouse Road.

**d. Heritage Commission**

Last Friday was both the Heritage Commission and Historic District Commission Annual Meeting. They decided on the locations for the Grange signs to be displayed on Center Hall. Repairs to Center Hall will be determined by the Building Inspector. The windows are a priority. Andy Roper was contacted for a quote.

Chairman Douglas asked where the church shutters from the west side are and was informed they might be in the second-floor gallery. It was discussed to rotate the shutters when they are reinstalled due to the effects of the wind and rain on the building.

**e. Safety Complex**

No items to discuss.

**Other Business:**

Walter Holland wanted to thank the Board for inviting the Lafayette Artillery Company to Lee Mayhew's dedication at Putnam Pond Park. He said it was memorable. As it was downpour and they were dripping in rain, he thought about Lee's two tours of duty in Vietnam as Lee was used to rain. Capt. Holland handed out special gold buttons to the Board, which are the New Hampshire State buttons they wear on their uniforms. He said they are dedicated to Lee because of his dedication over many years to the State of New Hampshire, local people and his nation. Capt. Holland wanted the people present at the meeting to have a memento. Capt. Holland also thanked reporter Jessie Salisbury for her many years of writing about local history.

The Board also thanked Capt. Holland and the Lafayette Artillery Company for their participation. The Board was provided with copies of the two commendations that were awards to Lee Mayhew by the U.S. Army and were read at the dedication. In addition to those, it is believed that Lee was awarded five others; including a Distinguished Flying Cross, Medal of Heroism, and two Purple Hearts. In one situation, Lee Mayhew was shot in the foot while flying a helicopter.

**Consent Agenda:**

**VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to accept the Consent Agenda for June 2, 2021. Motion passed 3-0.**

**VII. Information Items Requiring No Discussion**

Chairman Douglas asked T/A Boland to get in touch with the Chief Deware in regarding to sending out the weekly blotter to the press.

**7:07 p.m. Class VI Road Policy Discussion (1-hour work session)**

Selectman Chamberlain has technical concerns with how the document is written.

Bob Howe asked about the concept if someone has a piece of property on a Class VI road does it mean they have to rebuild that Class VI road to town specifications, up to the point the structure is to be built. This was debated.

The May 6, 2021 issue of "Town and City" contains information about Class VI roads. "A Hard Road to Travel" is available on video and there are yearly conferences and material.

Selectman Chamberlain said the intent is not to have a development built off a Class VI road. If someone comes in they will have to upgrade the road to Class V standards before asking the Town to accept it. Similar to what happened on Rose Farm Road.

Single lots, should adhere to the "state emergency travel lane standards". Emergency lanes were discussed. There is no specific width for a Class VI road.

Chairman Douglas noted another example was Pinnacle Road, which has been washed out by heavy rain and damaged by RV usage. It would cost a lot to bring upper Pinnacle Road back to Class V Road standards. It would financially irresponsible.

Leo Trudeau mentioned that about 40 years ago, Mr. Swartz use to maintain Pinnacle Road for reasons such as to access the blueberries up there.

This document will be an official adoption. It was last considered in 2007.

Chairman Douglas provided the history about a property owner on Pinnacle Mountain who purchased property next to the Swartz on a Class VI road. The Town did not maintain the road for over five-years. The landowner filed a lawsuit claiming the Town did work on the road that included brush cutting and culvert work. The Town prevailed. Hunters might have been cutting the brush. Attorney Bill Drescher made it clear after that lawsuit, if the town puts in a shovel on a Class VI road or does anything to maintain the road or diverts water then it reverts back to a Class V road and the town is obligated to maintain it. This includes plowing.

Leo Trudeau said he receives questions from people who ask what it takes to build on a Class VI road. Mr. Trudeau discussed Greenfield Road and Warner Road. He wanted clarification if going beyond two building permits then would the third building permit be the trigger an upgrade to Class V Road standards? This was discussed.

The Board discussed the Waivers of Liability to build on a Class VI Road. It is important they are registered at the Registry of Deeds so title companies can find the document and clearly convey that Waiver of Liability information to perspective buyers. Brandy Brook Road is a good example of this. Mr. Trudeau asked if the Fitzgerald's have a Waiver of Liability for Greenfield Road. Emergency access to Class VI roads are a concern and would the Waiver of Liability protect the Town.

The idea was discussed to research all properties on Class VI roads that have a Waiver of Liability to ensure all those documents are recorded at the registry of deeds. T/A Boland will consult with Attorney Chris Drescher regarding this concept.

The intent is to be fair and accurate and make sure the waiver is in place; to be fair with people who are buying that property on a Class VI road and the rest of the Town who should not have to pay to upgrade the Class VI road.

It was mentioned that Scott Roeper did research on Town Roads that is available.

Chairman Douglas mentioned other roads in town that have had issues were Greenfield Road, Brandy Brook Road, French Road and Rose Farm Road. Richardson Road's Class VI portion is covered by a lawn at the last house on the road. Pinnacle Road's Class VI portion is washed out. Nichols and Warner Roads are Class VI.

#### **VIII. Non-Public Session RSA 91-A:3 II (c & l)**

**VOTE: Selectman Howe moved, Selectman Chamberlain seconded to enter into the second Non-Public meeting of the evening at 7:55 p.m. under small c and small l. Motion passed 3-0 on a roll call.**

**VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded to reenter the public session at 8:42 p.m. Motion passed 3-0.**

Once back in public session the Board discussed reopening town buildings. The Board discussed how surrounding towns are operating and they discussed the State's recommendations.

**Vote: Selectman Chamberlain made a motion, Selectman Howe seconded to reopen town buildings with the suggestion people maintain social distancing and highly recommend mask wearing. Motion passed 3-0.**

**Vote: Selectman Chamberlain made a motion, Selectman Howe seconded to adjourn at 8:46 p.m. Motion passed 3-0.**

**Adjournment:**

All scheduled items having been addressed, the public meeting was adjourned at 8:46 p.m.

Next regular meeting: June 16, 2021 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Fred Douglas

Selectman Mark Chamberlain

Selectman Robert Howe

<b>June 2, 2021 Consent Agenda</b>		
<b>Item #</b>	<b>Item Title</b>	<b>Approved</b>
1	AP Warrants – May 26, & June 2, 2021	Yes
2	Payroll Warrant – May 17 through May 30, 2021	Yes
	VALIC ACH Payroll Warrant -- May 17 through May 30, 2021	Yes
3	Request for Approval of Purchase Order # 80632 – Beltronics – New Radios for New Tanker #2 (\$35,113.25 - Inv. #'s 66874, 66842, 66841, & 66840)	Yes
4	Request for Approval of Purchase Order # 21122 – Twin Bridge Services – 2021 Annual Service Agreement (\$15,557.00 - TBS-052421021)	Yes
5	Request for Approval of Purchase Order # 21121 – CWS Fence & Guardrail – Cemetery Road Guardrail (\$8,637.50 – Inv. # 210001.01)	Yes
6	Request for Approval of Purchase Order # 80631 – Fire Tech & Safety – 7 Sets New Fire Gear (\$6,838.52 – Inv. # 194798)	Yes
7	Request for Approval of Purchase Order # 2553 – Balcom Brothers Rentals, Inc. – Excavator Rental – Center Road Project (\$4,120.00 – Contract # 61778)	Yes
9	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Wilkins (20-279-05T, Map-Lot 206-026-000 & 206-015-000), Accessed Via School House Road	Yes
10	Board of Selectmen's Public Meeting Minutes – May 19, 2021	Yes
12	Board of Selectmen's Public Meeting Minutes – May 25, 2021	Yes