

**LYNDEBOROUGH BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**January 24, 2024**  
*Final*

**I. Call to Order:**

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

**II. Introduction of Members Present:**

Chairman Mark Chamberlain, Selectman Fred Douglas, and Selectman Robert Howe  
Town Administrator Russ Boland and minute taker Kathleen Humphreys

**Public & Media Present:** Building Inspector/Code Enforcement Officer Leo Trudeau, Road Agent Rick McQuade, Bob Newton, Mike Kaply, Charlie Post, and Jessie Salisbury

**III. Appointments:**

**6:05 p.m.: Road Agent McQuade re: Formation of a Culvert Infrastructure Committee Discussion**

Road Agent McQuade provided a document to the Board and T/A Boland.

The discussion is relative to forming a committee to help with decision making in relation to culverts. The Road Agent can provide information and data. To date, there is a database for about 25 roads in the inventory. There are at least 26 large (36" or greater) culverts in Town. The Road Agent would like to produce a comprehensive list of culverts. The Board discussed culverts and priorities as well as the Herrick Road culvert situation.

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

No comments.

**V. Decision Making Actions:**

**a. Old/Tabled Business:**

**Citizens' Hall Structural Repair Design Proposal Update**

T/A Boland said he spoke with John Turner of TEAM Engineering regarding the inspection.

There was a conversation if the Board would consider an inspection of Center Hall. The topic will be sent to the Heritage Commission for their opinion. They meet this Friday. T/A Boland will forward the information to the Heritage Commission. The possibility of LChip Grants and working with the Preservation Alliance was discussed.

**Private Road and Class VI Road Policy Discussion**

Code Enforcement Officer Leo Trudeau looked at the policy that was printed for him earlier this week by the office staff. He was informed there are two sets and was asked if he reviewed the Planning Board's policy. Chairman Chamberlain will forward the draft.

Mr. Trudeau said he did not see a definition of a private road and felt it's important to be added to the policy.

The Board discussed the policy requiring Releases of Liability when building permits are issued on a Class VI or Private Roads. Some private roads are on private property. Is it legal or necessary? Examples of a shared road were discussed, such as Rose Farm Road, with multiple homes. Leo Trudeau said he counted 27-28 private roads that are referenced on the 2023 NH DOT Nodal Map. It was recognized that the map may not be perfect or have some oversights or omissions.

A definition of private road would be helpful and what constitutes a private road.

Leo Trudeau provided the following information; currently there are seven (7) Class VI public ways with existing residences, for a total of 10 residences. There are Class VI roads without residences. There is ongoing research regarding releases.

NH RSA 676:17 states the penalties of occupying the residences without a Certificate of Occupancy (CO). That situation exists in Town and Mr. Trudeau asked if he should leverage this RSA to move the situation forward.

Mr. Trudeau requested the Board adopt a policy that would include a template for the Release of Liability and template for a Road Maintenance Agreement. Private road property owners should enter into a maintenance agreement or other liability agreement. Every resident of a Class VI road should file a Release of Liability agreement with the Town.

Selectman Douglas asked for the list of Class VI Roads.

Brandy Brook Road (Map-Lot-Sublot 231-001-000); there is a Release of Liability on file that has been recorded with Hillsborough County Registry of Deeds (HCRD Book 9711 - Page 2624), and is in force.

Selectman Douglas said that no portions of Scout Road are Class VI. This was debated.

Chairman Chamberlain said they will continue research for releases that are in place.

Selectman Douglas said he wants to make sure we are not getting into landowner's rights. If you have a driveway a certain distance in, then E 9-1-1 kicks in and it has to be named and labeled as such. Chairman Chamberlain said that is what the Planning Board had an issue with. They could not separate private road and driveway. This does not affect individual driveways or common driveways or common driveways off Class V roads. The Board discussed the New Hampshire definition.

### **2024 Warrant Articles Update**

Mike Kaply was present and provided an updated document for Article 21, Community Power. T/A Boland received a letter from Public Utilities Commission (PUC) today. It was pointed out the Board wanted this text in bold for Article 21, "No obligation to participate but residents must opt out to not participate".

The Department of Revenue greenlighted the Warrant Articles to proceed to Town Meeting.

**VOTE: Selectman Douglas made a motion to go with the latest version of the Community Power language as presented. Selectman Howe seconded the motion. See latest text below. Motion passed 3-0.**

“To see if the Town will vote to adopt the Lyndeborough Community Power Plan, which authorizes the Selectboard to develop and implement Lyndeborough Community Power as described therein (pursuant to RSA 53:E:7). **The program would provide a new default electric supply and a new renewable energy supply options for customers in Lyndeborough.** There is no cost to the Town budget, and no obligation to participate. **Customers can opt out at any time and return to utility default service. The Selectboard recommends this article. Majority vote required.”**

Circuit Rider Jay Minkarah (NRPC) presented a question to the Administration and Town Clerk’s Offices if the Planning Board Warrant Articles #2-10 should include the entire text question. This was discussed. There was a concern that if the entire language is not in the Town Report, that it could be lost or unavailable if needed in the future. Providing a summary and information on the website was discussed. It was noted that the Town Clerk maintains the files after Town Meeting.

**VOTE: Selectman Douglas made a motion, Selectman Howe seconded that Planning Board Warrant Articles #2-10 be put verbatim in the Town Report and on the ballot exactly as the way the Warrant Articles were written. Motion passed 3-0.**

The filing deadline for a Petition Warrant Article is February 6.

**b. New Business:**

**Discussion of the Department of Environmental Services Letter Regarding PFOA Contamination**

The Town was informed we are within 500 feet of a contained well for Perfluorooctanoic Acid (PFOA) and Perfluorooctane sulfonic acid (PFOS).

T/A Boland had a conversation with Derrick Bennet from the Department of Environmental Services (DES). The question was if the Town should pay to have the well water Citizens’ Hall tested, or wait for the State test it. It would be quicker to test at a facility in Milford at the cost of \$465.

Citizens’ Hall (Map-Lot 239-001-000), the Lyndeborough Fire Station (Map-Lot 239-091-000), and the J.A. Tarbell Library (Map-Lot 239-071-000), are all on the same well, which is located at Citizens’ Hall. Currently, the Fire Station has bottled water but the Library does not. The office will suggest the Library use bottled water at this time.

Mr. Bennet informed the Town that it is a widespread problem throughout the state. PFOA is found just about everywhere. People who had a high rating can apply to the State for rebate to help offset the cost of a filtration system. One type of filtration system filters just the drinking water and the filters the entire house.

**VOTE: Selectman Douglas made a motion, Selectman Howe seconded to have the water tested in Milford for the three locations plus to schedule a test from DES. Motion passed 3-0.**

*Charlie Post arrived.*

**c. Items not on Agenda:**

Selectman Douglas mentioned he received an email from our State Representative regarding the two (2) state dams in Lyndeborough and that there is legislation to give the dams back to the Town. One dam is on Cemetery Road by the Fish & Game Club and the other is on Old Temple Road at Touchstone Farm. It was Selectman Douglas' opinion that we don't want to be responsible for taking them over. We can't and don't want to take them over. Chairman Chamberlain said the Board needs to keep away from this and we need to make our State Representative aware of our concern.

**VI. Town Administrator Report**

The Budget Committee will hold a public hearing on January 30, 2024, at 7:00 p.m. at Citizens' Hall. After review and voting on it, the office will be doing the MS-737 then bring the document to the Village Store as a central location for the Budget Committee members to come and sign the document before it is submitted to the State. It must be posted by February 26<sup>th</sup>.

Selectman Douglas asked if we have all the accurate numbers from Wilton regarding the landfill, school, and ambulance. T/A Boland said he does.

Charlie Post advised the Board the School Board cut the operating budget down to 2.3% increase. The teachers' contract will go up 4.2%. Another CIP would cause about a half percent increase over the CIP from last year. The total is about a 7% increase.

Charlie Post said there was a lot of discussion at the school's budget meeting that they propose to retain up to a certain number of funds and not give them back to the towns or put them back into the CIP. Residents at that meeting felt that does not save the town money, it increases the tax rate.

T/A Boland said our budget increase is significantly less than a lot of other communities in the State. We are at 9% while other local communities range from 3% to 20%. Everything in our lives are costing more. Selectman Douglas said his concern is people are trying to put food on their table, gas in the car, and pay taxes.

Selectman Douglas said over the past few years, this Board has always balanced our tax rates on the municipal part of the budget but the State and school budget keeps going up. We have suppressed our budget. That has to stop because we have to get things done. T/A Boland said the municipal tax rate has been pretty steady from 2014-2022.

**VII. Selectmen's Report**

**a. MACC Base Action & Agenda**

T/A Boland attended a meeting on January 17, 2024 and provided calls for service stats. The Fire Department has been on-boarded. It's going well. They have a \$10,000 decrease in the cost of dispatching the Fire Department.

**b. Transportation Committee**

No report.

**c. Planning Board**

The Planning Board met last week. They approved an amendment for a home business for Ralph Porter on Center Road. They held a Public Hearing for their Warrant Articles.

**d. Heritage Commission**

The Commission will meet on Friday.

**e. Conservation Commission**

The Commission will meet on February 8, 2024. They are working on a mission statement and Class VI roads.

**f. Ambulance Advisory Committee**

The Ambulance Director continues to submit quality reports to the Selectmen. The Committee has not held a recent meeting. Chairman Chamberlain asked if there is any more information regarding ambulance staff/EMT's doing details at events for income. He was informed there is no report yet.

**VIII. Consent Agenda:**

**VOTE: Selectman Howe made a motion, Selectman Douglas seconded to accept the Consent Agenda for January 24, 2024 for items 1-4 & 7-8. Motion passed 3-0.**

**IX. Information Items Requiring No Discussion**

None

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

**VOTE: Selectman Douglas made a motion, Selectman Howe seconded to enter into a non-public session at 7:20 p.m. Motion passed 3-0.**

**VOTE: Selectman Howe made a motion, Selectman Douglas seconded to re-enter the public session at 8:10 p.m. Motion passed 3-0.**

**VOTE: Selectman Howe made a motion, Selectman Douglas seconded adjourn at 8:10 p.m. Motion passed 3-0.**

**XI. Adjournment:**

All scheduled items having been addressed, the public meeting was adjourned at 8:10 p.m.

Next regular meeting: February 7, 2024 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Mark Chamberlain \_\_\_\_\_

Selectman Fred Douglas \_\_\_\_\_

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

| Consent Agenda – January 24, 2024 |   |          |
|-----------------------------------|---|----------|
| Item #                            | Item Title  | Approved |
| 1                                 | AP Warrant – January 25, 2023   | Yes      |
| 2                                 | Payroll Warrant – January 8, 2023, through January 21, 2023                                 | Yes      |
| 3                                 | ACH: VALIC & ADP Processing Fee Payroll Warrant – January 8, 2023, through January 21, 2023 | Yes      |
| 4                                 | ACH: NH Dept of Motor Vehicles – January 4, 2024, through January 18, 2024                  | Yes      |
| 5                                 | Board of Selectmen’s Public Meeting Minutes – November 7, 2023                              | Tabled   |
| 6                                 | Board of Selectmen’s Public Meeting Minutes – November 29, 2023                             | Tabled   |
| 7                                 | Board of Selectmen’s Public Meeting Minutes – January 10, 2024                              | Yes      |
| 8                                 | Board of Selectmen’s Non-Public Meeting Minutes RSA 91-A:3 II (a & b) – January 10, 2024    | Yes      |