

**LYNDEBOROUGH BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**July 14, 2021**  
*Final*

**I. Call to Order:**

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

**II. Introduction of Members Present:**

Chairman Douglas  
Selectman Chamberlain  
Selectman Howe

Town Administrator Russ Boland

**Public Present:** Jessie Salisbury, Leo Trudeau, Mark Chase

**III. Appointments:**

**6:05 pm.** T/A Boland advised the Board Tom and Ginny Chrisenton had been scheduled to meet with the Selectmen regarding a land concern but the research being conducted by Town Counsel is not complete. It was mutually agreed to move the appointment to a later date.

**6:35 pm.** Public Hearing in accordance with NH RSA 31:95-b III (a) to accept unanticipated funds from the New Hampshire Clean Diesel Program.

Chairman Douglas recognized T/A Boland to review the award of \$66,066 dollars received for replacing the 1984 Fire Department Tanker with a new tanker. T/A Boland explained Fire Chief Smith, in conjunction with Administrative Staff, applied for a grant from the Diesel Emissions Reduction Act and were awarded \$66,066. As a condition of the award the 1984 Tanker was taken out of service and the engine disabled in accordance with the program's requirements. The entire process was documented and each step of the process received documented approval from the State of New Hampshire. T/A Boland complimented all parties involved but singled out Chief Smith for his efforts in making the grant a success.

Chairman Douglas asked the public in attendance if they would like to ask any questions or make any statements relative to the grant. There was no response from the public.

Chairman Douglas closed the public hearing at 6:38 pm. And asked if the Board wished to take any action.

**Vote: Motion by Selectman Howe seconded by Selectman Chamberlain to accept the \$66,066 awarded to the Town by the Diesel Emissions Reduction Act. Passed 3-0.**

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

Jessie Salisbury reported the voice overs for the production of the fourth-grade history project have been completed. The project also includes picture of historically significant locations throughout town.

**V. Decision Making Actions:**

**a. Old/Tabled Business:**

**NRPC Circuit Rider Program:**

The Board reviewed the proposed agreement with Nashua Regional Planning to provide Circuit Rider assistance to the town for the Planning Board, Zoning Board of Adjustment and the Conservation Commission. (see attachment)

**Vote: Motion by Selectmen Chamberlain seconded by Selectman Howe to authorize T/A Boland to execute the agreement with Nashua Regional Planning to provide Circuit Rider services to the Town. Passed 3-0**

**Class VI Road Policy Discussion:**

T/A Boland advised the Board the Planning Board has expressed the desire to review the policy with the Selectmen prior to the acceptance and/or implementation of the policy. The Board had a general discussion about the completion of the required edits and the inclusion of a check list. The Board directed T/A Boland to have the current edits completed and the updated draft copy distributed to the Board for review.

Upon review of the draft policy a mutually agreeable date will be established to meet with the Planning Board for review of the draft policy.

**2021 Paving Projects Update:**

T/A Boland advised the Board he has been informed by Advanced Paving that Brandy Brook Road will receive a paving overlay next week.

**American Rescue Plan Act:**

T/A Boland advised the Board we have successfully submitted the required application to receive American Rescue Plan Act funds. Chairman Douglas

directed T/A Boland to contact the Governor's Office to obtain information relative to a recently passed bill for the expansion of fiber in rural communities.

**Driveway Access/Easement & Timber Cutting on Chris Brown's Property (Map-Lot 223-038-000):**

Selectman Chamberlain provided a historical overview of the easement across town property to Chris Brown's property. Mr. Brown wishes to cut trees on the easement to provide access to his property. Selectman Chamberlain requested and received a stake map describing where each stake is placed on the easement from Chris Brown. Selectman Chamberlain and Road Agent Chase believe the challenges this potential driveway presents require an engineered plan be submitted for review prior to any work including tree cutting occurs. This requirement has been reviewed by Attorney Drescher and was found to be in accordance with the Town's Driveway Ordinance.

**Vote: Motion by Selectman Chamberlain seconded by Selectman Howe to require an engineered driveway plan be submitted to include but not limited to; erosion control, slope/grading, drainage and what trees need to be cut to provide access to vehicles and utilities to Mr. Brown's property. The plan shall be submitted, reviewed and approved before any work is conducted on the easement. Passed 3-0.**

**b. New Business:**

**2022 Budget Discussion:**

T/A Boland advised the Board the 2022 budget worksheets have been developed and will be distributed to the Department Heads. The budget will be ready for the Selectmen's review in late September.

**c. Items not on Agenda:**

Selectman Chamberlain advised the Board he has been working with Attorney Drescher regarding the lot line/unmerging of lots concern the Chrisentons brought to the Board at their June 30, 2021 meeting. The research is still in progress and he hopes to have more information for the next Selectmen's meeting.

Selectmen Howe asked Road Agent Chase if he was aware of cones placed on Putnam Hill Road appearing to indicate a problem with a culvert. Road Agent Chase advised he is aware of the cones and the repair has been delayed because of the recent weather. The storm drain should be repaired soon.

Selectman Chamberlain asked R/A Chase if he has heard back from CWS guardrail regarding an estimate for guardrail work on Center Road. R/A Chase

advised he has not received a return call. The Board advised T/A Boland to call for an estimate.

Chairman Douglas advised T/A Boland to have the Police Chief examine his roster and have the 2022 budget reflect the projected number of officers that will be active in 2022.

## **VI. Town Administrator Report:**

T/A Boland advised the Board the agreement with North Point Engineering for services on Center Road has been signed and submitted to North Point.

TA Boland advised the Board the camera installation at Citizens Hall is progressing and will be operational soon.

T/A Boland advised the Board due to the reduction in property and liability claims along with actions taken by Lyndeborough the Property and Liability Insurance provided by PRIMEX was reduced by \$10,713 for 2021-2022. Chairman Douglas complimented staff for efforts to keep the cost of insurance down.

Chairman Douglas asked if we have received the response data from Wilton Ambulance. T/A Boland advised he had a conversation with Director Miller and the data is being complied and will be available shortly.

## **VII. Selectmen's Report:**

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

No Report

### **b. Transportation Committee**

No Report

### **c. Planning Board**

Selectman Chamberlain provided an overview of the Planning Board activity. The next meeting is Thursday July 15, 2021.

### **d. Heritage Commission**

The next meeting is July 30, 2021

### **e. Conservation Commission:**

Selectman Chamberlain reported the last meeting was last Thursday. The Board stated the importance of keeping all the conservation land in town open to hunting and fishing.

**VIII. Consent Agenda:**

**Vote: Motion by Selectman Chamberlain seconded by Selectman Howe to accept the Consent Agenda for July 14, 2021, with the exception of the minutes of June 30, 2021, item 7, on the consent agenda. Passed 3-0**

**IX. Information Items Requiring No Discussion**

No items to discuss.

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

**VOTE: Selectman Howe moved, Selectman Chamberlain seconded to enter a Non-Public Session at 7:02 p.m. under RSA 91-A:3 (a & c). Roll call: Chairman Douglas, yes; Selectman Chamberlain, yes; Selectmen Howe, yes Motion passed 3-0.**

**VOTE: Selectman Chamberlain moved, Selectman Howe seconded to rejoin the public session at 7:25 p.m. Roll call: Chairman Douglas, yes; Selectman Chamberlain, yes; Selectman Howe, yes. Motion passed 3-0.**

**XI. Adjournment:**

**VOTE: Selectman Chamberlain moved, seconded by Selectman Howe to adjourn at 7:25 p.m. Motion passed 3-0.**

All scheduled items having been addressed, the public meeting was adjourned at 7:25 p.m.

Next regular meeting: July 28, 2021 at Citizens' Hall at 6:00 p.m.

Russ Boland, Transcriber

Chairman Fred Douglas \_\_\_\_\_

Selectman Mark Chamberlain \_\_\_\_\_

Selectman Robert Howe \_\_\_\_\_

July 14, 2021 Consent Agenda		
Item #	Item Title	Approved
1	AP Warrants – July 8 & July 13, 2021	
2	Payroll Warrant – June 28 through July 11, 2021	
3	VALIC ACH Payroll Warrant -- June 28 through July 11, 2021	
4	Request for Approval of Purchase Order # 2593 – Town of New Boston – Calcium Chloride (\$3,639.90)	
5	Request for Approval of SUPPLEMENTAL Intent to Cut Application, Brown/North River Road Properties (21-279-02T) (232-038-000) – Accessed Via Locust Lane	
6	Board of Selectmen's Public Meeting Minutes – June 30, 2021	
7	Board of Selectmen's Non-Public Meeting Minutes – June 30, 2021	
8*	Request to Approve Administrative Property Tax Overpayment Abatement (Map-Lot 219-001-010)	

\* Item added after the Consent Agenda was first released.



**CONTRACT  
BETWEEN  
THE TOWN OF LYNDEBOROUGH  
AND  
NASHUA REGIONAL PLANNING COMMISSION**

This Agreement, dated this 19<sup>th</sup> (Day) of July (Month), 2021 (Year) by and between the Town of Lyndeborough, acting through its Board of Selectmen, Citizens Hall, Lyndeborough, NH (hereinafter referred to as the "Town"), acting by and through its Town Administer, Russell Boland, and the Nashua Regional Planning Commission, a regional planning commission organized pursuant to New Hampshire law (RSA 36:45-53) with a place of business at 30 Temple Street, Suite 310, Nashua, NH 03060 (hereinafter referred to as the "Commission"), acting by and through its Executive Director, Jay Minkarah.

**WITNESSETH THAT**

WHEREAS the Town wishes to engage the services of the Commission to perform general planning services, as specified herein on a regular, part-time basis; and

WHEREAS the Town has raised and appropriated funds for such services; and

WHEREAS the Commission has the authority (RSA 36:47) to perform such services;

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions, and agreements herein contained and for good and valuable consideration, the parties hereto do hereby agree as follows:

**1. Scope of the Work:**

The Commission will perform planning services for the Town in accordance with the proposed scope of services, attached as Appendix A.

**2. Project Period:**

This agreement shall become effective on upon signature and shall continue until December 31, 2021.

**3. Ownership of Material:**

All materials, maps, reports, documents, and other work products prepared under this Agreement shall be owned by the Town, provided, however, that the Commission may retain file copies of any or all of the above for its own use.

**4. Compensation:**

**Part A:** The Commission shall be compensated by the Town for its costs in providing services based the following staff members. NRPC staff members' rates include:

Planning assistance: \$70/Hour

Town related travel costs at the 2021 IRS standard mileage rate per mile are included in the contract amount. NRPC shall provide general planning services to the town,

exclusive of development, subdivision or application review, as directed by the Planning Board, Zoning Board, Conservation Commission and Board of Selectment up to an average of 72 hours, or approximately 6 hours per month. Activities under Part A shall be invoiced on a monthly basis up to an annual amount not to exceed \$5,040. When that annual amount is reached, NRPC shall inform the Town Administrator. The Town may at that time extend Part A of this contract by authorizing continued work. Any work completed by NRPC in excess of \$5,040 shall be invoiced on a monthly basis at the same hourly rate. If the Town does not extend Part A of this contract, NRPC will continue to conduct activities per Part B of the contract as described below.

**Part B:** Any development review, including site plan, subdivision, excavation or other application review activities including site walks, time in meetings with the Planning Board, Zoning Board of Adjustment or other town committees shall be billed by NRPC on a project specific basis, rounded to the quarter hour. Project specific activities under Part B will be billed to the applicant by the Town at the following billing rates for costs incurred per hour based on itemized monthly bill submissions by NRPC.

Planning assistance: \$70

**5. Method of Payment:**

The Commission shall submit monthly invoices to the Town which itemize the time charged to the contract and any direct costs incurred, as well as time spent on specific jobs reimbursable by applicants.

**6. Project Officer:**

The project officer for the Commission shall be the Executive Director. No other member of the Commission or staff may make representations or binding commitments for the Commission unless authorized by the Director.

**7. Office Space and Supplies:**

The Town shall provide, at its offices, all supplies, office space, equipment and clerical support staff necessary to perform the contracted services. Any of the above, provided by the Commission at the Town's request, shall be billed against the contract.

**8. Termination:**

This Agreement may be terminated for cause or for mutual convenience if the parties so agree. Such termination shall take place thirty (30) days after written notice of the termination agreement. In the event of termination, the Commission shall assemble all information prepared under this Agreement to date and shall forward it to the Town. The Commission shall be entitled to recover its costs for work completed.

**9. Non-Assignment:**

No portion of this Agreement may be assigned or sub-contracted to another party without prior approval of both parties.



**10. Amendment:**

This Agreement, including the scope of work, may be amended or modified by a written amendment signed by the Town and the Commission.

**11. Entire Agreement:**

This Agreement, along with attachments, constitutes the entire agreement and understanding between the parties and supersedes all prior agreements and understandings relating hereto.

IN WITNESS THEREOF the parties have hereunto set their hands on the day and year first written above.

**TOWN OF LYNDEBOROUGH, NH**

**NASHUA REGIONAL PLANNING COMMISSION**



Russell Boland,  
Town Administrator

7-19-21



Jay Minkarah,  
Executive Director

**APPENDIX A**  
**SCOPE OF SERVICES**

**Background/Overview**

The Nashua Regional Planning Commission and the Town of Lyndeborough have hereby contracted for the provision of part-time professional land use planning services by the staff of the Commission. Work shall be billed for time spent on this task on an hourly basis based on actual costs per hour. Travel mileage shall be billed at the current IRS standard rate per mile.

**Part A:** NRPC shall provide general planning services to the town, exclusive of development, subdivision or application review. Eligible activities are ordinance development, planning studies, plan development and other general planning activities as directed by the Planning Board. The contract value of \$5,040 provides 72 hours annually or approximately 6 hours per month. Activities under Part A of the contract shall be billed on a “not-to-exceed” basis over the course of the year.

**Part B:** Any development review, including site plan, subdivision, excavation or other application review activities including site walks, time in meetings with the Planning Board, Zoning Board of Adjustment or other town committees shall be billed by NRPC on a project specific basis, rounded to the quarter hour. Project specific activities under Part B will be billed the applicant by the Town at the following billing rate of costs per hour based on itemized monthly bill submissions by NRPC.

Planning assistance: \$70

**Duties of the Planner**

Pursuant to discussions with the Town, the following shall be the duties of the part-time Town Planner in accordance with the above stated terms.

**1. Planning Board Assistance**

- a. Review and comment on subdivision and site plan review applications for (1) compliance with submission requirements checklist, (2) accuracy of data provided, and (3) site design and layout.
- b. Draft a staff report for each Planning Board application. The staff report will contain a detailed plan review that lists acceptance and approval issues and conditions for discussion during the public hearing.
- c. Attend Planning Board meetings and provide staff support as needed.
- d. Other, unspecified long and short term planning studies, as needed by the Planning Board, including but not limited to ordinance (zoning, subdivision, site location) development; modifications to fee schedules; and capital improvement program updates.

2. Provide assistance to the Zoning Board of Adjustment (ZBA) as needed including review and comment on applications at the request of the ZBA chair.
3. Provide assistance to the Conservation Commission as needed including review and comment on applications at the request of the Conservation Commission chair.