

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
August 25, 2021
Final

I. Call to Order:

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

II. Introduction of Members Present:

Chairman Douglas (excused)
Selectman Chamberlain
Selectman Howe

Town Administrator Russ Boland

Selectman Chamberlain announced Chairman Douglas was excused from attending tonight's meeting and that he would be serving as Chairman this evening.

Pledge of Allegiance.

Public Present: Lisa Post, Charlie Post, Lez Ebert, Art Napolitano, Jessie Salisbury, Sandy Schoen, Road Agent Mark Chase, Mike Decubellis, Alex Simovici, Sally Curran, Bob Rogers, Dawn Griska, Anna Meigs, Building Inspector / Code Enforcement Officer Leo Trudeau

III. Appointments:

6:05 pm. Public Hearing for Acceptance of \$90,661.23 in Unanticipated Funds from the American Rescue Plan Act (ARPA), per NH RSA 31:95-b III (a)

Selectman Chamberlain opened the public hearing in accordance with RSA 31:95-b III (a) to accept unanticipated funds from the American Rescue Plan Act (ARPA) in the amount of \$90,661.23.

Selectman Chamberlain recognized T/A Boland to explain the American Rescue Plan Act and the associated funding.

T/A Boland advised the American Rescue Plan Act was as a result of Federal Legislation to assist States, Counties and local Communities in combatting the effects of the Covid-19 crisis. There are a broad range of areas that the funding can be used, but it appears the most appropriate items that can be funded in Lyndeborough are broadband expansion and/or offsetting a reduction in revenue resulting from the pandemic.

There was a general discussion among the public in attendance and the Board regarding the current broadband situation in the community and possible solutions to the problem.

Alex Simovici, owner of 642 Mountain Road (Map-Lot 207-010-000), is a new resident in town and has contracted Consolidated Communications to bring fiber optic service to his home at a cost of \$35,000. Mr. Simovici acknowledged if additional residents along the route the fiber was strung would like to hook-up, his cost would go down, and clarified he was not asking people to connect to the fiber just to reduce his cost. Mr. Simovici also feels it is important to get information as to how many people would connect to fiber, if it went by their homes, in order to provide this return on investment information to possible carriers. Lez Ebert (owner of 172 Curtis Brook Road, Map-Lot 234-016-000) stated that TDS has told her Curtis Brook Road has been removed from TDS's expansion map and she was advised it is unknown when TDS will expand fiber in her section of town.

Overall it was concluded there is a strong need for fiber to be installed throughout town. Selectman Chamberlain and Selectman Howe believe the Information Technology Advisory Committee should be reestablished to assist in solving this problem. T/A Boland advised he attended a meeting in New Boston regarding the expansion of fiber service and most communities are naming their committees Broadband Committees. Ms. Ebert suggested also incorporating cyber security into the charge of the committee. Selectman Chamberlain and Selectman Howe directed T/A Boland to form a Broadband / Cyber Security Committee and invite candidates to the next Selectmen's meeting on September 8, 2021.

Selectman Chamberlain asked the audience if there was any additional public comment. Hearing none Selectman Chamberlain closed the Public Hearing at 6:35 pm.

Vote: Motion by Selectman Howe seconded by Selectman Chamberlain to accept American Rescue Plan Act funding in the amount of \$90,661.23. Passed 2-0

6:40 pm. Appointment with Building Inspector / Code Enforcement Officer Leo Trudeau to consult on several parcels / inspections.

Building Inspector Trudeau advised the Board Anna Meigs (owner of Map-Lot 230-004-000, off Woodward Road), was in attendance this evening; she has applied for a building permit to construct a new home on her lot. Ms. Meigs has been working with Administrative Assistant Dawn Griska on completing a release of liability for her driveway because the proposed driveway is believed to be located off a private and/or unclassified road.

Selectman Chamberlain raised the concern that the driveway appears to be off an unclassified road that has not been identified on the subdivision plan nor has the

road been correctly laid out on the subdivision plan. Additionally, as the roads on the plan have not been named, there is a concern E-911 has not recorded the roads in their system.

Selectman Chamberlain had Planning Board Vice-Chair Robert Rogers view the subdivision plan to provide a historical prospective on the subdivision. Mr. Rogers stated given the age of the subdivision his input was limited.

Inspector Trudeau questioned if given that Ms. Meigs' property has frontage on Woodward Road, a Class V road, was it possible to issue a driveway permit? Selectman Chamberlain pointed out Ms. Meigs' Class V frontage is approximately 230 feet on Woodward Road and 500 feet is required.

The Board of Selectmen, Road Agent Chase, Administrative Assistant Griska, Inspector Trudeau and T/A Boland had a general discussion regarding Ms. Meigs applying to the Zoning Board of Adjustment (ZBA) for a variance to the frontage requirement along with reviewing RSA 236:13 and RSA 674:41. The Board advised Ms. Meigs that given the subdivision plan does not appear to comply with Lyndeborough's zoning regulations, issuing a driveway permit, which is required to obtain a building permit, is not possible at this time. The Board advised Ms. Meigs she has the option to apply to the ZBA for a variance to the frontage requirement (during the meeting Ms. Griska supplied Ms. Meigs with the Zoning Board of Adjustment application for a variance).

The Board asked Road Agent Chase if he was willing to issue a temporary driveway permit, conditional on Ms. Meigs obtaining a variance to the road frontage requirement. Road Agent Chase stated he would issue a conditional temporary driveway permit. Ms. Meigs completed the application for a temporary driveway permit during the meeting, gave it to Ms. Griska, and thanked the Board and staff for exploring all her options to move the building permit for her new home forward.

Inspector Trudeau asked the Board how he should proceed with additional requests for building permits on other parcels within these subdivisions off Woodward and Beasom Roads that do not have frontage on Class V or VI roads. The Board instructed Inspector Trudeau he is not authorized to issue building permits until such time the concerns the Board have with the subdivisions are resolved.

Selectman Chamberlain directed Inspector Trudeau to provide the Board with all the information he has regarding the subdivisions located off Beasom and Woodward Roads.

IV. Community Forum and Public Comment:

None were raised or presented.

V. Decision Making Actions:

Class VI Road Policy Discussion:

T/A Boland advised the Board the edits they submitted have been incorporated into the draft policy by staff and that the document is now ready to be distributed to the land use boards for their review. T/A Boland will consult with the Chairmen of the Select Board, Planning Board, ZBA, Heritage Commission and Conservation Commission along with Nashua Regional Planning Commission to determine the best date in September to schedule a workshop about this draft policy.

Opening of the Assessing Services Requests for Proposals for 2022 – 2025:

T/A Boland presented the Board with the three proposals received. Selectman Chamberlain opened the bids received from; KRT Appraisal of Haverhill, MA, Granite Hill Municipal of Concord, NH and M & N Assessing of Keene, NH. The Board referred the bids to staff for review, advising they want a report at the next Selectmen's meeting.

a. New Business:**Review of the Town's Cyber Security Plan for the Prime Program:**

T/A Boland presented the Board with a Cyber Security Plan developed by Chief Deware. This plan will provide guidelines for future policies relating to the Town's cyber security efforts, along with fulfilling a component of Primex' Prime Program, which is the property and liability program intended to reduce losses. By the Town participating in this program, it receives a 2.5% discount on the Town's property and liability insurance cost (Primex is the NH Public Risk Management pooled risk organization, of which Lyndeborough is a member).

Vote: Motion by Selectman Howe Seconded by Selectman Chamberlain to adopt the Cyber Security Plan as presented. Passed 2-0

b. Items not on Agenda: None**VI. Town Administrator Report:**

T/A Boland presented the Board with the draft 2020 audit for their review. T/A Boland asked the Board to provide any questions regarding the audit prior to the next meeting on September 8, 2021, as the audit will be on the next agenda for final approval.

T/A Boland presented the Board with the draft 2021 MS-535. T/A Boland asked the Board to provide any questions they have it prior to the next meeting as it will be on the next agenda for final approval.

T/A Boland presented the Board with the first report from Nashua Regional Planning Commission (NRPC) regarding the Road System Management Survey being conducted throughout town. The report identifies the roads in town and their classifications including their length, condition and if they are paved or gravel.

NRPC is now working in consultation with the Road Agent and Board of Selectmen on developing a plan for future maintenance of the road system, which will be finished within the next few months.

Selectman Howe asked Road Agent Chase what the status is of both the Upper Purgatory Falls and Lower Purgatory Falls areas regarding trash. Road Agent Chase stated there has been a big improvement over the last several weeks with only a small amount of trash in the barrels and no littering was observed.

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 Planning Board meeting is September 23, 2021.

d. Heritage Commission

Selectman Chamberlain advised the Board the Heritage Commission's next meeting is Friday.

e. Conservation Commission:

No Report.

VIII. Consent Agenda:

The consent agenda was deferred until after the non-public session.

IX. Information Items Requiring No Discussion:

No items were presented.

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

VOTE: Selectman Howe moved, Selectman Chamberlain seconded to enter a Non-Public Session at 8:43 p.m. under RSA 91-A:3 (c). Roll call: Selectman Chamberlain, yes; Selectmen Howe, yes Motion passed 2-0.

VOTE: Selectman Howe moved, Selectman Chamberlain seconded to rejoin the public session at 9:30 p.m. Roll call: Selectman Chamberlain, yes; Selectman Howe, yes. Motion passed 2-0.

Consent Agenda:

The Board continued with the review of the items on the consent agenda.

Vote: Motion by Selectman Howe seconded by Selectman Chamberlain to accept the Consent Agenda for August 25, 2021. Passed 2-0

XI. Adjournment:

VOTE: Selectman Chamberlain moved, seconded by Selectman Howe to adjourn at 9:47 p.m. Motion passed 2-0.

All scheduled items having been addressed, the public meeting was adjourned at 9:47 p.m.

Next regular meeting: September 8, 2021 at Citizens' Hall at 6:00 p.m.

Russ Boland, Transcriber

Chairman Fred Douglas

Selectman Mark Chamberlain

Selectman Robert Howe

August 25, 2021 Consent Agenda		
Item #	Item Title	Approved
1	AP Warrants – August 12, 18 & August 24, 2021	
2	Payroll Warrant – August 9 through August 22, 2021	
3	VALIC ACH Payroll Warrant -- August 9 through August 22, 2021	
4	Request for Approval of Second SUPPLEMENTAL Intent to Cut Application, ErcoLine (21-279-03T) (232-042-000) – Accessed Via Locust Lane	
5	Request for Approval of 2021 Department of Revenue MS-1 Form (Summary of Inventory Valuation), as Presented, with Execution of Final Signature Page Taking Place Upon Receipt of Final Document from NH Department of Revenue Administration	
6	Board of Selectmen's Public Meeting Minutes – August 11, 2021	
7	Board of Selectmen's Non-Public Meeting Minutes – August 11, 2021, 6:30 pm Session (RSA 91-A:3 II (c))	
8	Board of Selectmen's Non-Public Meeting Minutes – August 11, 2021, 6:38 pm Session (RSA 91-A:3 II (c))	
9	Board of Selectmen's Non-Public Meeting Minutes – August 11, 2021, 7:06 pm Session (RSA 91-A:3 (b))	
10	Board of Selectmen's Non-Public Meeting Minutes – August 11, 2021, 8:37 pm Session (RSA 91-A:3 II (a & c))	