

# LYNDEBOROUGH BOARD OF SELECTMEN

## MEETING MINUTES

### December 1, 2021

*Final*

#### I. **Call to Order:**

Chairman Fred 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 and minute taker Kathleen Humphreys

**Public & Media Present:** Jessie Salisbury, Chris Brown, Mrs. Brown, Sharon Dupont, Phil Dupont, Charlie Post, Tom Chrisenton, and Building Inspector/Code Enforcement Officer Leo Trudeau

#### III. **Appointments:**

##### **6:05 pm: Tom and Ginny Chrisenton re: Woodward Road Subdivision Update**

Chairman Douglas proposed a meeting with the property owners and the Chrisenton's and also invited to the meeting will be: Town Engineer Kevin Leonard, T/A Boland, Lyndeborough's Town Counsel Chris Drescher, NRPC Director Jay Minkarah, Planning Board Chairman Charlie Post, and the Building Inspector Leo Trudeau.

Chairman Douglas said there are too many things that have come to light with the preliminary end of this situation and the Board feels they can get it done quicker if they meet. They want to accelerate the process.

Property Owner Phil Dupont asked if there is a list of the issues. T/A Boland handed out a document from the Town Engineer Leonard, Planning Board Chairman Post, Inspector Trudeau and NRPC Director Minkarah, Attorney Drescher outlining concerns with the subdivision.

Tom Chrisenton said that on October 20, 2021, he was provided with a listed of six (6) items. He described their actions to check items off that list. They discussed Anna Meigs driveway concerns and meeting schedules. He is concerned about the wait. Selectman Chamberlain said the issues on October 20, 2021 were E- 911 regulations.

Mr. Chrisenton said they did the suggested improvements from Chief Smith such as putting stones around the pond and so forth. He also addressed the Class VI Road sign and discussed that the road is not maintained.

Chairman Douglas has not visited the properties because he wishes to remain neutral. Phil Dupont encouraged the Board to visit and felt that it makes sense.

Tom Chrisenton described the large box vehicles that transported Steve Brown's house components and how they had access issues on Beasom Road, but not on his private roads. A truck was stuck at the intersection of Beasom Road and Woodward Road. Chairman Douglas asked if he notified the Highway Department to tell them the road was washed out because if they do not know about the problem, they can't fix it. Mr. Chrisenton did not call the Highway Department and said he would have to call them every day with a complaint if that is the policy.

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

Jessie Salisbury asked if the Christmas tree in the Common will be lit this year. She has not heard about Santa Claus' visit yet.

##### **Chris Brown was invited to address the Board:**

Chairman Douglas asked Mr. Brown to recite what happened today relative to the driveway work. Chris Brown said, "I was improving my easement on our land. We were asked to stop doing that work. I believe that you do not have the legal ability to ask me to stop doing that work for the reason I was given, which is I needed a driveway permit. I was lacking erosion control, guess that was it."

Chairman Douglas asked T/A Boland if he got involved. T/A Boland replied, "Yes, I got a call from the Road Agent that the work was being done. He met with Mr. Brown along with the Police Chief and Road Agent. It was his understanding that Mr. Brown had to have an engineered plan as part of the driveway permit. Mr. Brown felt he didn't need it. He was going to put erosion control up. Chairman Douglas asked if there was any further topic of conversation. T/A Boland said Yes, on Tuesday, he received a call from the Road Agent that they were digging a large hole. Mr. Brown was not at the site, but Mr. Tiedeman was doing the work. The Road Agent took photos. The Town consulted with Attorney Drescher. Chairman Douglas asked if Chris Brown worked there today and was informed no.

Chairman Douglas asked if at any time a discussion about an engineering study being done. T/A Boland said, "Yes, at a Selectmen's meeting and via emails."

Chris Brown said, "I don't think I need that to improve my access. I'm improving my easement as it states in my deed".

RSA 236:13 State statute does not state that the driveway must be intended with a residence. The landowner still has to apply for a permit to build a driveway to specification

Chairman Douglas asked Mr. Brown if he knows that RSA. Chris Brown said that is vague and listed the definition for driveways found in various dictionaries and Wikipedia.

Mr. Brown said his easement begins at Locus Lane. Not where I'm working. It is how you are entering a public right-of-way. Chairman Douglas said, "I believe you are correct on that. Would you agree that the State statute is above Wikipedia?" Mr. Brown said, "The Town should be more defined. It leads it up to interpretation. It's clear in my deed." Selectman Chamberlain asked if that is the newest deed?

Chris Brown said he felt he can do anything on that easement without a driveway permit. This was discussed.

Transporting the material off the property, which belongs to the Town was discussed. There is an estimated 650 yards to come out. The quality of the fill was discussed. Some felt it was "junk fill". Mr. Brown was asked to work with the Road Agent on this.

Mr. Brown said, "We are stuck between a rock and a hard place. We have been before this Board a few times over the last year. Mr. Brown asked if he could relocate the easement; it is 30 feet wide and 150 feet long. Mr. Brown stated he can only do what he can do in that easement. No engineering can be done. We are 100% stuck."

Selectman Chamberlain said that he believed they talked about coming out below the concrete pad. Mr. Brown said there is no turning radius. Chairman Douglas asked if it would have been beneficial to talk to this Board if you were going to change your egress. Mr. Brown said he did, but that impacted the Town's land.

Selectman Chamberlain pointed out they are essentially creating a channel and asked where would it go? Mr. Brown answered, 'to the 15" culvert?' Selectman Chamberlain asked if that is adequate? Mr. Brown did not know. Mr. Brown was informed this work can't negatively impact other properties. He said his deed does not say that. The easement belongs to multiple properties. This was discussed. There is a portion of that property that is not owned by Chris Brown.

Mr. Brown was reminded he was asked to have an engineer study for the driveway permit. He felt he does not need to do this. This was debated.

Mr. Brown asked what would happen if he continued, and was told he would be issued a Cease & Desist. Chairman Douglas confirmed a few times that if Chris Brown's intentions are to not stop the work Mr. Brown would be given a Cease & Desist Order and Mr. Brown's answers were that he does not plan to stop and that he was told to ignore the order. Chairman Douglas said he is going with Town Counsel's opinion and wished this could have turned out differently.

**V. Decision Making Actions:**

**a. Old/Tabled Business:**

**Assessing Contract re: Request for Proposal Discussion**

The M&N Assessing Services contract was reviewed by DRA and the town staff. There were some housekeeping changes. Discussed the "not exceed \$15,500 without the approval of the Selectmen." Chairman Douglas read the paragraph about being convicted and they be can terminate. #7 "determination of resignation required 60 days." It was noted that 30 days give him an attempt to correct those reprieves. This language is similar to contracts with other towns. The current contract expires on December 31st.

PRIMEX reviewed the document and suggested to change the amounts of liability insurance from \$1 million to \$2 million. This was discussed and decided to leave it as is.

**VOTE: Selectman Chamberlain moved, Selectman Howe seconded to approve the assessing services contract with M&N Assessing Services, LLC out of Keene, NH from January 1, 2022 – December 31, 2025. Motion passed 3-0.**

**2021 Encumbrances Discussion**

1. Police Vehicle Purchase	\$19,000
2. Police Bullet Proof Vests & Carriers	\$ 2,883
3. Police Computer for 1 police vehicle	\$ 3,318
4. Security Cameras	\$ 5,310
5. Engineering of Center Road Phase II	\$38,262
6. Engineering Glass Factory Road	\$24,500
7. <u>Damaged computer wiring/Rack Storage</u>	<u>\$ 4,500</u>
<b>Total \$97,922.00</b>	

Twin Bridge Services suggested to re-wire the entire building due to the damage. The police vehicle can be left over via a Warrant Article, but the auditors wants it to be transparent and traded in the encumbrances. Chairman Douglas asked for the matrix on every bullet proof vest; dates of purchase and expiration dates so they can be tracked. He asked if the vests are tactical vests that are worn on the outside.

**VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded to authorize T/A Boland to sign the proposals from Twin Bridge Services for updated computer racks at Citizens' Hall, replacement of the mobile tablet for the police cruiser and for a Lyndeborough security camera system. Motion passed 3-0.**

**VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded to authorize the 2021 encumbrances for total of \$97,200.00. Motion passed 3-0.**

#### **2021 Guardrail Installation Discussion**

The guardrail work on Pettingill Hill Road and Center Road was completed today for \$19,256.25. The invoice should be in by the end of the year

**b. New Business:**

No items.

**c. Items not on Agenda:**

No items.

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

The Broadband /Cyber Security Committee is continuing to meet. Currently trucks are stringing fiber wire on Center Road. The Town is working with Consolidated regarding the 68 customers on the other side of the mountain.

The tax bills went out on Monday.

A resident in town donated \$500 to the Police Association and the Fire Department Association. Both departments sent a thank you letter.

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

**a. MACC Base Action & Agenda**

No meeting to report.

**b. Transportation Committee**

No meeting in November.

**c. Planning Board**

Selectman Chamberlain relayed the opinion of the Planning Board should enforce their own decision. It was not well received. It was mentioned that the conditions the Planning Board put on an approval needs to be enforceable by somebody. This is a work in progress. The Public Hearing for Rules of Procedures is continued because a number of comments made on it. The Roads Subcommittee presented a report. It was split into two policies for Class 6 roads and private roads. This will be taken under advisement.

The Boisvert Airsoft application will be on the December agenda. The Chrisenton's will be back for a 5-lot lot line adjustment and their large lot conservation subdivision. Zoning

changes discussion will be continued. The Chairman of the Conservation Commission presented a Wetlands Setback Zoning Amendments. Mark Chamberlain and Ray Humphreys are proposing new language for zoning. Selectman Chamberlain is going to write a campground definition because the State removed that language.

**d. Heritage Commission**

Their next meeting will be in January 2022.

**e. Conservation Commission**

They meet next Thursday. They did not have a November meeting.

Chairman Douglas said this Commission needs to identify the wetlands and basil areas and register that information with the State. He asked if Selectman Chamberlain can remind them of this task.

**VIII. Consent Agenda:**

**VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to accept the Consent Agenda for December 1, 2021. Motion passed 3-0. (see below)**

**IX. Information Items Requiring No Discussion**

Selectman Chamberlain asked Tom Chrisenton if he had an issue with him visiting his property tomorrow with the Town Engineer and Road Agent. Mr. Chrisenton is fine with it.

**X. Non-Public Session:**

None

**XI. Adjournment:**

**VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to adjourn at 7:28 p.m. Motion passed 3-0.**

All scheduled items having been addressed, the public meeting was adjourned at 7:28 p.m.

Next regular meeting: December 15, 2021 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

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

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

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

<b>December 1, 2021 Consent Agenda</b>		
Item #	Item Title	Approved
1	AP Warrants – November 15 & November 28, 2021	Yes
2	Payroll Warrant – November 15 & November 28, 2021	Yes
3	VALIC ACH Payroll Warrant -- November 15 & November 28, 2021	Yes
4	Request for Approval of Purchase Order # 2645 – Hillsboro Ford, Inc. – 2016 Dodge Dump Truck Repairs (\$3,322.77 – Repair Order # 31892 3)	Yes
5	Request to Approve 2021 Administrative Land Use Change Tax (LUCT) Abatement & Execute Abatement Disposition – Boyland & Nantel (Map-Lot 220-017-000)	Yes
6	Request to Approve 2021 Administrative Land Use Change Tax (LUCT) Abatement & Execute Abatement Disposition – Brock (Map-Lot 206-022-000)	Yes
7	Request to Approve 2021 Administrative Land Use Change Tax (LUCT) Abatement & Execute Abatement Disposition – Wowianko (Map-Lot 220-017-001)	Yes
8	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, MacDonald (21-279-07T, Map-Lot (Map-Lot 220-014-000)), Accessed Via Pinnacle Road	Yes
9	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, ErcoLine (21-279-03T, Map-Lot (Map-Lot 232-042-000)), Accessed Via Locust Lane	Yes
10	Board of Selectmen's Public Meeting Minutes – November 17, 2021	Yes
11	Board of Selectmen's Non-Public Meeting Minutes – November 17, 2021 (RSA 91-A:3 II (a & c))	Yes
12	Board of Selectmen's Public Meeting Minutes (Tax Rate Setting) – November 19, 2021	Yes
13	Board of Selectmen's Public Meeting Minutes (Tax Warrant Signing) – November 23, 2021	Yes