

**LYNDEBOROUGH BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**April 20, 2022**  
*Final*

**I. Call to Order**

Chairman Fred Douglas called the meeting to order at 6:04 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, Brian Christiansen, Lisa Post, Mike Decubellis, Art Napolitano, Geoff Brock, Building Inspector/Code Enforcement Officer Leo Trudeau, Road Agent Rick McQuade and about a dozen other guests

**III. Appointments:**

**6:05 p.m.: Brian Christiansen re: Comcast/Xfinity Discussion**

Brian Christiansen from Comcast handed out a PowerPoint presentation to the Board then reviewed the products and services. A draft Financial Partnership Agreement has been prepared to provide service to about 68 homes in North Lyndeborough. *(see PowerPoint)*

Lisa Post invited Brian Christiansen to meet with the Broadband Committee to discuss extending services to North Lyndeborough.

Chairman Douglas inquired if the price increases with speed increase and asked about response time for storms. He was informed speeds have increased over the years. They have "All hands on deck approach to storms". They are a large company and can pull from other regions to help restore power after a storm. They have a team that addresses storms and a 24/7 call service. The back office monitors the system. Mr. Christiansen estimates Comcast can get this done this in a year once the legal paperwork is done.

Selectman Chamberlain asked if this includes tying right to the house. Mr. Christiansen said, "Yes, every address that Lisa Post and Mike Decubellis provided to us". A few additional houses may need to be added. It was decided that Lisa Post and the committee will do another review to ensure no homes are missed. A map was produced showing the homes that will receive a service update. The cable will be on the pole and available for future owners if the current owner does not want the service.

Geoff Brock confirmed there are four homes on Broman Way, #125 is the last house on road.

Mike Decubellis said it is important to say that the Broadband Committee reached out to all the providers who can bring us broadband. TDS can't do the lines in North Lyndeborough due to a Non-Competitive Communication Law from 1934. They service the other side of Town.

Chairman Douglas asked, "If this contract is signed, how long will it be to get this done?". Mr. Christiansen, said, "The language in in there, 6-8 months".

Questions were taken by guests regarding copper wiring, number of poles, underground service and so forth.

The American Rescue Plan Act (ARPA funds) can be used for homes that don't have broadband or are underserved. The Town applied and received \$181,322 and have received a payment of half the amount so far. The Town would be obligation is \$100,000 for this project and the entire project will cost \$280K,000 with Comcast making up the difference. It was agreed to send the contracts to Town Counsel and PRIMEX for review.

Leo Trudeau asked if this proposal will have an impact on the paving plan. Selectman Chamberlain explained the budget changes that funded the paving plan. The rising cost of paving and materials is a concern which could impact the budget. The cost has increased twice already. Mike Decubellis said he would put up with a bumpy road in exchange for highspeed internet and others agreed and laughed.

A public hearing will be required after signing the agreement. It was agreed to notice a hearing for a month from now. A Public Hearing will take place at the Selectmen's meeting on May 18, 2022.

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

Jessie Salisbury suggested reviewing the stone arch bridges in town, in light of the problem that Wilton is having with their stone bridges. This will be on the Heritage Commissions' next agenda.

#### **V. Decision Making Actions:**

##### **a. Old/Tabled Business:**

##### **2022 Paving Plan Discussion**

A proposal from Advanced Excavation and Paving dated, March 17, 2022 for \$222,077.20 was discussed. T/A Boland spoke to the company yesterday and that price is still valid He explained the paving process and materials.

**VOTE: Selectman Chamberlain made a motion to accept the Advanced Excavation Paving Proposal dated March 17, 2022 in the amount of \$220,077.20. Selectman Howe seconded the motion. Motion passed 3-0.**

##### **Local Equipment Matching Grant Program Discussion**

T/A Boland informed the Board he filed the application.

##### **Authorized Agent Form**

Selectman Chamberlain developed a form that can be utilized by the various Boards and the Code Enforcement Office. It will allow a consistent form that property owners can use to authorize another party to speak on a resident's behalf. It also highlights that the "owner of record is responsible for the applications submitted by the agent".

Selectman Douglas asked where the document goes after. Selectman Chamberlain said it would be filed in the property file in relation to a Planning Board/ZBA case or Code Enforcement case.

**VOTE Selectman Howe made a motion, Chairman Douglas seconded and approve the “Authorized Agent Form” dated April 20, 2022. Motion passed 3-0.**

**Items not on the Agenda:**

Building Inspector/Code Enforcement Officer Leo Trudeau asked the Selectmen to take a vote for Lyndeborough to become a pre-approved septic system town. It would also enable the Town to collect the average \$50 fee. He noted that so far, they missed out on \$2,500 in fees for new inspections. Selectman Chamberlain said he thought that Mr. Trudeau was to contact NHDES for specific language needed for the pre-approval. Chairman Douglas agreed that was his recollection. Mr. Trudeau will follow-up with the State and bring the information back to the Board. Being a pre-approved septic town allows the Code Enforcement Officer to sign off on septic systems before they go to NHDES.

**b. New Business:**

**Municipal Fees Schedule Discussion**

Last week a Planning Board Subcommittee addressed updating the fee schedules. They looked at local towns to see what they are paying, and Selectman Chamberlain produced a matrix, which verified that Lyndeborough's fees are inadequate. The Town is not recouping their costs. Selectman Chamberlain said, “It turns out that everybody is paying for some people to improve their property.” The matrix went two towns out. It can be available by the next meeting for this Board to review.

The ZBA increased their application fee from \$100 to \$200, which is documented in the minutes.

Chairman Douglas asked if the fees are posted on the website. Selectman Chamberlain suggested all fees be consolidated and posted in one location, allowing people to see all fees such as driveway fees, building permits, and board fees. A new subdivision application will list the fees. The sign permit will return to the Planning Board.

Code Enforcement Officer/Building Inspector Leo Trudeau suggested increasing the septic fee to \$75.

**c. Items not on Agenda:**

Nothing

**VI. Town Administrator Report**

Chairman Douglas and T/A Boland attended an Ambulance Advisory Committee meeting yesterday. They will work on the inter-municipal agreement for the next meeting.

The One Ton truck was picked-up and is at the Town Barn. The former road agent will talk with the new road agent in relation to replacing the vehicle. It can be traded-in or sold via an open bidding or on municibid.com.

T/A Boland proposed changing the hours at the town office to close at 3:00 p.m. then dedicate the next hour for staff to complete office work. This is a result of staff having to stay late when residents come in just before 4:00 p.m. The change to the hours will be on Tuesday, Wednesday and Thursday this will be noticed on the website. Residents can make appointments during from 3:00 p.m. to 4:00 p.m. The Board agreed on this action.

The ARPA report is due April 30 and has been filed.

T/A Boland informed the Board they need to appoint Selectmen's Rep. Alternates to Planning Board & Budget Committee.

**VOTE: Selectman Chamberlain moved to appoint Chairman Fred Douglas as an Alternate Selectmen's Representative to the Planning Board. Selectman Howe seconded the motion. Motion passed 3-0.**

**VOTE: Selectman Howe moved to appoint Selectman Chamberlain as an Alternate Selectmen's Representative to the Budget Committee. Chairman Douglas seconded the motion. Motion passed 3-0.**

### **New Road Agent**

The new Road Agent Rick McQuade was sworn-in by Chairman Douglas.

### **New Planning Board Members**

Selectman Chamberlain will swear-in the new Planning Board members at the next meeting. They are Ray Humphreys who will be moving from an alternate to a full member, member Mark Schultz and alternate Alyssa Lavoie.

### **Other Business:**

Code Enforcement Officer Leo Trudeau wanted to address junk yards in town. He provided a handout that highlights a few RSAs that included 230:112 and 236:114. They address unregistered vehicles and licenses for junk yards as well as language that junk yards need to be 660 feet from a road and a limit of 500 feet of junk without having a license.

Residents have made complaints about a junk yard at the end of Winn Road. Mr. Trudeau tried to contact the owner, who is in Florida now, and left a few voice messages that included if he does not hear from him by the weekend, the Town will issue a Cease & Desist order. A woman is living at the house now but is not the owner. This location clearly does not qualify for a license because it's too close to the road.

Mark Chamberlain asked Mr. Trudeau to include in the letter to the Winn Road property owner Town Zoning Regulation 407.00 relative to Automobile Graveyards is not permitted in all zoning. They are currently in violation of zoning.

A discussion if 400 square feet of junk is allowed. The State statute is 500 square feet. Mr. Trudeau said he can do a site visit to measure and document the area.

Chairman Douglas said a document is available on the NH Municipal page relative to junk yards. The two-page report was written by an attorney and talks about how this law came about and enforcement actions. Chairman Douglas pointed out paragraph 3 and said this is a situation where the municipality has to be very careful. Mr. Trudeau said in order to establish a violation you have to give a time and date for a visit and if the property owner denies the request, a search warrant is the next step.

Chairman Douglas also pointed out that residents can ask for a reduction in their taxes because of property depreciation of their homes due to an unsightly abutting junk yard.

The Winn Road property has about 12-14 unregistered vehicles on site. State statute allows two (2) unregistered vehicles.

Selectman Howe read an RSA relative to a nuisance and if neighbors complain then it is a nuisance. If a complainer is unhappy with how the town is handling a case, they can take their own legal action.

Mr. Trudeau was instructed to document with photos from the road, and submit a write-up. If there is no response by the end of the month, to bring a Cease & Desist order to the Selectmen for them to sign and send via certified mail. Mr. Trudeau can ask Chief Deware for assistance with the RSAs.

## **VII. Selectmen's Report**

### **a. MACC Base Action & Agenda**

Next meeting is April 25.

### **b. Transportation Committee**

A meeting was held last Wednesday. They presented a safety analysis on Rt. 101 and a concept on what to do will be developed.

The Chief Transportation Planner is retiring plus they lost a few other employees.

Wilton is getting an RSMS study. The Town needs their copy of the RSMS study that was conducted last year for the new road agent to review.

### **c. Planning Board**

For the April 21 meeting the Planning Board will hear the Lot Line Adjustment from the previous meeting. A new application was submitted for a Conservation Subdivision and a Lot Line Adjustment. They will discuss which category is appropriate. Pam Holt submitted an application for a two-lot subdivision on Putnam Hill Road.

### **d. Heritage Commission**

The Commission will meet in May

### **e. Conservation Commission**

They held a meeting last week. They reviewed the district mapping and are updating the language. They hope to have a report to the Planning board by the fall. They discussed trails, accessibility, easements and the Wapack Trails.

Chairman Douglas is concerned the Commission has not addressed the wetlands and basal area especially in light of previous logging violations in town.

## **VIII. Consent Agenda:**

**VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to accept the Consent Agenda, with the exception of Item #22, for April 20, 2022. Motion passed 3-0.**

**VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded to accept and seal the non-public minutes of the first non-public session during the April 6, 2022 Selectmen's meeting. Motion passed 3-0.**

The Board discussed a recent meeting in relation to the ambulance.

**Public Hearing for Comcast Agreement**

**VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to set a Public Hearing to start at 6:05 p.m. on May 18, 2022 to address the Comcast agreement. Motion passed 3-0.**

The Board discussed making plans to recognize outgoing Road Agent Mark Chase for his time as road agent and his service to the Town possibly on April 28<sup>th</sup>.

**IX. Information Items Requiring No Discussion**

None

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

**VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded to go into a Non-Public Session at 8:42 p.m. Motion passed 3-0.**

**VOTE: Selectman Howe made a motion, Selectman Chamberlain seconded to exit the Non-Public Session at 9:14 p.m. Motion passed 3-0.**

**VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded adjourn at 9:15 p.m. Motion passed 3-0.**

Once back in public session, the Selectmen announced they have reappointed Brian Smith as Fire Chief for another five years.

**XI. Adjournment:**

All scheduled items having been addressed, the public meeting was adjourned at 9:15 p.m.

Next regular meeting: May 4, 2022 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Fred Douglas\_\_\_\_\_

Selectman Mark Chamberlain\_\_\_\_\_

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

April 20, 2022 Consent Agenda		
Item #	Item Title	Approved
1	AP Warrants – April 12 & April 19, 2022	✓
2	Payroll Warrant – April 4, 2022, through April 17, 2022	✓
3	VALIC ACH Payroll Warrant – April 4, 2022, through April 17, 2022	✓
4	Request for Approval of Intent to Cut Application, GS Mission Farm, LLC - Strasburg (22-279-02T) (225-017-000 & 225-018-000) – Accessed Via Dutton Road	✓
5	Request for Approval of Intent to Cut Application, Boette (22-279-03T) (220-021-001 & 220-021-002) – Accessed Via Pinnacle Road	✓
6	Request for Approval of Intent to Cut Application, Holt (22-279-04T) (226-025-000) – Accessed Via Center Road	✓
7	Request to Approve Issuance of Timber Yield Tax Levy & Warrant, Holt (21-279-10T, Map-Lot 226-025-000), Accessed Via Center Road	✓
8	Request to Approve Issuance of Excavation Yield Tax Levies & Warrant, Granite State Concrete (21-279-01E, Map-Lot 231-001-000 & 21-279-02E Map-Lot 231-006-000)	✓
9	Request to Approve Issuance of Excavation Yield Tax Levies & Warrant, Quinn Properties (21-279-03E, Map-Lot 238-022-000 & 21-279-04E, Map-Lot 245-001-000)	✓
10	Appointment of Richard McQuade as Town of Lyndeborough Road Agent, Term Ending March 11, 2025	✓
11	Appointment of Alyssa Lavoie as an Alternate Member of the Planning Board, Term Ending March 11, 2025	✓
12	Appointment of Raymond Humphreys as Full Member of the Planning Board, Term Ending March 11, 2025	✓
13	Appointment of Mark Schultz as Full Member of the Planning Board, Term Ending March 11, 2025	✓
14	Appointment of Kurt Berna as Full Member of the Conservation Commission, Term Ending March 11, 2025	✓
15	Appointment of Theresa Berna as Full Member of the Conservation Commission, Term Ending March 11, 2025	✓
16	Appointment of Jessie Salisbury as Full Member of the Heritage Commission, Term Ending March 11, 2025	✓
17	Appointment of Bob Rogers as Alternate Member of the Heritage Commission, Term Ending March 11, 2025	✓
18	Appointment of Margaret Hagen as Alternate Member of the Conservation Commission, Term Ending March 11, 2025	✓
19	Appointment of Stephanie Roeper as Full Member of the Historic District Commission, Term Ending March 11, 2025	✓
20	Appointment of Mary Lemire as Full Member as the United Church of Lyndeborough Representative on the Historic District Commission, Term Ending March 11, 2025	✓
21	Board of Selectmen's Public Meeting Minutes – April 6, 2022	✓
22	Board of Selectmen's Non-Public (a & c) Meeting Minutes (session 1) – April 6, 2022	Sealed
23	Board of Selectmen's Non-Public (a & c) Meeting Minutes (session 2) – April 6, 2022	✓