

LYNDEBOROUGH BOARD OF SELECTMEN MEETING MINUTES

August 23, 2023

Approved

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: Jessie Salisbury, Building Inspector/Code Enforcement Officer
Leo Trudeau, Bob Newton, Ellen Martin, Paul Hebert, Dawn Griska, Sandy Morgrage-
Cranshaw, Hugh Meadows, Lisa Post, Road Agent Rick McQuade, assessor David
Marazoff, Temple Forest Monastery Management Administrators Ajahn Jayanto and Ajahn
Anando

III. **Appointments:**

**6:05 p.m.: Record Digitization Proposal (Sandy Morgrage-Cranshaw, Vital Records
Control)**

Sandy Morgrage-Cranshaw was present.

Ms. Morgrage-Cranshaw provided a detailed presentation of the program and answered
questions. The program is not police compliant yet, but they are working on that.

Review questions:

- Two-person delete verification and find a way to have a secondary approval to delete documents.
- The ability to record an outside user's information. For example, how to record a name before they access files.
- Personal responsibility disclosure. An example is the disclosure at the Registry of Deeds.

Selectman Douglas asked if they could put a scanner in the office which can be accessed with a valid ID. Ms. Morgrage-Cranshaw said most IDs have a bar code and they could get a scanner. The process can't be on Image Silo and it would have to be on the front end before their company does the work.

Chairman Chamberlain asked, if we are getting more digital data, can you update it into the files, following the same procedure if it's indexed properly? The answer is the company will train the Town staff utilizing software, you put it in the scanner and index.

Paul Hebert asked about using bar codes on documents and in reference to the number of pages for the particular document(s). Chairman Chamberlain asked about indexing.

Sandy Mortgage-Cranshaw said she will provide the answers to T/A Boland and thanked the Board for their time. She left at 6:56.

7:00 p.m.: Map 235, Lot 7 - Number of Unregistered Vehicles (Hugh Meadows)

Hugh Meadows was present.

Mr. Meadows was in to discuss the large number of unregistered vehicles on his property (235-007-000). He owns the former campground, which is 19.4 acres located on Purgatory Falls Road in Lyndeborough (he owns additional acreage in Mont Vernon that abuts his Lyndeborough parcel).

Mr. Meadows said he is retired and plans to repair/restore and sell many of the vehicles. He provided details of the work he is doing to upgrade the property and future plans.

Selectman Howe asked Mr. Meadows if he is aware of the vehicle limit restrictions, and he replied he was not aware of any limits. He plans to restore the campsites. Chairman Chamberlain provided the information that the Town does not allow campsites in town. Mr. Meadows said it's "Wally Meadows" and he operates one small platform campsite which provides water and a restroom facility.

Mr. Meadows invited Code Enforcement Officer Leo Trudeau to visit the property next Thursday at 1:00 p.m.

Chairman Chamberlain asked the Code Enforcement Officer if he has seen the tent site. Mr. Trudeau responded they have one tent set-up but also witnessed two other tents being used by the campers. Mr. Meadows confirmed the campers pitched other tents due to space needs.

Mr. Trudeau asked if he could address a few questions to Mr. Meadows. He asked if any of those vehicles were there when you bought the property. Mr. Meadows pause then said, "I don't think so". He has owned the property for eight-years. Mr. Trudeau showed photos he took two-years ago that showed a lot of vehicles on the property along with a lot of vegetation that has grown up around the vehicles. There are many different types of vehicles from public service vehicles, campers, RVs to general vehicles. Mr. Trudeau explained the regulations regarding how many unregistered vehicles are allowed. Mr. Meadows was concerned many vehicles would not get an inspection sticker. Leo Trudeau added that automobile graveyards are prohibited. Mr. Meadows said almost every vehicle will start up.

Leo Trudeau showed a photograph from September 27, 2021 and asked if any of the vehicles have since been removed or are they still there. Mr. Meadow said he sold the Toyota, but most are still there. Zoning Regulation regarding junkyards and automobile graveyard was discussed. Mr. Meadow said it's not a graveyard, those are precious. He has about 10 registered vehicles and he and his son are fixing them up. He will consider registering other vehicles and register some as farm vehicles. He was unaware that the State law allows only one (1) unregistered vehicle while the town allows two (2) unregistered vehicles on a property.

Selectman Douglas asked Mr. Meadows if he was willing to have the Code Enforcement Officer go to his property for inventory on which vehicles are registered and which are not. The aerial photo may be outdated. Mr. Meadow asked is that the law and Selectman

Douglas wanted to know if he was willing to work with the Code Enforcement Officer, so they don't have to take other action at this time related to more than two unregistered vehicles. Mr. Meadows asked for some time. He was directed to talk with the Town Administrator by this Friday at the latest with his decision if he will grant permission for the Code Enforcement Officer to enter the property to conduct a vehicle inventory. Mr. Meadow said he will register them and get back to T/A Boland. He was instructed to register the vehicles or get them off the property. He was reminded about the Friday deadline.

Mr. Meadows asked if there is any way to change the law. He was informed he can go to the State for next year's legislative session.

Mr. Meadows was handed the 2019 aerial photograph then left at 7:25 p.m.

IV. Community Forum and Public Comment:

During tonight's meeting the Board received a report of a culvert problem on Center Road near 1292 Center Road, which is between Herrick and Emory Roads. The Road Agent and State DPW are on the scene. The road is closed. The Road Closure policy was followed. The information was posted on the Town website.

V. Decision Making Actions:

a. Old/Tabled Business:

Citizens' Hall

The Board discussed an engineering study for the Citizens' Hall chimney. John Turner of Team Engineering out of Amherst quoted \$3,000. There is \$4,500 left in the maintenance budget for this building. The Board is aware of the emergency situation and realizes the chimney needs to be removed so they prefer an estimate to remove the chimney. This topic will be discussed at the next Heritage Commission meeting. The Board of Selectmen would like to invite the Heritage Commission to their next meeting. The engineering study was tabled.

Chair of the Budget Committee Karen Grybko requested an engineering study for Center Hall regarding concerns the ceiling is sagging more than usual, and this building is rented to the community.

Community Day Update

Community Day is this Sunday, August 27 from 10:00 a.m. – 2:00 p.m.

Community Power Update.

The Committee is working on getting the survey flyer out. They meet Monday night.

b. New Business:

Mountain Road Residential Drainage Discussion

The Road Agent is handling the culvert emergency/road closure and is not present.

c. Items not on Agenda:

Nothing

VI. Town Administrator Report

The Employee Appreciation Cookout will have about 25 guests and a budget of \$500.

T/A Boland will not be available for the next scheduled Selectmen's meeting on Sept. 6th. The Board discussed skipping the meeting if there are no pressing agenda items.

The Wilton T/A will keep Lyndeborough informed regarding future meetings to discuss hiring a School Resource Officer (SRO).

The Fire Department is investigating moving to MACC Base for their communication needs in light of concerns with KMA (Keene Mutual Aid). They have not been responsive to problems. Radio testing was done.

Land Use Change Policy. The Board was asked to review the policy so it can be discussed and possibly approved at a later meeting.

The Emergency Operation Grant of \$4,000 was preliminarily approved by the State. This can be discussed at the September 20, 2023 or the October 1, 2023 meeting. Since the grant is under \$5,000 it does not need to be noticed as a public hearing, RSA 31:95-b.

VII. Selectmen's Report

a. MACC Base Action & Agenda

T/A Boland attended the last meeting. They talked about consoles for the dispatch center.

b. Transportation Committee

No meeting this month.

c. Planning Board

At the last meeting the Board explained the process to accept a road to the residents on the newly named private drive, Gregory Lane. The resident chose not to pursue the process.

d. Heritage Commission

Their next meeting will be Friday.

e. Conservation Commission

The Commission approved expending the funds to Piscataquog Land Conservancy towards the purchase of the Rose Mountain property (Map-Lot 209-002-000), at a Public Hearing. Selectman Douglas reminded them to monitor the property to keep wheeled vehicles off the property.

f. Ambulance.

No new meeting.

VIII. Consent Agenda:

VOTE: Selectman Douglas made a motion, Selectman Howe seconded to accept the Consent Agenda for August 23, 2023. Motion passed 3-0.

Appointments Continued

8:00 p.m.: Recommendation of Religious Exemption Application Denial Reconsideration – Jetavana Temple Forest Monastery (Map-Lot 229-003-000) – Monastic Community (Assessor David Marazoff)

Temple Forest Monastery Management Administrators Ajahn Jayanto, and Ajahn Anando were present. Assessor David Marazoff was present.

David Marazoff consulted with Attorney Tom Hannah, representing the Monastery, regarding the religious exemption. The points that Mr. Hannah made from the literature he read were of government and religion to try to determine the ways that religions choose to work on their faith, it is not for the government to decide. Although we can say, there is 200 acres for the forest monks to enjoy their faith, his point is we are not to say whether it's 100, 10 or 5,000 acres and if it is utilized for that religious purpose, it is irrelevant. It's Current Use and that is irrelevant to the use. It is relevant for the town to receive money from taxation. This is not a large tax bill. This is the situation after reading Tom Hannah's points, but it was not very strong. In terms of litigation, testing religious beliefs does not hold up well in Superior Court. If you are asking me if it should be exempted or not, I think it's a matter for the Board to decide. Could this be tested, yes. The Board should weigh in on their own gut on this. If it is litigated, it could be a long road.

Selectman Howe referenced Mr. Hannah's last paragraph which describes what the RSA says. He said he believes it qualifies for the tax exemption and will support it.

David Marazoff added, the bone of contention is "occupied". That is the different interpretation.

Selectman Douglas asked Mr. Marazoff for his professional opinion, if the Board denies the exemption and it went to court how does he think it will go and if it's right or wrong. Mr. Douglas felt the "use was thin". A key point of the requirement is it is occupied but they say they use it sparingly and not much in the winter. Mr. Marazoff felt it is contentious and some colleagues agree with him. He said the Town had merit to deny it if they choose.

Selectman Douglas asked if they would be willing to split the evaluation and settle on half vs whole. They felt it was like paying "half taxes" and added in Temple, NH, they gave a sizeable donation to the Town. It's not the money, it's the principal.

Dave Marazoff said in fairness to the community and residents, when we exempt something, the rest of the community picks up the cost. He asked if it is possible for their community to take a pass this year. You look to your future next year as you occupy the areas to use in its totality. It seems very thin at this time.

Ajahn Jayanto said they are using it 100s of times. "We don't have structures. Today there are three people up there. We want it to be used for the forest. What would the measure be?" D. Marazoff replied, "Maybe structures". Ajahn Jayanto added, one of the reasons why it's very valuable to us as a community is because it's wild. We don't have the "goodies" up there. The animals have moved away. We are using it as it should be. If we built structures, it would take away its use to be in the wild.

The discussion continued and Ajahn Jayanto said they are willing to give a donation. Chairman Chamberlain noted they did this in Temple, and the donation matched the tax abated.

Administrative Assistant Dawn Griska said, "You mention today there are three people in the woods. Do you keep a log for safety?" Ajahn Jayanto replied, "No, we have whistles and air horns." D. Griska suggested maybe you should, and you can show the use on an annual basis. They are willing to work on that but said it may be difficult.

Chairman Chamberlain said after listening to you describe what you do, I'm persuaded it is a religious use. I would be in favor of the exemption and appreciate the donation.

VOTE: Chairman Chamberlain made a motion to grant a religious exemption for Jetavana Temple Forest for the 2023 tax period. Selectman Howe seconded the motion. Motion passed 2-1-0. Selectman Douglas voted no, Selectman Howe and Chairman Chamberlain voted yes.

The monks thanked the Selectman and said they will be bringing a donation check by in lieu of taxes.

Chairman Chamberlain asked the Assessor Marazoff about land use change taxes. He has a few to give to the office. He suggested working on the A5s to complete the process.

The Board discussed gathering a discovery timeline of the work at the Dutton Road property owned by Strasburg relative to that properties LUCT.

Relative to the culvert problem on Center Road, Selectman Douglas recommended Matthewson Trucking be informed of the road closure and present alternative truck routes. There are roads and bridges in town they do not want the 10-wheelers to go over in order to protect those roads.

Road Agent Rick McQuade arrived at 8:38 p.m.

Road Agent Rick McQuade said the State DPW arrived on Center Road at the culvert failure. They closed that portion of Center Road at Herrick Road and just before Emory Road. He was just about to send an email to inform MACC Base. He said the culvert dropped six inches. He will be onsite tomorrow and look for the Matterson trucks. The Road Agent asked for and received permission to post Herrick Road and Dutton Road to a 6-ton weight limit.

A resident on Mountain Road reported a concern regarding a house on Mountain Road who uses a sump pump from his basement. The water is running onto Mountain Road, causing problems, especially in the winter with ice build-up. The Board discussed solutions. The problem is in the Town's right-of-way. The Road Agent will talk with the property owner. Any damage should be paid for by the resident.

The Road Agent will meet again with the owners of 405 Mountain Road regarding their driveway and regulations. Gravel from their driveway has been washing into the roadway. He was giving a waiver from the sight distance but not from other requirements. The Code Enforcement Office said the resident has changed their house design and are no longer doing a pre-fab house. He plans to build a garage with an apartment over it then an attached home in the future. As part of their agreement with the Planning from the sight distance regulations, the resident is also expected to pay for a Blind Driveway sign and one of the driveways was permanently blocked off. Mr. Trudeau will provide the contact information to the office.

DPW Purchase of Roadside Blower Discussion

The purchase of a roadside blower was before the Budget Committee and at that time they felt it was better to rent vs purchase the equipment.

Road Agent McQuade said he noticed how cumbersome it is to grade the roads and explained the prep and work process. What he is doing now with four DPW workers, the blower, truck, backhoe, and a rake he would be able to accomplish with better quality work using one employee and the blower equaling less time and gas. It will be more efficient. The blower is also used at the cemeteries.

Three quotes were obtained. The budget was discussed and where to find the funds.

VOTE: Selectman Howe made a motion, Chairman Chamberlain seconded, to recommend we authorize the Road Agent to purchase the blower quoted on by Tyler's of Antrim, NH, not to exceed \$11,500. Motion passed 2-1-0. Selectman Douglas voted no, with all due respect.

The Road Agent discussed slip lining the Cemetery Road culverts. Contractor Jeff Hubbard from Maine inspected them and felt they are solid enough shape to do that. Baldwin Hill Road culvert has started to fail, it is not a candidate to be slip lined. They are looking into the status of other culverts such as on Johnsons Corner Road. The Road Agent will coordinate with Jeff Hubbard regarding the scope of the project. There is \$39,000 in the bridge aid/culvert line and it's limited to this type of work.

C. Items Not on the Agenda

9:23p.m.: Rep. Lisa Post re: Prior Approval Town of Septic Systems

Rep. Lisa Post was present to discuss the septic system permitting program for towns called Prior Approval. She has been researching how this works and referenced a letter from Dawn Buker.

Leo Trudeau read a paragraph that said, "Ordinance created and voted on by the Town". The Board can do this procedure with a public hearing.

The process is the septic designer reaches out to the town with the design. The town reviews to approve, amendment or deny the plan, which then goes back to designer then it goes back to DES. Email correspondence follows. Some towns have assistants who handle this for code enforcement.

Lisa Post also referenced a process for road complaints, particularly sediment runoff concerns regarding the ongoing logging operation on French Road. It was suggested to have the attorney and Code Enforcement Officer file a complaint with the NHDES Complaint Department that provide the road agent's information and photos of the road. There is a complaint department for wetlands and shoreland concerns.

Lisa Post discussed legislation for Current Use. A meeting is scheduled in Concord for a listening session on Friday from 10:00am – 1:00pm. They are also working on veteran exemption and she mentioned the elderly exemption.

Getting assessors on board with the tax process for purchases after April 2nd was discussed so the new property owner does pay their taxes the initial year.

IX. Information Items Requiring No Discussion

None

X. Non-Public Session RSA 91-A:3 II (c)
VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to enter a non-public session at 9:44 p.m. Motion passed 3-0.

VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to re-enter the public session at 10:16 p.m. Motion passed 3-0.

VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded adjourn at 10:16 p.m. Motion passed 3-0.

XI. Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 10:16 p.m.

Next regular meeting: September 20, 2023 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

After discussing the September 6, 2023, Selectmen's meeting with Chairman Chamberlain it was decided to cancel the meeting. The Chairman retains the option of calling a meeting prior to September 20, 2023, in the event something comes up that needs action.

Chairman Mark Chamberlain _____

Selectman Fred Douglas _____

Selectman Robert Howe _____

Audio file will be given to the Town Office per request of Board of Selectmen, file 230823-0030

Consent Agenda – August 23, 2023		
Item #	Item Title	Approved
1	AP Warrants – August 15 & August 22, 2023	Yes
2	Payroll Warrant – August 7, 2023, through August 20, 2023	Yes
3	VALIC ACH Payroll Warrant – August 7, 2023, through August 20, 2023	Yes
4	Request for Approval of Purchase Order # 3021 – Advanced Excavating & Paving – Johnson Corner & Center Road (\$165,543.59 – Inv. # 22338)	Yes
5	Request for Approval & Execution of 2023 Department of Revenue Administration Form MS-535 (Financial Report of the Budget)	Yes
6	Board of Selectmen's Public Meeting Minutes – August 9, 2023	Yes