

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
February 22, 2023
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, Walter Holland, Building Inspector/Code Enforcement Officer Leo Trudeau, Road Agent Rick McQuade, William Anderson, Ginny Chrisenton, and Tom Chrisenton

III. Appointments:

6:05 p.m. Public Hearing to Consider the Inclusion of Keno Question on 2023 Ballot (per RSA 248:41 through 51)

Chairman Fred Douglas reviewed the process that led to the proposed Warrant Article.

William E Anderson, 328 Winn Road, asked where the money is going especially as he understands it that 28% of the receipts goes to education and he wanted clarification if the money goes to a general education fund or any specific designation of Keno or part of the education system. This Board did not have an answer but can investigate it. T/A Boland announced that the lottery executive direction will be at Town Meeting and he should be able to answer the question then. Mr. Anderson asked if there has been action by other municipalities that approved Keno for their towns and are there any towns that have not approved Keno. He was informed that locally the Towns of Wilton, Greenfield, Swanzey and Milford have Keno. Selectman Chamberlain said he has not heard of any town that turned Keno down when it came up.

VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded to close the Public Hearing at 6:12 p.m. Motion passed 3-0.

6:12pm appointment: Town Meeting/Town Election Discussion with Walter Holland

T/A Boland provide Town Moderator Walter Holland with a script for Town Meeting.

Burton Reynolds will address Article 11 and give an overview of the entire CIP concept and program. T/A Boland will explain why they are changing the article for the Warrants that are housekeeping related (#10 and 15). T/A Boland will speak to #20. A designee from the Heritage Commission will address #21.

The Moderator was made aware that during the opening rules he would need to grant the voice without vote status to T/A Boland, Finance Director Paul Hebert and the Keno representative from subsection 0.

Committee Chairperson Karen Grybko will give an overview for Article 9, the Budget.

Members felt the Village Store has always been very generous to the Town.

The portable toilets will arrive the Monday before Town Meeting. The walkways will be shoveled, and the sound system will be set-up. The Board reminded Town Moderator Holland to ask for help setting up the room for election and Town Meeting.

The idea of having an assistant moderator was discussed. Both the current Town Moderator and Tax Collector are willing to help their successors with the next election.

Walter Holland showed the Selectmen an old copy of the 1894 Lyndeborough Annual Report. He reviewed some of the interesting status such as the Town Moderator J.A. Woodward was paid \$3.00. The Selectmen received \$93.00 for their work. The Town had 118 pupils and the cost was \$10.98 to educate each pupil. Now the cost is \$27,300 per student. The Town had \$284,000 in livestock and mills.

Budget Presentation

A resident presented the idea of incorporating charts to help clarify information for Town Meeting and provided examples. T/A Boland asked if the Board would like to use the charts, either in the report or as a handout. Board members were agreeable to have T/A Boland set-up another meeting with this resident.

Posting of Warrant and MS-737

Upon approval tonight, the MS-737 will be posted tomorrow.

Chairman Douglas said it is his understanding that the maximum allowable appropriation would be \$2,882,402. T/A Boland confirmed that is the 10% limit governed by RSA 32 in which voters cannot expend more than 10% of what the Budget Committee recommended. The budget is \$2,486,615, which the Selectmen agree with, which is inclusive of operating budget and Warrant Articles.

Chairman Douglas asked if there was any comment or discussion. No comments.

VOTE: Selectman Chamberlain moved, Selectman Howe seconded to accept the MS-737 as printed with those particular numbers. Motion passed 3-0.

T/A Boland asked for a motion to accept the Warrant Articles as printed. Chairman Douglas asked if the Board members are aware of everything in the package and if there are any questions or discussion. The Board reviewed the documents.

Chairman Douglas asked if before we take a vote, is there any comment in reference to the 2023 Town Warrant proposal. Resident Tom Christensen said, "Yes".

Thomas Chrisenton, of 12 Western Way, addressed the Board and moved to the table.

Tom Chrisenton said, "I assume you have Article 4 on the Warrant before you." Chairman Douglas confirmed its Zoning Amendment of Table of Dimensional Requirements and confirmed they do have the document. T. Chrisenton looked at their document and said, "No that is not it, the Planning Board has it as Amendment 4, and it's the one before that." Mark Chamberlain read the title of Article 5, Are you in Favor of the adoption of Amendment 4 as proposed by the Planning Board. T. Chrisenton said that is wetlands.

T. Chrisenton said, "We have a copy of the minutes approved by the Planning Board, this morning, and read ***Section 1000.01 District Boundaries: The Wetlands District encompasses all areas identified and delineated on the National Wetlands Inventory (NWI) layer available on the NHGRANIT website, or in a plan approved by the Planning Board.*** This is what the Board approved and agreed for the amendment. The problem is they did not have this (*showed a document*). That was not the language that was submitted by Trish Schultz on the 7th of February. The language was changed".

Chairman Douglas addressed Mr. Chrisenton and asked if that was his only dispute. The answer was yes.

Chairman Douglas said, "According to the documentation that we have from town counsel and Mr. Minkarah, we are on solid ground going forward". Mr. Chrisenton asked, "Are going to include that reference?" Mr. Douglas responded, "No". Mr. Chrisenton said, "The Planning Board approved, that was the only thing they approved. They did not approve the..." Chairman Douglas said, "Mr. Chrisenton, town counsel and Mr. Minkarah said we are on solid ground. We are not changing anything. Unless the other two Board members want to weigh-in on this".

Selectman Chamberlain said, "I reviewed this from my notes of meetings, and this is what we approved". T. Chrisenton responded, "Ya. Which is different from the language that was submitted to Trish Schultz on the 7th of February."

T/A Boland said, "It is my understanding that this language you see before you was the language that was submitted to her on the 7th of February". Mr. Chrisenton said, "I have the copy of the language submitted to me on February 7th and it is not the language that the Planning Board approved. So, somebody is wrong".

Selectman Chamberlain asked to see that document and Mr. Chrisenton showed it to him.

T. Chrisenton said, "This is what was submitted to Town Clerk on the 7th of February, which is different than the language here that the Planning Board approved".

Selectman Chamberlain looked at the document and said, "This was part of the agenda for that meeting". T. Chrisenton said, "Exactly, that was before the amendment were made". Selectman Chamberlain said, "That is correct". Tom Chrisenton said, "That is what was filed with the Town Clerk."

Selectman Chamberlain asked T/A Boland, "Do you know where Trish got this?" T/A Boland said, "From Dawn (Administrative Assistant Griska) and it is what should be before you right now."

Selectman Chamberlain said, "No it shouldn't be. Because this was in the agenda for the Planning Board's Public Hearing, and we reworked some of the language to make it clearer. We did not change the intent. We changed some of the wording to make it work. So that is why this would be somewhat different".

Tom Chrisenton said, "But that is a significant change that makes it was very clear what the ordinance says. The filing from Trish (Schultz) was very, very obscure and you could not interpret it properly. The Planning Board corrected that language and that was the language that should have been submitted."

Chairman Douglas said, "Town Administrator, what is our position on this as a result of legal and Minkarah?"

T/A Boland replied, "Legal and Nashua Regional Planning said the language that was submitted to your right now is what... T. Chrisenton asked, "What is the language?" T/A Boland said, "What you have before you Mr. Chrisenton, I just gave to the Board and that should be the same language? Mr. Chrisenton said, "No it isn't". T/A Boland asked Mr. Chrisenton if he could see the document and it was handed to him. T. Chrisenton said, "That was the official copy approved by the Planning Board and we received a copy of it this morning. I agree, that is what was on the tape recording of the meeting".

Chairman Douglas said, "That is what you are saying, but you have nothing in writing to prove that. That is verbiage coming from you, but there is nothing in writing." Mr. Chrisenton said, "No. It is right in here of January 9th (2023) final minutes of the Planning Board." T/A Boland confirmed if these are the minutes and T. Chrisenton said, "Yes". T/A Boland asked, "What was submitted to Trish? Those were the minutes he showed me." T. Chrisenton handed a document of what Trish gave him. T/A Boland said that it was this question that was submitted. T. Chrisenton said, "What was submitted to Trish is what I gave you. What Trish gave me." *Document was reviewed.*

Selectman Chamberlain asked, "What day did you pick that up?" T. Chrisenton said, "We picked that up on the 8th of February. I sent a letter to Trish on February 9th. I can give a copy of the correspondence I have with Trish. I believe she copied you on that too Russ."

T/A Boland looked at the documents and said, "I don't know Tom, for me for a quick overview, it looks like what they have before them. How does it differ?" T. Chrisenton said, "No" and showed him how they differed. *They reviewed the document together.* T/A Boland said, "What I have for now as the Board is what Trish had, right? T. Chrisenton said, "1000.01 was the change..." T/A Boland said, "The district boundaries" and Tom Chrisenton agreed. T/A Boland asked, "What Trish got was different, how, than this?" T. Chrisenton said, "I think it is same, yes" then added, "This is wrong". T/A Boland added, "So this is what we established, that you think this is wrong?" T. Chrisenton said, "The Planning Board approved..." T/A Boland said, "What I'm trying to establish here is what I have given the Board is the same as what Trish got there". T. Chrisenton said, "That was what was filed with the Town Clerk." T/A Boland confirmed this is what was filed with the Town Clerk and added, "What you have Board is the same as what was..." Chairman Douglas confirmed, "So it is the same?". T/A Boland said, "Correct." Tom Chrisenton said, "But it is wrong." Chairman Douglas said, "But the opinion of Nashua Regional Planning and Town Counsel is what?" T/A Boland answered, "That it is correct." T. Chrisenton said, "The Planning Board approved that document that I gave you. It was approved by the Planning Board, which is different from the plan that was presented to Trish." T/A Boland asked if they wanted it read.

Chairman Douglas asked Mr. Chrisenton if he wanted to say anything else. T. Chrisenton said, "It had to be officially filed with the Town Clerk by February 7th or 8th and this is what was filed, which is incorrect". Selectman Chamberlain asked, "What is the purpose of this?". T. Chrisenton said, "The purpose is the language you adopted, the Planning Board, is the correct language, but that didn't get to Trish". Selectman Chamberlain said, "So a mistake was made in the paperwork?" T. Chrisenton said, "The original document of the Planning Board to review, was this copy. But the Planning Board made amendments

before it was adopted. They adopted it with these amendments, and these are different. These are the official adopted rules by the Planning Board. Not the draft submitted to the Planning Board.” M. Chamberlain said, “That exact thing is in the Warrant, I’m looking at the Warrant right now”. T. Chrisenton said, “That is the problem, that is the same exact thing that Trish had. What the Planning Board did was the exact document that was voted on.”

M. Chamberlain asked what the change was and T. Chrisenton said, “1000.01 on this document, which was the original document (*looking through papers*) and what the Planning Board did was the original document, that was not voted on by the Planning Board, but was submitted to Trish. ‘The wetlands district encompasses all areas identified and dedicated as poorly, no (crossed out) on a national wetlands inventory layout available on NHGRANITE website’. That is where they changed it. All the rest of the paragraph they deleted and they included this language here (showed 1000.01).”

Chairman Douglas said he has two documents in front of him, dated today. One to Russ, the Town Administrator, from Jay Minkarah at 10:20 a.m. ‘I will defer to Chris but I believe we already address this question, but my view would be no Mr. Chrisenton does not have a point’. The other one came on today’s date, at 11:41 a.m. from Attorney Drescher to Russ, ‘Sorry, was at a meeting when you tried to call. I have reviewed what was sent and there is nothing new or remarkable about Mr. Chrisenton’s comments, as of such, my position has not changed, and he still has no point or argument’.

Tom Chrisenton said, “But the official minutes reflect...I don’t know what was submitted to him. What was submitted to Mr. Drescher?”

Chairman Douglas said, “I’m not going to sit here and argue about it. If you have an issue with it you can take it up with...” T. Chrisenton, said, “I have no issue. All I can say is what was approved by the Planning Board is different than this document”. Chairman Douglas said, “What I’m telling you is what legal and Minkarah said. Anything else sir? Relative to the Warrant is there any question about this at this point.”

Chairman Douglas asked T/A Boland, “Do you want to vote on this Warrant?” T/A Boland said yes, the whole Warrant, so it can signed off on, there is a signature page”.

VOTE: Selectman Howe moved, Selectman Chamberlain seconded to approve the 2023 Town Warrants as printed. Motion passed 3-0.

T. Chrisenton asked for a copy of the Warrant Articles. Chairman Douglas requested he put that request in writing to the Town Office.

6:53 PM. Road Agent McQuade re: Postings Seasonal Road Weight Limits

The Road Agent addressed the recent warm weather and the impact on roads. He wants to get ahead of road conditions to salvage the roads. Under RSA 231 and RSA 191 he will post the weight limit for certain roads and remove the postings as the roads dry up.

VOTE Selectman Chamberlain moved, Selectman Howe seconded to authorize the Road Agent to post Seasonal Road Weight Limits on the roads as necessary in his judgment to maintain the integrity of the roads. Motion passed 3-0.

Chairman Douglas asked if the Lyndeborough Police will enforce this. It was mentioned there is a resident that parks a school bus from another school district on Osgood Road, and this will be enforced.

Chairman Douglas asked about the new battery that was replaced on the sweeper for \$18 and was told there was no battery in unit. The department salvaged the sweeper which was not being used and put the battery in to make sure the hydraulics work. Chairman Douglas also asked about the wiring harness repairs and felt the vendor's bill was incomplete. The Road Agent plans to reach out to request a better breakdown of the services.

Chairman Douglas asked Road Agent McQuade about the salt done this morning along the bus route in North Lyndeborough and over the mountain that had two salt lines. Road Agent McQuade explained the way the trucks are designed impacted that. They are plowing and salting at the same time and the salt does not go into the other lane, so they treat both lanes separately. He added that you would notice the salt was heavy, which was a pre-treat for tonight's storm and the intersections had little more salt. Chairman Douglas asked if the trucks can't do down the middle of the road and salt both. Road Agent McQuade said when it is just salt, yes, but when its plowing, no. The salt budget was discussed.

Community Forum and Public Comment:

Jessie Salisbury said they changed the historic exhibits in the cases on the second floor of Citizens' Hall. They are looking for assistance with this project. Leo Trudeau, Bob Howe and Kathleen Humphreys expressed interest in helping with the displays.

Decision Making Actions:

Old/Tabled Business:

None

b. New Business:

None

c. Items not on Agenda:

Nothing

IV. Town Administrator Report

Road Agent McQuade filed a report on the floor repairs at Center Hall. The effort of the Highway Department, along with technical assistance from the Code Enforcement Officer, saved the Town a lot of money.

The new phone system is operational and staff is doing well with the learning curve. The new system delivers voicemail messages via email. As a side notation, it was advised that it is important that staff remain vigilant to cyber threats.

V. Selectmen's Report

a. MACC Base Action & Agenda

MACC Base met last week and will meet next week. They are going over the personnel manual. Chairman Douglas mentioned that MACC Base was shut down for two hours last week due to problems.

b. Transportation Committee

CMAQ The Scoring Committee was cancelled because the State found other funding.

Chairman Douglas said he attended a meeting at the fire department and the NH DOT was there. They outlined a 10-year plan for the Rt. 101 Bypass. Chairman Douglas said that NH DOT was not aware the rumble strips and reflectors were not installed. Chairman Douglas will communicate via email and attend future meetings. Chamberlain said there will be a presentation at NPRC on the second Wednesday.

c. Planning Board

The Board met last week and approved a B&B in a one-unit ADU on Bullard Lane and approved a home business for a mobile repair diesel service on Center Road. If this business outgrows the space, they need to go back to the Planning Board. There was a permit for the new steel garage.

d. Heritage Commission

The Commission will meet on Friday night.

e. Conservation Commission

The Commission will meet next month. They plan to develop a hand-out to be presented at Town Meeting regarding their mission statement as they look for new members. Member John Pomer will address Warrant Article 5 at Town Meeting.

f. Ambulance Advisory Committee

The overview for the ambulance was presented and provided detailed. Lyndeborough's volume is up. Greenfield's volume is down because Crotched Mountain Rehab Center is closed at this time.

VI. Consent Agenda:

VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to accept the Consent Agenda for items #1-7 for February 23, 2023. Motion passed 3-0.

VII. Information Items Requiring No Discussion

None

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

VOTE Selectman Howe moved to go into non-public session at 7:19 p.m. Selectman Chamberlain seconded. Motion passed 3-0.

VOTE Selectman Howe moved to go reenter the public session at 8:49 p.m. Selectman Chamberlain seconded. Motion passed 3-0.

VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded adjourn at 8:49 p.m. Motion passed 3-0.

IX. Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 8:49 p.m.

Next regular meeting: March 8, 2023 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Fred Douglas _____

Selectman Mark Chamberlain _____

Selectman Robert Howe _____

Consent Agenda – February 22, 2023		
Item #	Item Title	Approved
1	AP Warrants – February 14 & 21, 2023	Yes
2	Payroll Warrant – February 6, 2023, through February 19, 2023	Yes
3	VALIC ACH Payroll Warrant – February 6, 2023, through February 19, 2023	Yes
4	Request for Approval of Purchase Order # 2926 – HM Fleet Services – 10-Wheeler Repairs (\$3,295,032 – Inv. # 247)	Yes
5	Board of Selectmen's Public Meeting Minutes – September 9, 2021	Yes
6	Board of Selectmen's Public Meeting Minutes – January 26, 2023	Yes
7	Board of Selectmen's Non-Public Meeting Minutes RSA 91-A:3 II (a) – January 26, 2023	Yes