

LYNDEBOROUGH BOARD OF SELECTMEN

MEETING MINUTES

October 4, 2023

Approved

I. Call to Order:

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

II. Introduction of Members Present:

Chairman Mark Chamberlain and Selectman Robert Howe

Selectman Douglas was excused

Town Administrator Russ Boland and minute taker Kathleen Humphreys

Public & Media Present: Jessie Salisbury, Rep. Lisa Post, Building Inspector/Code Enforcement Officer Leo Trudeau, Helen Thompson, and Bob Newton

III. Appointments:

6:05 p.m.: State Representative Lisa Post re: High Speed Internet Grant

Rep. Lisa Post stated, I would like to remind this Board that the Town of Lyndeborough entered into a partnership with Comcast and Lyndeborough to fund the deployment of Broadband in underserved area of North Lyndeborough.

The Broadband Committee worked with several Internet Service Providers and Comcast was the only company that was able to provide services in a timely manner. Speaking as the Chair of the Broadband Committee and State Representative, I confirmed with Mark LaLiberte, Business Development Manager, as well as, Matthew Conserva, Broadband Program Manager of the Department of Business and Economic Affairs, over the course of time that the program was setting rules, that the Town of Lyndeborough was eligible to receive Federal funds through a grant and anticipated that when the State created the Broadband Matching Grant Initiative (BMGI) program and that the parties would seek reimbursement for eligible expenses when the rules were finalized. However, it was over a year from May 2022 that the rules were finalized and the BMGI was officially adopted on August 30, 2023 by the State of New Hampshire.

VOTE: Selectman Howe made a motion, Chairman Chamberlain seconded, to support Comcast's application to Business and Economic Affairs for the Broadband Matching Grant Initiative as the town's preferred Internet Service Provider partner, and to seek reimbursement up to the maximum 75% allowed by the Broadband Matching Grant Initiative program rules. I further make the motion that the town finds that Comcast is technically, managerially, and financially capable of fulfilling the obligations of the grant request and maintaining the network built with these funds. We affirm the vote taken on May 18, 2020, which states;

Vote: Selectman Chamberlain made a motion, Selectman Howe seconded to authorize Town Administrator Russ Boland to sign the Cable Television Franchise Agreement between the Town of Lyndeborough, NH and COMCAST of Connecticut/Georgia/Mass/NH/NY/NC/Virginia and Vermont, LLC, dated May 18, 2022. Additionally, to authorize Town Administrator

Russ Boland to sign the agreement for provisions of Cable Television and Broadband Internet Service, dated May 18, 2022, between the Town of Lyndeborough, NH and COMCAST, in the amount of, as cited in Section 3 payment, One Hundred Thousand Dollars (\$100,000.00). Motion passed 3-0. Further, this agreement was concluded after speaking with a number of internet providers including Consolidated Communications (the provider in the affected area), TDS and finding only COMCAST was able to complete the needed upgrades for the underserved population of 68 households in a timely and cost-effective manner. Passed 2-0.

T/A Boland said we paid for this with American Rescue Plan Act money. The project was finished in 2022. We had to wait, and they held it for us because of the grant.

Community Forum and Public Comment:

Jessie Salisbury asked if the Board was going to discuss this afternoon's email from Administrative Assistant Griska.

J. Salisbury brought up the topic that an abutter (Map-Lot 231-010-000), to the stone bridge on Old Temple Road is having problems with people trespassing and rowdy people on the bridge. They are missing items out of their barn and addressed that with the local police. They are asking us for help.

Selectman Howe said the signs are up. There is more activity there so people are accessing the bridge. His opinion was to consider signage.

Jessie Salisbury said the first thing the town should do is figure out the width of the town road, that was not done when the new bridge was constructed. Then build a path from the parking area, northern side of abutment of the embankment to the bridge so have access to the bridge from that end.

Chairman Chamberlain said the town will have to monitor the bridge now.

Leo Trudeau said the property owner expressed concern with people going to the brook for their safety but to be able to have access to look at the bridge and stay on the pavement. There are liability issues to be aware of especially if people go under the arches and into the brook.

Jessie Salisbury said the property owner has every right to post their property but people have every right to visit the bridge because it's town property. The property line needs to be defined.

Action item: Administrative Assistant Dawn Griska will draft a response letter to the property owner and Chairman Chamberlain will review it.

Chairman Chamberlain asked if we have those bridge plans from when the bridge was rebuilt. Jessie Salisbury said there was so much confusion on where it was built or not built and where it was supposed to be.

Bob Newton had a complaint about the recent grading road work on Old Temple Road and felt the work tore up the gravel road. It was in good condition last spring with embedded stones and said this work was a waste of money because in his opinion it was not needed. His property gets a lot of water runoff due to the hill. Chairman Chamberlain will consult with the Road Agent.

Decision Making Actions:

a. Old/Tabled Business:

Consideration of Zoning Board of Adjustment (ZBA) Recommendation to issue a Cease & Desist Order (Map 231, Lot 29)

The Board of Selectmen are in receipt of a letter from the ZBA recommending the Selectmen consider issuing a Cease & Desist for Sweet Brier Farm at 53 Old Temple Road owned by Kevin & Helen Thomson for booking over three (3) guests. The property owners were asked to have appointment with the three health safety departments and were advised to remove all activities from social media.

Helen Thompson provided a list of Sweet Brier Farm B&B bookings for the rest of 2023. She added, they are not over three guests and that is what we committed to do to keep it three or under. We found out where the rest of the notations for events were listed online that were buried in VRBO and removed them. We have to add one more thing that says if you want to book with us go to Aribnb and VRBO.

The Board was informed that Deputy State Fire Marshall Mitch Cady, Building Inspector/Code Enforcement Officer Leo Trudeau, Health Officer Donnie Cole and LFD member Arnie Byam did a walk-through inspection of the building. The Fire Marshall hopes to have a letter to the ZBA by the October 11, 2023 hearing continuation.

Selectman Chamberlain asked if there were any items after the inspection that would prevent them from operating. Building Inspector/Code Enforcement Officer Leo Trudeau said that deficiencies were found. He listed a few items that included guard rails, hand rails for the guest entrance to the porch, height and width of railings, egress window sizes in the sleeping rooms. It will all be noted in his upcoming report.

The parties should share their reports. T/A Boland spoke with the Fire Chief and Health Officer who will expedite the reports.

It was noted there are fire safety code issues.

VOTE: Chairman Chamberlain made a motion to order a Cease & Desist for Sweet Brier Farms B&B for any booking over three (3) guests until their application for the Special Exception has been completed. Selectman Howe seconded the motion. Motion passed 2-0.

Community Power Update

The survey flyer will be sent out on Friday and future meetings are scheduled.

Citizens' Hall Maintenance Engineering Contract Discussion

T/A Boland had a conversation with John Turner from Team Engineer regarding a more intensive inspection. The next step would cost an additional \$5,000. It was agreed to do the preliminary study and see if the building is settling then move forward if necessary. T/A Boland will talk with Phil Brooks who was involved in the Citizens' Hall (Map-Lot 239-001-000), renovation project.

VOTE: Selectman Howe moved to authorize T/A Boland to enter into the agreement with Mr. Turner from Team Engineer to perform a study of Citizens' Hall in the amount of \$3,000. Chairman Chamberlain seconded. Motion passed 2-0.

Mountain Road Residential Drainage

A plan to install trenches to help alleviate the water issue at 837 Mountain Road (Map-Lot 207-029-000), is in the works. The DPW will mark the area, call dig safe, then dig a trench 3-4 feet. The property owner will dig up the pipe and run it down the road and shall ensure the pipe drains into a small pond on his property. It was discussed to have documentation that the property owner is allowed to put private drainage in the town ROW. The property is next to Nichols Road and across from Osgood Road.

VOTE: Chairman Chamberlain moved to permit Stephen & Shaun Diatolevi of 837 Mountain Road M/L 207-029-000 to install a drainpipe along within the right-of-way (ROW) to alleviate the problem with road washouts and the work to be approved by the Road Agent. Selectman Howe seconded the motion. Motion passed 2-0.

Land Use Change Tax Policy Review

Chairman Chamberlain said he reviewed the policy and he will red pen the document. It is all based on assessor timeline and not based on when the construction starts. This will be tabled. There is a meeting next Wednesday at 10:00 a.m. with the assessor. The Selectmen are welcomed to attend.

2024 Digitization Project Discussion

T/A Boland asked if the Selectmen want to move forward with the project. The cost is about \$60,000. (about 25 cents on the taxes).

The Board discussed looking at the Unreserved Fund Balance and having a Warrant Article ready if needed.

Road Salt Bid 2023-2024

Eastern Mineral is matching the bid. The Highway Department uses approximately 600 tons of salt annually.

VOTE Selectman Howe made a motion to sign an agreement with Eastern Mineral Incorporated for the 2023-2024 Bulk Salt at \$84/ton at an estimated 600 tons. Chairman Chamberlain seconded the motion. Motion passed 2-0.

b. New Business:

Discussion of Amending Documents & Other References related to Departmental Name Change (Highway Department to Dept. of Public Works), including Snow Removal Ordinance 2014-#1

It was agreed to leave it as Highway Department in the ordinance and other existing occurrences, and it will be updated case by case in the future.

NRPC Local Emergency Operations Plan Update Agreement

Sent minutes to Shiela, after accepting the consent agenda. There is an agreement with NPPC to move forward with the update of the LEOP for \$4,000.

VOTE: Selectman Howe moved to authorize T/A Boland to enter into an agreement with NRPC for the Emergency Operation Plan Update for \$4,000. Selectman Chamberlain seconded the motion. Motion passed 2-0.

Potential Change of Emergency Notification System

VOTE: Chairman Chamberlain made a motion to notify NH ENS that we will go with the Genasys option for the Town's emergency alerts. Selectman Howe second the motion. Motion passed 2-0.

Purchase Order #61042 – All Traffic Solutions, Inc. – Electric Speed Signs (\$9,719.00 – Highway Safety Grant #24-110, Quote # Q-77203)

VOTE: Selectman Howe made motion, Chairman Chamberlain seconded to approve purchase order #61042 to have the town purchase two (2) from All Traffic Solutions for electronic speed signs with a matching 75/25 grant to be paid in full by the town and to be reimbursed by the grantor of \$9,719.00 in which 75% will be paid. Motion passed 2-0.

Official 2023 Halloween Hours Declaration

October 31 from 6:00pm-8:00pm was agreed upon. The Halloween Parade from LCS will be at 12:15pm on October 31st. Shifts are covered with two police cruisers/staff.

VOTE: Selectman Howe made a motion, Chairman Chamberlain seconded to set the 2023 Halloween hours on October 31 from 6:00pm-8:00pm. Motion passed 2-0.

c. Items not on Agenda:

The Board wants to congratulate Ambulance Assistant Chief Michael Hutchinson for receiving an award. They were notified in an email dated Sept. 25, 2023. The award is the Connor Honor by the Dept. of Safety Division of Fire Standards & Training Emergency Medical Services Committee of Merit.

Chairman Chamberlain suggested the Town contact Richard Herfurth to inquire if he is interested in the position of Town Forester.

IV. Town Administrator Report

The Fire Department transition to MACC Base Communication Center is going well. Wilton will send a letter of agreement they would like \$3,000 per year for antenna upkeep. The Town is currently paying \$1,570 for Police Department services but this will be a total of \$3,000 for three departments: Fire Department, DWP, and Police Department.

The agreement with MACC Base and be discussed at the October 18, 2023 Selectmen's meeting in Lyndeborough. The transition is tentatively scheduled to go into effect on December 6, 2023.

The department heads and the Board were informed that the budget review is set for Friday, October 27, 2023 at 1:00 p.m. at Citizens' Hall.

The Budget Committee will hold their first meeting of this budget season on November 7th at Citizens' Hall. The first order of business will be to elect officials. The Committee will meet on Tuesdays, on the off-nights of the School Budget Committee.

Selectman Chamberlain asked if Wilton has set their meetings yet. T/A Boland said he consulted with Wilton and they have not scheduled the joint meeting yet.

On Wednesday, October 11th Russ Boland, Dawn Griska, and the contractor assessor will be meeting at 10:00 a.m. at the town office.

V. Selectmen's Report

a. MACC Base Action & Agenda

Covered above.

b. Transportation Committee

They met next Wednesday.

c. Planning Board

The next meeting is in two weeks. Touch Stone Farms (Map-Lot 230-016-000), attended the last meeting for a conceptual plan. They purchased an abutting lot (Map-Lot 230-017-000), and plan to build dorms there and not by the dam as previously discussed.

d. Heritage Commission

At the last meeting they discussed approving the engineer contract for the chimney inspection at Citizens' Hall (Map-Lot 239-001-000). Phil Brooks should be part of the conversation. They are looking into work for Center Hall (Map-Lot 221-004-000), and integrating it with a LCHIP grant. The Heritage and Historic District Commission held consecutive meetings.

e. Conservation Commission

There is a meeting next Thursday.

f. Ambulance Advisory Committee

No meeting have been held recently but the reports from the director are outstanding.

VI. Consent Agenda:

VOTE: Selectman Howe made a motion, Chairman Chamberlain seconded to accept the Consent Agenda for October 4, 2023. Motion passed 2-0. (see below)

VII. Information Items Requiring No Discussion

None

VIII. Non-Public Session RSA 91-A:3 II (a, c, I)

VOTE: Selectman Howe made a motion, Chairman Chamberlain seconded to go into a non-public session at 7:44 p.m. Motion passed 2-0.

VOTE: Selectman Howe made a motion, Chairman Chamberlain seconded to come out of the non-public session at 8:37 p.m. Motion passed 2-0.

Once back in public session the Board reviewed the budget to date noting at 75% of the year the budget is 71% spent. The revenues at 75% of the year show a collection rate of 84%. The Board remarked that the budget appears to be in good shape, but we all need to remain vigilant.

VOTE: Selectman Howe made a motion, Chairman Chamberlain seconded adjourn at 8:42 p.m. Motion passed 2-0.

IX. Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 0:00 p.m.

Next regular meeting: October 18, 2023 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Mark Chamberlain _____

Selectman Fred Douglas _____

Selectman Robert Howe _____

Consent Agenda – October 4, 2023		
Item #	Item Title	Approved
1	AP Warrants – September 27 & October 3, 2023	Yes
2	Payroll Warrant – September 18, 2023, through October 1, 2023	Yes
3	VALIC ACH Payroll Warrant – September 18, 2023, through October 1, 2023	Yes
4	Request for Approval of Purchase Order # 61042 – All Traffic Solutions, Inc. – Electronic Speed Signs (\$9,719.00 – Highway Safety Grant # 24-110, Quote # Q-77203)	Yes
5	Request for Approval of Purchase Order # 3057 – Advanced Paving – Paving Salisbury Road (\$20,050.23 – Inv. # 22492)	Yes
6	Request for Approval of Purchase Order # 3041 – Tyler's Small Engine – Windstorm Blower (\$11,373.85 – Inv. # 85909)	Yes
7	Request to Approve Nashua Regional Planning (NRPC) Local Emergency Operations Plan Update Agreement - 2023	Yes
8	Request for Approval of Intent to Cut Application, Rota (23-279-05T) (214-006-000, 221-008-000, 221-010-000, 221-012-000, & 221-013-000) – Accessed Via New Road	Yes
9	Request for Approval of Intent to Cut Application, Sheridan (23-279-06T) (226-009-000) – Accessed Via Winn Road	Yes
10	Board of Selectmen's Public Meeting Minutes – September 20, 2023	Yes
11	Board of Selectmen's Non-Public Meeting Minutes RSA 91-A:3 II (a, c, & I) – September 20, 2023	Yes