

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
May 31, 2023
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, Selectman Bob Howe
Town Administrator Russ Boland

Public & Media Present: Jessie Salisbury, Ashley Saari, James Preftakes, Leo Trudeau, Karen Grybko, Robert Hayden, Attorney Thomas Quinn, Mike Decubellis, William Crouse, Sam Ingram, Scott Cornelius

III. Appointments:

6:05 p.m.: Police Chief Deware: Police Grant Discussion

The Board and Chief Deware reviewed a Department of Safety Grant that would fund extra patrols and the purchase of electronic speed signs. The extra patrols would concentrate on speeding vehicles, DWI / distracted driving along with seat belt safety.

The grant would cover 75% of the cost and the Town would fund the remaining 25%. The extra patrols total cost is \$6,250, the grant covers \$5,000 and the Town covers \$1,250. The Board and Chief Deware discussed the possible purchase of an electronic speed sign trailer, but ultimately decided purchasing two stationary electronic solar powered speed signs for Route 31 would be a better decision. The approximate cost for the stationary signs is \$9,000 with the grant paying \$6,750 and the Town paying \$2,250.

Chief Deware advised the Board the part time officers would be asked to fill the extra patrols first, but if no part time officers are available, Chief Deware would fill the shifts. This requires the Board to sign off on Chief Deware working at a time and a half rate when filling these details.

Vote: Motion by Selectman Douglas seconded by Selectman Howe to allow Chairman Chamberlain to sign the required document to allow Chief Deware to work the extra patrols at a rate of time and a half, after all the part time officer refuse the detail or are unavailable to work. Passed 3-0

Vote: Motion by Selectman Douglas seconded by Selectman Howe to allow Chief Deware to proceed with the filing of the Enforcement Patrols and Equipment Grant with the New Hampshire Department of Safety. Passed 3-0

Chief Deware and the Board reviewed an email from MHQ regarding the possible purchase of a new cruiser in 2024. All agreed the language makes purchasing the new vehicle contingent on the approval of the 2024 Town Meeting.

6:20 pm: Fire Truck Purchasing Study Committee Report:

Chairman Chamberlain, who served as the committee's Chairman, reviewed the charge of the committee. Two meetings were held to examine the needs of the department and how they relate to both new and used fire trucks. The committee also examined the concept of leasing vehicles and concluded saving and purchasing the vehicles in full is the most cost-effective program.

Resident Jim Preftakes stated the recent purchase of the used 1997 fire truck to replace the 1994 fire truck, which had an unexpected failure, was very fortunate and may be hard to duplicate. Capital Improvement Committee Member Karen Grybko agreed the committee did good work and the conclusion was to continue to save as if the purchase of replacement vehicle will be new, but prior to purchasing a new replacement vehicle the Fire Department should examine the used market to see if there is an acceptable used vehicle that would meet the needs of the Town.

Selectman Douglas and Howe thanked all the committee members for their dedication and hard work reviewing the purchasing options for fire apparatus.

6:40 pm: Community Power Discussion

Chairman Chamberlain recognized Robert Hayden of Standard Power to come forward and join the Board. The Board and Mr. Hayden, who is a resident of Lyndeborough, discussed the concept of community power and the municipalities that have adopted the program, e.g., Wilton, New Boston, Derry, Swanzey and Keene. Mr. Hayden stated smaller communities, such as Lyndeborough, would be grouped with other smaller communities to provide a cost savings by purchasing 100 million kilowatts. The cost savings is found on the supply side of the bill and would have no effect on the delivery side of the bill, which would still be administered by Eversource. Mr. Hayden emphasized there would be no change in maintenance / emergency work to the power grid as Eversource retains that function.

Selectman Douglas stated Mr. Hayden had covered many good aspects of the program, and asked what are the negatives? Mr. Hayden stated this is a very good question, there is a possibility the Eversource rate for supply could go below the current rate Standard Power is offering, but at that point the customers could opt out of the program and return to Eversource. Additionally, there is no cost to the Town to move forward with exploring the Community Power option as Standard Power will assume all costs for the committee and presentation of the question to Town Meeting.

The Board and Mr. Hayden reviewed the process for Lyndeborough to become a Community Power community, which includes signing a Memorandum of Agreement with Standard Power, formation of a citizens committee, and the presentation and approval of the program to the 2024 Town Meeting.

The Board thanked Robert Hayden for the presentation and advised him the Board will discuss the program later in the meeting.

7:00 pm: Request for the Board of Selectmen to Authorize Issuance of a Building Permit Pursuant to RSA 674:41, I (d), Map-Lot-Sublot 225-018-000 off Dutton Road

Chairman Chamberlain recognized Attorney Thomas Quinn, who represents the land owner, to come forward and join the Board. The Board and Attorney Quinn reviewed the Planning Board's recommendations regarding the request. (see attachment) The Board and Attorney Quinn reviewed the plan and easement language.

Building Inspector Trudeau asked if the Board was being asked to approve the building permit or permission to issue a building permit, contingent on the Building Inspector's review and approval or denial. The Board and Attorney Quinn stated this meeting was to have the Board give permission for the Building Inspector to review and possibly issue the permit. Attorney Quinn asked Inspector Trudeau if he planned to deny the permit. Inspector Trudeau stated he had no plan to deny the permit, at this time, as he has not reviewed the application.

Inspector Trudeau also stated the land use boards should have input to any possible easement. Inspector Trudeau asked if any waivers were before the Board. Attorney Quinn and the Board stated the only waiver being discussed tonight is the requirement for a release of liability as described in RSA 674:41.

Chairman Chamberlain stated the easement plan and the liability release needs to be reviewed by the Board after it goes to the Planning Board for a driveway approval. The project Architect Scott Cornelius stated a dedicated water supply with the installation of a dry hydrant for Fire Department use is being considered. Attorney Quinn confirmed they need to go to the Planning Board for review.

Selectman Douglas stated given this is a request for permission to authorize the Building Inspector to review and possibly issue a building permit it was time to move on and not do an in-depth review at this meeting.

Inspector Trudeau discussed the driveway regulations and stated he believes this circumstance should be addressed via an access easement and not a driveway easement. Attorney Quinn stated he does not have a problem with an access easement, at this time, but wants to reserve the right to speak with the Town's Attorney, Chris Drescher.

Vote: Motion by Selectman Douglas seconded by Selectman Howe to approve the authorization to issue a building permit as described in RSA 674:41 for Map-Lot 225-018 with access from Map-Lot 225-017 for a barn, greenhouse and pavilion. Passed 3-0

IV. Community Forum and Public Comment:

Jessie Salisbury advised the 4th grade history tour will be held on June 8, 2023.

Mike Decubellis, a resident of Mountain Road, advised the Board of a logging operation that has started on French Road (on Map-Lots 208-004, 208- 005, & 208-006), which is Class 6, and he has strong concerns that best practices are not being followed. The Board stated the intent cut was signed this evening, so logging operations should not have started.

Mike Decubellis stated previous logging on French Road has resulted in damaged historic stone culverts and overall damage to the road resulting in erosion and detrimental effects on wildlife. Mike Decubellis stated the best time to conduct logging operations to minimize damage is when the ground is frozen. Mr. Decubellis stated a skidder and other vehicles have been driven through streams crossing French Road causing damage to the road and surrounding area.

The Board stated, in order to work on Class 6 roads, a plan needs to be submitted to the Board for review and approval and this has not occurred.

The Board directed T/A Boland to instruct Road Agent McQuade and Chief Deware to contact the Forester, David Buxton, first thing in the morning and advise him to stop operations until all reviews and plans are complete. Further, have R/A McQuade document the condition of the road through photos to include culverts and the road surface condition.

Inspector Trudeau stated he had observed a pole placed at the corner of French Road and Mountain Road. Bill Crouse advised he is a logger and the pole may be there to prop up low hanging wire. Mr. Crouse was in attendance tonight regarding another intent to cut that is coming before the Board.

T/A Boland advised Mr. Crouse to contact R/A McQuade regarding his logging operation on Cram Hill Road to resolve the placement of a temporary driveway or the use of the existing driveway for his logging operation.

V. Decision Making Actions:

a. Old/Tabled Business:

Nepotism Policy Discussion:

T/A Boland reviewed the proposed document with the Board.

Vote: Motion by Selectman Douglas seconded by Selectman Howe to approve the Nepotism Policy as presented and to incorporate it into the personnel policy. Passed 3-0

Volunteer Agreement Update:

T/A Boland advised the Board PRIMEX does not have a volunteer agreement for individuals under 18. PRIMEX advised, given the occurrence is infrequent, to review each case when it develops and have the Town Attorney draft an agreement before the volunteer activity.

The Board and T/A Boland reviewed the Volunteer Agreement from PRIMEX for individuals over 18.

Vote: Motion by Selectman Douglas seconded by Selectman Howe to adopt the Volunteer Agreement supplied by PRIMEX. Passed 3-0

b. New Business:

c. Items not on Agenda:

VI. Town Administrator Report:

T/A Boland advised the Board the Department of Public works has been hard at work grading the dirt roads, mowing and landscaping lawns, and preparing for the 2023 paving projects. The Board agreed the DPW is doing a good job with the roads and cemeteries.

VII. Selectmen's Report

- a. MACC Base Action & Agenda**
No Report
- b. Transportation Committee**
Will meet in two weeks
- c. Planning Board**
Will meet in two weeks
- d. Heritage Commission**
Will meet on Friday
- e. Conservation Commission**
Will meet one week from Thursday
- f. Ambulance Advisory Committee**
T/A Boland advised the next meeting has not been scheduled.

VIII. Consent Agenda:

The Board asked if there was backup for item 6 on the consent agenda, the purchase of a fire department exhaust fan. T/A Boland advised there was no backup. The Board instructed T/A Boland to have Chief Smith supply a backup.

VOTE: Selectman Howe made a motion, Selectman Douglas seconded to accept the Consent Agenda for May 31, 2023, items 1-5, tabling item 6, the Fire Department exhaust fan until additional backup is received. Motion passed 3-0.

Vote: Motion by Selectman Howe seconded by Selectman Douglas to authorize T/A Boland to sign the MOU with Standard Power to proceed with the process to bring the Community Power question to the 2024 Town Meeting. Passed 3-0.

Leo Trudeau advised the Board he would like to volunteer for the Community Power Committee. The Board thanked Leo Trudeau for coming forward and directed T/A Boland to place a call for volunteers to serve on this committee on the website.

IX. Information Items Requiring No Discussion

X. Non-Public Session RSA 91-A:3 II

T/A Boland advised the Board there is no need for a non-public session.

XI. Adjournment:

VOTE: Selectman Douglas made a motion, Selectman Howe seconded to adjourn at 8:32 p.m. Motion passed 3-0.

All scheduled items having been addressed, the public meeting was adjourned at 8:32 p.m.

Next regular meeting: June 14, 2023 at Citizens' Hall at 6:00 p.m.

Russ Boland, Transcriber

Chairman Mark Chamberlain_____

Selectman Fred Douglas _____

Selectman Robert Howe _____

Consent Agenda – May 31, 2023		
Item #	Item Title	Approved
1	AP Warrants – May 23 & May 30, 2023	Yes
2	Payroll Warrant – May 15, 2023, through May 28, 2023	Yes
3	VALIC ACH Payroll Warrant – May 15, 2023, through May 28, 2023	Yes
4	Request for Approval of Intent to Cut Application, Van Ham (23-279-03T) (Map-Lot-Sublot 208-004-000, 208-005-000, & 208-006-000) – Accessed Via French Road	Yes
5	Request for Approval of Intent to Cut Application, Franko (23-279-04T) (Map-Lot-Sublot 238-006-000) – Accessed Via Cram Hill Road	Yes
6	Request for Approval of Purchase Order # 80763 – Fire Tech and Safety – Blow Hard Quikee Fan (\$3,595 – Quote. # 200723)	Tabled

Attachment:



Town of Lyndeborough Office of the Planning Board

9 Citizens' Hall Road
Lyndeborough, New Hampshire 03082

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May 28, 2023

Case 2023-06 Board of Selectman Referral
Map 225, Lot 018-000

Planning Board Response

The Planning Board met on May 18, 2023, to review the referral from the BOS regarding the issuance of building permits on a lot without frontage. This referral is pursuant to RSA 674:41, I(d). Selectman Chamberlain presented to referral to the Planning Board with regards to Map 225, Lot 018-000

The Planning Board, by consensus, has the following concerns and recommendations for the Select Board regarding the issuance of building permits for Map 225, Lot 018-000.

1. There should be a sufficient recorded easement to provide access to the back lot.
2. The Town Attorney should review the release of liability for the town regarding the lot.
3. Request the BOS review the language in the request for construction of other buildings on the property.
4. Review item #4 from the applicant's letter regarding school children with regards to a waiver of municipal liability
5. The Planning Board would like the easement to be adequate in width and quality to meet health and safety standards.
6. Action at this time does not apply to possible further residential structures on Map 225-018 which may require further improvements to access the back lot.

Signed,

Charlie Post

Planning Board Chairman
Lyndeborough, NH

cc: Board of Selectmen
Town Administrator Russ Boland
Code Enforcement Officer/Building Inspector Leo Trudeau
Town Counsel Chris Drescher
NRPC Executive Director Jay Minkarah

2023-05-28 PB to BOS Re Strasburg Back Lot Access M-L 225-018-000.docx