

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
June 3, 2020
Final

I. Call to Order:

Chairman Chamberlain called the meeting to order at 6:04 p.m.

II. Introduction of Members Present:

Chairman Mark Chamberlain at Citizens' Hall and Selectman Fred Douglas via phone due to COVID-19. Selectman Richard McQuade arrived at 6:25 p.m. at Citizens' Hall.
Town Administrator Russ Boland and Recorder Kathleen Humphreys

Public Present: Misty Gauthier and Jessie Salisbury

III. Appointments:

6:05pm: Misty Gauthier re: Citizens' Hall Road Parking

Misty Gauthier was before the Board to discuss her disapproval of the policy of No Parking on Citizens' Hall Road. She would like the Board to reconsider the "No Parking" zone signs that are posted in front of her house.

Ms. Gauthier previously wondered if the road could be a One Way but due to RSA 265:37 it is not possible. Therefore, she did a little research on her own and found that there should not have been any parking from the corners up to 20-30 feet. She proposed that the signs say, "No Parking from here to Corner" to free up the parking area in front of Citizens' Hall for Town business and her house for her personal use.

RSA 265:69

(c) Within 20 feet of a crosswalk or intersection.

(d) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control located at the end of a roadway.

Ms. Gauthier suggested a Stop or Yield sign going to Pettingill Hill Road intersection. Chairman Chamberlain added that is currently an "uncontrolled intersection".

Selectman Douglas cited 265:37-b, Avoidance of Lane Blockage, which prohibits parking in the road.

Ms. Gauthier felt the Town would have to put a lot of signs up in Lyndeborough, and in New Hampshire, for this. She has not seen this as a problem in the four-years she has lived here. She stated that cars typically do not park past her driveway plus that she has never seen an emergency vehicle come down Citizens' Hall Road except to go to her house or Citizens' Hall. If they do, they would have to yield at Pettingill Hill Road.

She felt that the only issue was parking at the other end of the street, which make it difficult to pull in from Forest road when cars are parked on the Citizens' Hall Road. She said that cars never park past her driveway (towards Pettingill Hill Road). Jessie Salisbury said she parked down there only once or twice when there was no other parking available.

Ms. Gauthier mentioned that on one occasion, a medical flight helicopter picked up a patient on the field behind Citizens' Hall and felt where her car was parked was not an issue for emergency vehicles.

Ms. Gauthier addressed speeds and said she puts up "Slow Children" signs because it slows people down and when her car parked in front of her house, it also slows people down and they have to slow down a little bit to get by. Selectman Douglas said that is exactly his point on RSA 265-37-b, which reads, "No person shall stop or park their vehicle as to impede or render dangerous the use of the roadway..." Selectman Douglas added, As Misty just said, if she parks there, people have to slow down and go into the opposing lane. That is impeding the flow of traffic. That is against the law."

Ms. Gauthier has concerns for her young children (less than 5-years old) and speeding on the road. Selectman Douglas asked why she is referencing speeding where there is no evidence of that when the speed sign went up. Ms. Gauthier wanted to rebut that and felt the validity of that was suspect because we were under a Stay-at-Home order and people were not rushing to work in the morning. "I live here and I see this all day long. I'm not trying to be argumentative. I'm just saying I have friends coming over to my house and I want them to be able to park in front of my house. If I want to park there and clean my car out..."

Selectman Douglas confirmed that she does not want to use parking area across the street. Ms. Gauthier responded it is not convenient. If the Town is having an event, I don't want to coordinate with the Town, if I want to have 20 or 30 people over to my house as well.

Selectman Douglas asked if the land across from the main entrance to Town Hall is her land. Ms. Gauthier responded it is all hers. Selectman Douglas asked if there is a gate there. Ms. Gauthier said that is not convenient to her front door and it is not considered a driveway. Selectman Douglas asked why the gate is there and she responded it was there when she purchased the house and maybe the former owner, Burton Reynolds, knows. Ms. Gauthier said she could use the lot if she had to. She does not think it is a reasonable request to use the gate and park on her lawn because her children play there and she has a garden. Selectman Douglas noted that there is a trailer parked there. The conversation continued regarding parking in this area.

RSA 265:69 is a State Statute and a sign is not necessary to specify this but in this case the Town did elect to install signage. Selectman Douglas said essentially what she is asking the Town to do is to give her a parking space on the travel portion of the roadway and that is never done.

Ms. Gauthier mentioned she has never parked in front of her house overnight or during the evening. She occasionally parks there when guests are over, or playing outside, or if she is cleaning out her car because it is convenient to get to the front yard. She is upset that no one asked her, as a taxpayer, and as a person directly affected by this that they were talking about these signs. She did not see this on any agenda. She felt this is a minimally travelled road and asked who complained about this being a problem. Discussion continued.

Ms. Gauthier again asked to consider signs that say "No parking to the Corner". Selectman Douglas requested that RSA 265-69, Stopping or Standing and Parking and RSA 265:37-b, Avoidance of Lane Blockage be read into the minutes or attached to the minutes. (*See Attached*)

The Board would like to consult with the Police Chief again and bring Selectman McQuade into the conversation.

Ordinances that were discussed under 265: 265:37-b, Pedestrians' Rights and Duties; 265:60, Speed Limitations: Basic Rule and Maximum Limits; Chapter 265:63, Speed Limitations; and 265:69, Stopping, Standing or Parking.

VOTE: Selectman Douglas moved, Chairman Chamberlain seconded to table this discussion until they bring the Police Chief into the equation, consider Ms. Gauthier's testimony, and update Selectman McQuade on tonight's discussion. Motion passed 2-0. Chairman Chamberlain, yes; Selectman Douglas, yes.

IV. Community Forum and Public Comment:

Jessie Salisbury offered a 3x5 foot flag to the Town or anyone who would like it from her son Alan Salisbury. The Town accepted the flag.

Selectman McQuade arrived at 6:25 p.m.

Decision Making Actions:

Old/Tabled Business:

Purgatory Falls Discussion

T/A Boland informed the Board there have been some parking problems and parking tickets issued. He also added that Wilton has closed Garwin Falls. It has been over-used by people who are trashing the falls as well as continued parking issues.

Chairman Chamberlain asked if Selectman Douglas had a conversation with Peter MacLellan about expanding the parking lot at Purgatory Falls. Selectman Douglas stated he is unsure if the Town should be providing parking. He mentioned that area used to be a gravel pit. Trees have since grown in that area and said it would not take much to push back the trees and grade it. T/A Boland will ask Road Agent Mark Chase to look at the area.

The Board discussed the status of the state parks that are opening up. T/A Boland reminded the Board there was no sunset provision in their motion to close the falls. This discussion will be added to the next agenda.

b. New Business:

2020 First Half Property Tax Bill Update

The tax bills were mailed out. The school has been paid for June and the Mountain Road Bond will be paid next week. T/A Boland wanted to thank the Town employees because they did what they had to do during the budget freeze to keep the town from the position of having to take out a tax anticipated note. He asked the Board to reconsider the budget freeze. After a brief discussion, it was decided to reconsider at the first July meeting. It is not clear how COVID-19 could affect the tax bills.

COVID-19 Relief Fund

The Town filed and verified they received \$2,220.36 from the COVID-19 Relief Fund through April 30. Expenses will be filed through June 30 at the next filing. T/A Boland has not heard back yet from the State regarding the First Responders payment. The Fire Department anticipates a lump sum. The Town will file for reimbursement of taxes for this through the Cares Act.

The Town Clerk's office put in for an additional 16 hours per week. They may need a voter tabulation machine. The Board discussed if there could be a decision soon to allow time to test the machine prior to the September election. Absentee ballot requests have increased.

c. Items not on Agenda:

Selectman Douglas noticed that the area around the Schoen house on Mountain Road is very dusty and asked when was the last time that calcium was used on that section. T/A Boland will ask the Road Agent to look into this matter.

V. Town Administrator Report

The Town is looking for volunteers to update the website.

Goss Park submitted an invoice. Kristen Schwab said the park will be opening and had put together a plan. Selectman Douglas mentioned that some parks in the State will not be opening due to the Governor's requirement. He hopes Goss Park members are aware that out-of-state guests won't be allowed.

The custodian for the Town buildings resigned. There is a card circulating for Angel for her resignation as well as her birthday. A letter of regret and a gift card will be included. T/A Boland has reached out to other cleaning services and the position will be posted.

Chief Deware is putting in for a Life Saving Medal for an officer who assisted a man who had his foot stuck under a log. T/A Boland discussed his heroism and professionalism during the situation.

The question of reopening Town buildings needs to be determined and in what phase. So far, there has been no complaints. They have been able to maintain social distance, the staff wears masks when others are in the office, and sanitize the equipment often. Selectman McQuade suggested that face masks should be mandatory for visitors.

The budget is in good shape. T/A Boland reviewed the figures.

There was an electrical issue at the Fire Station. Half the station is without power and some equipment, such as the refrigerator, was damaged. The problem is possibly the transfer switch. Selectman McQuade mentioned that the generator should be able to run the entire building. PRIMEX has been contacted and photos were taken to document the damage. The cost of a new refrigerator could be about \$1,000, repairs estimated around \$760, and \$265 for the assessment.

VI. Selectmen's Report

a. MACC Base Action & Agenda

There is a meeting on June 28, 2020.

b. Transportation Committee.

There is a meeting next week.

c. Planning Board

They meet on June 18, 2020. Darrell Cooper, request to remove the "no further subdivision" restriction note and Rick Duplease, two-lot subdivision, are on the agenda.

d. Heritage Commission.

The Commission met last week. Bob Howe was appointed to the Commission. They discussed what to do about the historic bricks on the common to preserve them. They will look at cost and options and bring that back to the Board.

e. Safety Complex

No items to discuss.

Consent Agenda:

Tabled until the end of the meeting

VII. Information Items Requiring No Discussion

No items to discuss.

VIII. Non-Public Session RSA 91-A:3 II (a, b & l)

VOTE: Selectman McQuade moved, Selectman Douglas seconded to enter a Non-Public Session at 6:58 p.m. Chairman Chamberlain, yes; Selectman Douglas, yes; and Selectman McQuade, yes. Motion passed on a roll call 3-0.

VOTE: Selectman McQuade moved, Selectman Douglas seconded to exit the Non-Public Session at 7:27 p.m. Chairman Chamberlain, yes; Selectman Douglas, yes; and Selectman McQuade, yes. Motion passed on a roll call 3-0.

Once back in public session the Board provided Selectman McQuade with the information Ms. Gauthier provided during her 6:05 p.m. appointment regarding the posted "No Parking" zone on Citizens' Hall Road. The Board instructed T/A Boland to have Chief Deware formulate an opinion on the topic of parking on Citizens' Hall Road.

VOTE: Selectman McQuade moved, Selectman Douglas seconded to accept the Consent Agenda of June 3, 2020. Chairman Chamberlain, yes; Selectman Douglas, yes; and Selectman McQuade, yes. Motion passed 3-0 on a roll call.

Adjournment:

VOTE: Selectman McQuade moved, Selectman Douglas seconded to adjourn at 7:36 p.m. Motion passed 3-0.

Next regular meeting: **June 17, 2020 at Citizens' Hall at 6:00 p.m.**

Kathleen Humphreys, Transcriber

Chairman Mark Chamberlain_____

Selectman Fred Douglas_____

Selectman Richard McQuade_____

See below for Consent Agenda and attachments:

June 3, 2020 Consent Agenda		
Item #	Item Title	Approved
1	AP Warrants – May 26 & June 2, 2020	Yes
2	Payroll Warrant – May 18 through May 31, 2020	Yes
3	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Whittemore (19-279-07T, Map-Lot 210-018), Accessed Via Mountain Road	Yes
4	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Van Ham (19-279-11T, Map-Lot 226-016), Accessed Via Center Road	Yes
5*	Request for Approval of Intent to Cut Application, Van Ham (20-279-04T) (M-L 226-016) – Accessed Via Center Road	Yes
6	Request for Approval of Intent to Cut Application, Reynolds (20-279-02T) (239-002) – Accessed Via Citizens’ Hall Road	Yes
7	Board of Selectmen’s Public Meeting Minutes – May 20, 2020	Yes
8	Board of Selectmen’s Non Public Meeting Minutes – May 20, 2020	Yes

Item #5 was amended to correct the Timber Operation number after the Consent Agenda was first released.

TITLE XXI MOTOR VEHICLES

CHAPTER 265 RULES OF THE ROAD

Pedestrians' Rights and Duties

Section 265:37-b

265:37-b Avoidance of Lane Blockage. –

- I. No person shall stop or park a vehicle in such manner as to impede or render dangerous the use of the roadway by others except to avoid a collision, at the direction of an authorized official, or in the event of a mechanical breakdown.
- II. In the event of a mechanical breakdown, the hazard flashers of such vehicle shall be activated if so equipped and in working order.
- III. If a vehicle stopped in the roadway is movable and its driver is capable of moving it, the driver shall immediately move the vehicle to the shoulder or to another safe area off of the traveled portion of the roadway.
- IV. A law enforcement officer or the incident commander at an incident involving a fire, collision, or other emergency may order the removal of a vehicle that is impeding emergency operations or impeding expedited restoration of traffic flow at the owner's expense.

Source. 2004, 193:3, eff. Jan. 1, 2005.

TITLE XXI

MOTOR VEHICLES

CHAPTER 265

RULES OF THE ROAD

Stopping, Standing or Parking

Section 265:69

265:69 Stopping, Standing or Parking Prohibited in Specified Places. –

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person, except a person driving an emergency vehicle, shall:

I. Stop, stand or park a vehicle:

- (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (b) On a sidewalk;
- (c) Within an intersection;
- (d) On a crosswalk;
- (e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;
- (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (g) Upon any bridge or other elevated structure upon a way or within a highway tunnel;
- (h) On any railroad tracks;
- (i) At any place where official signs prohibit stopping;
- (j) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88, and the person who qualifies for the plate or placard is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$250 of which 20 percent is payable to the town or city where the violation occurred;
- (k) On any controlled access highway;
- (l) In the area between roadways of a divided highway, including crossovers;
- (m) In or overlapping into any access aisle. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$50 for a first offense and a minimum of \$100 for each subsequent offense.

II. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (a) In front of a public or private driveway;
- (b) Within 15 feet of a fire hydrant;
- (c) Within 20 feet of a crosswalk at an intersection;
- (d) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located

at the side of a roadway;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

(f) At any place where official signs prohibit standing.

III. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing;

(b) At any place where official signs prohibit parking. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

Source. RSA 262-A:71. 1963, 330:1. 1981, 146:1; 284:2, 3; 479:43, 44. 1988, 65:3. 2003, 71:2, eff. Jan. 1, 2004. 2016, 304:3, eff. Jan. 1, 2017.